

UPTOWN HOUSTON DBE PROGRAM**POLICY STATEMENT****Section 26.1, 26.23 Objectives/Policy Statement**

The Harris County Improvement District #1 (“Uptown Houston”) has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. Uptown Houston has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, Uptown Houston has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of Uptown Houston 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;
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

Shannon Daniels, Finance Director has been delegated as the DBE Liaison Officer. In that capacity, Shannon Daniels 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 Uptown Houston in its financial assistance agreements with the Department of Transportation.

Uptown Houston has disseminated this policy statement to the Harris County Improvement District #1 Board of Directors and all of the components of our organization. Uptown Houston has distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts. Uptown Houston will also notify area contractors through direct mail, the Uptown Houston website, and newspaper advertisements soliciting comments on the district’s annual DBE goals, and the overall DBE program.

John R. Breeding, President

Date

SUBPART A – GENERAL REQUIREMENTS

Section 26.1 Objectives

The objectives are found in the policy statement on the first page of this program.

Section 26.3 Applicability

Uptown Houston is the recipient of federal – aid highway funds authorized under Titles I (Highways), III (Public Transportation) and V (Research) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act – Legacy for Users of 2004 (SAFETEA-LU), Pub. L. 109-59.

Section 26.5 Definitions

Uptown Houston will adopt the definitions contained in Section 26.5 for this program.

Section 26.7 Non-discrimination Requirements

Uptown Houston 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, Uptown Houston 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.

Section 26.11 Record Keeping Requirements

Reporting to DOT: 26.11(b)

Uptown Houston will report DBE participation to DOT as follows:

Uptown Houston will report DBE participation on a quarterly basis, using DOT Form 4630. These reports will reflect payments actually made to DBEs on DOT-assisted contracts.

Bidders List: 26.11(c)

Uptown Houston will create a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The purpose of this requirement is to allow use of the bidders list approach to calculating overall

goals. The bidder list will include the name, address, DBE non-DBE status, age, and annual gross receipts of firms.

Uptown Houston will collect this information in the following ways by including a contract clause requiring prime bidders to report the names/addresses, and possibly other information, of all firms who quote to them on subcontracts.

Uptown Houston will require prime contractors to maintain records and documents of payments to DBEs for three (3) years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of Uptown Houston, FTA or DOT. This reporting requirement also extends to any certified DBE subcontractor.

Uptown Houston may perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

Section 26.13 Federal Financial Assistance Agreement

Uptown Houston has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

Assurance: 26.13(a)

Uptown Houston 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 requirements of 49 CFR part 26. The recipient shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. The recipient's DBE Program, as required by 49 CFR part 26 and as approved by DOT, is 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 [Recipient] of its failure to carry out its approved program, the Department may impose sanction 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.*).

This language will appear in financial assistance agreements with sub-recipients.

[Note: This language is to be used verbatim, as it is stated in 26.13(a).]

Contract Assurance: 26.13b

Uptown Houston will ensure that the following clause is placed in every DOT-assisted contract and subcontract:

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

[Note: This language is to be used verbatim, as it is stated in 26.13(b)]

SUBPART B - ADMINISTRATIVE REQUIREMENTS**Section 26.21 DBE Program Updates**

Since Uptown Houston has received a grant of \$250,000 or more in FTA capital assistance in a federal fiscal year, Uptown Houston will continue to carry out this program until all funds from DOT financial assistance have been expended. Uptown Houston will provide to DOT updates representing significant changes in the program.

Section 26.23 Policy Statement

The Policy Statement is elaborated on the first page of this program.

Section 26.25 DBE Liaison Officer (DBELO)

Uptown Houston has designated the following individual as our DBE Liaison Officer:

*Shannon Daniels, Finance Director
Uptown Houston
1980 Post Oak Boulevard, Suite 1580
Houston, Texas 77056
Telephone: (713) 621-2011
E-mail: Sdaniels@Uptown-Houston.com*

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that Uptown Houston complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to John R. Breeding, President of Uptown Houston, concerning DBE program matters. An

organization chart displaying the DBELO's position in the organization is found in Attachment 1 to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO has a staff of two (2) to assist in the administration of the program. 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 Uptown Houston's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the President and Board of Directors 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 Texas.
14. Provides outreach to DBEs and community organizations to advise them of opportunities.
15. Maintains Uptown Houston's updated directory on certified DBEs.
16. Analyzes shortfall if the overall goal is not reached. If required, will develop a corrective action plan and submit the plan to DOT/FTA.

Section 26.27 DBE Financial Institutions

It is the policy of Uptown Houston 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 contract to make use of these institutions.

Uptown Houston continuously researches the availability of DBE owned financial institutions at <http://www.federalreserve.gov/releases/mob>. Uptown Houston will monitor for changes in status on an annual basis.

Information on the availability of such institutions can be obtained from the DBE Liaison Officer.

Section 26.29 Prompt Payment Mechanisms

Uptown Houston will include the following clause in each DOT (FTA)-assisted prime contract:

The prime contractor agrees to pay each subcontractor 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 Uptown Houston. The prime contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractors 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 Uptown Houston. This clause applies to both DBE and non-DBE subcontracts. Uptown will consider the contractor out of compliance if the payments are more than 30 days late. The first offense will result in a written reprimand from Uptown Houston. Any subsequent offenses will result in Uptown Houston's consideration of termination of the contractor.

Section 26.31 Directory

Uptown Houston provides instructions to potential bidders to access the Texas Uniform Certification Program (TUCP) Directory (maintained by TxDOT), which identifies all firms eligible to participate as DBEs. This directory lists the firm's name, address, phone number, e-mail address, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE.

Information on the Texas Uniform Certification Program (TUCP) Directory is included in Attachment 2.

Section 26.33 Overconcentration

Uptown Houston has not identified that overconcentration exists in the types of work that DBEs perform.

Section 26.35 Business Development Programs

Uptown Houston does not have a business development program.

Section 26.37 Monitoring and Enforcement Mechanisms

Uptown Houston will monitor and provide written certification for every contract/project on which DBEs are participating, ensuring the DBEs are in fact performing the work. Uptown Houston will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

1. Uptown Houston 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 26.109.
2. Uptown Houston will consider similar action under our own legal authorities, including responsibility determinations in future contracts. Attachment 3 lists the regulation, provisions, and contract remedies available to us in the events of non-compliance with the DBE regulation by a participant in our procurement activities.
3. Uptown Houston will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished by conducting monthly field reviews, and DBE-contractor interviews.
4. Uptown Houston will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

Section 26.39 Small Business Provision

Uptown Houston will foster small business participation in the following ways:

- Making Requests For Proposals/solicitations more attractive to small businesses
- Unbundling of contracts
- Simplifying or reducing bonding requirements
- Hosting matchmaking events

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING**Section 26.43 Set-asides or Quotas**

Uptown Houston does not use quotas in any way in the administration of this DBE program.

Section 26.45 Overall Goals

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 3 to this program. This section of the program will be updated every three years.

In accordance with Section 26.45(f) Uptown Houston will submit its overall goal to DOT on August 1st (of the year of update). Before establishing the overall goal every three years, Uptown Houston will consult with the FTA, local agencies and organizations, trade groups, and the local contracting community to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and Uptown Houston's efforts to establish a level playing field for the participation of DBEs.

In addition to this consultation, Uptown Houston will publish a notice of the proposed overall goals on the Uptown Houston website and in a daily newspaper of general circulation, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at your principal office for 30 days following the date of the notice, and informing the public that you and DOT will accept comments on the goals for 45 days from the date of the notice.

Normally, Uptown Houston will issue this notice by June 1st of the year of update. The notice must include addresses to which comments may be sent and addresses (including offices and the Uptown Houston website) where the proposal may be reviewed.

Our overall goal submission to DOT will include a summary of information and comments received during this public participation process and our responses.

Uptown Houston will begin using our overall goal on October 1 (of the year adopted), unless Uptown Houston have received other instructions from DOT. If Uptown Houston establishes a goal on a project basis, Uptown Houston will begin using this goal by the time of the first solicitation for a DOT-assisted contract for the project.

Section 26.49 Transit Vehicle Manufacturers Goals

N/A – Uptown Houston does not provide transit services, does not procure nor owns transit vehicles.

Section 26.51(a-c) Breakout of Estimated Race-Neutral & Race-Conscious Participation

The breakout of estimated race-neutral participation can be found in Attachment 4 to this program. This section of the program will be updated annually when the goal calculation is updated.

Section 26.51(d-g) Contract Goals

Uptown Houston does not intend to use contract goals to meet any portion of the overall goal.

Section 26.53 Good Faith Efforts Procedures

Demonstration of good faith efforts (26.53(a) & (c))

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 (if any) or documenting good faith efforts. Examples of good faith efforts are found in Appendix A of USC 49 CFR Part 26.

The following personnel are responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive:

Robert Taube, Director of Capital Programs

Uptown Houston will ensure that all information is complete and accurate and adequately documents the bidder/offer's good faith efforts before Uptown Houston commit to the performance of the contract by the bidder/offeror.

Information to be submitted (26.53(b))

Uptown Houston treats bidder/offers' compliance with good faith efforts' requirements as a matter of responsiveness.

Each solicitation for which a contract goal has been established will require the bidders/offerors to submit 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.

Administrative reconsideration (26.53(d))

Within 30 days of being informed by Uptown Houston 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:

Shannon Daniels, Finance Director
Uptown Houston
1980 Post Oak Boulevard, Suite 1580
Houston, Texas 77056
Telephone: (713) 621-2011
E-mail: Sdaniels@uptown-houston.com

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. Uptown Houston 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 (26.53(f))

Uptown Houston will not allow termination for convenience. Prime contractors may not terminate DBE subcontractors from projects without "good cause" and written approval from Uptown Houston.

Uptown Houston will require a contractor 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. Uptown Houston will 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, Uptown Houston will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

If the contractor fails or refuses to comply in the time specified, our contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding.

Sample Bid Specification:

DISADVANTAGED BUSINESS ENTERPRISE (DBE)

a. This contract is subject to the requirements of Title 49, Code of Federal Regulations, Part 26, *Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs*. The national goal for participation of Disadvantaged Business Enterprises (DBE) is 10%. The Owner incorporates the national goal into this contract. A separate contract goal has not been established for this procurement.

b. Contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. Contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of this DOT-assisted contract. Failure by Contractor 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 Owner deems appropriate. Each subcontract Contractor signs with a subcontractor must include the assurance in this paragraph (see 49 CFR 26.13(b)).

c. Bidders are required to document sufficient DBE participation to meet these goals or, alternatively, document adequate good faith efforts to do so, as provided for in 49 CFR 26.53. Award of this contract is conditioned on submission of the following with the sealed bid:

1. Names and addresses of DBE firms that will participate in this contract;
2. Description of the work each DBE will perform;
3. Dollar amount of the participation of each DBE firm participating;
4. Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal;
5. Written confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment; and

6. If the contract goal is not met, evidence of good faith efforts to do so.

- d. The Contractor is required to pay its subcontractors performing work related to this contract for satisfactory performance of that work no later than 30 days after the contractor's receipt of payment for that work from the owner. In addition, Contractor is required to return any retainage payments to those subcontractors within 30 days after incremental acceptance of the subcontractor's work by the owner and Contractor's receipt of the partial retainage payment related to the subcontractor's work.

- e. The Contractor must promptly notify Owner whenever a DBE subcontractor performing work related to this contract is terminated or fails to complete its work, and must make good faith efforts to engage another DBE subcontractor to perform at least the same amount of work. The Contractor may not terminate any DBE subcontractor and perform that work through its own forces or those of an affiliate without prior written consent of Owner.

Section 26.55 Counting DBE Participation

Uptown Houston will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55.

CERTIFICATION STANDARDS

Certification Process – Section 26.61 – 26.73

Uptown Houston is a member of the State of Texas's Unified Certification Program (TUCP). The TUCP will meet all of the requirements of this section of the DBE Program. The TUCP follows Federal Regulation 49 CFR, Part 26. Under the TUCP, the Uptown Houston is a participant and not a certifying agency. Uptown Houston's signed agreement was submitted to the Texas Department of Transportation on May 28, 2011 effective date of May 28, 2011.

All certification activities should be submitted to the TUCP certifying entity that services the Texas county in which the business' home or corporate headquarters is located. The appropriate TUCP certifying agency and contact information for businesses located in Harris County is and wanting to be certified is listed below:

City of Houston
Office of Business Opportunity

Timothy Warren
611 Walker St.
Houston, TX 77002
Phone: 832-393-0608
Fax: 832-393-0646
Dept. 832-393-0600
timothy.warren@HoustonTx.gov
www.houstontx.gov/obo/

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

Uptown Houston will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. Pursuant to Texas Statutes, all information submitted by applicant firms with their applications for certifications and affidavits of continued eligibility, including their personal net worth statements, are confidential and exempt from the requirements of Texas public records laws. Notwithstanding any contrary provisions of state or local law, the Uptown Houston 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.

Monitoring Payments to DBEs

Uptown Houston will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of Uptown Houston or DOT. This reporting requirement also extends to any certified DBE subcontractor.

Uptown Houston will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts states in the schedule of DBE participation.

ATTACHMENTS

Attachment 1	Organizational Chart
Attachment 2	Information on the DBE Directory
Attachment 3	Overall Goal Calculation
Attachment 4	Breakout of Estimated Race-Neutral & Race-Conscious Participation

Attachment 1

Organizational Chart

Board of Directors

President (John R. Breeding)

Robert Taube
Capital Programs Director

Shannon Daniels, Finance
DBE Liaison Officer (DBELO)

Attachment 2

Information on the DBE Directory

A copy of the Texas Unified Certification Program (TUCP) DBE Directory for the TxDOT Houston District can be obtained on the TxDOT website at:

<http://www.txdot.gov/apps-cg/tucp/tucp-alpha-dist.htm?dist=HOU>

or a copy can be requested from Uptown Houston's DBE Liaison Officer.

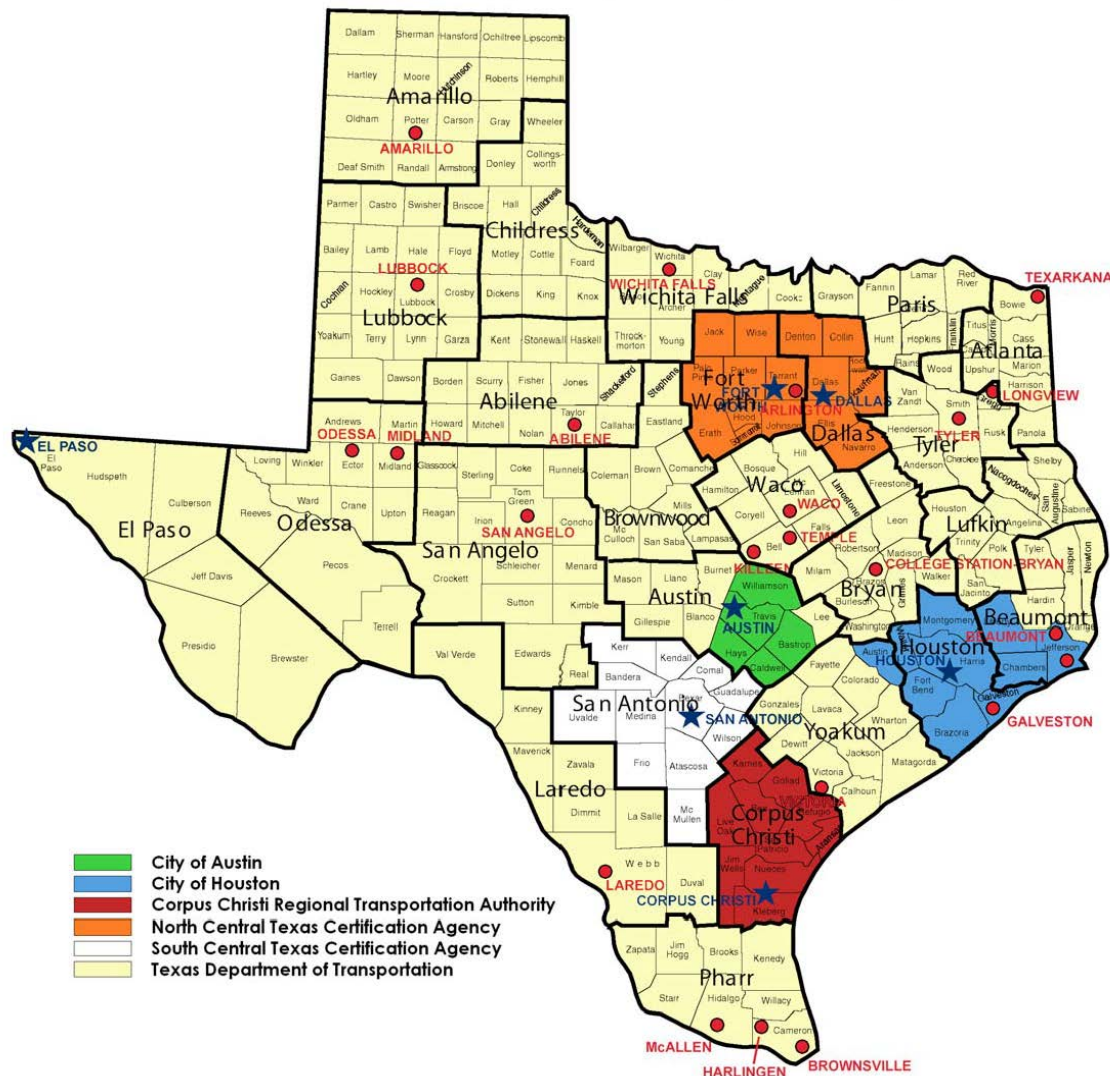
Attachment 3**Section 26.45: Overall Goal Calculation****Amount of Goal**

The following notice describes the process utilized by Uptown Houston to calculate its goal for utilization of Disadvantaged Business Enterprises (DBE). Using the methodology required by Federal Regulation 49 C.F.R. Part 26, Uptown Houston has determined that its annual goal is 17.8% for the participation of DBEs in contracts funded by the Federal Transit Administration for the next three years, effective October 1, 2013. Uptown Houston projects that it will meet its tri-annual goal for fiscal years 2014-2016 through race-neutral measures.

Methodology used to Calculate Overall Goal**Step 1: 26.45(c) Calculation of Base Figure*****Sources of Data:***

The data source for identifying ready, willing and able DBEs within the Houston area is the Texas Unified Certification Program (TUCP) DBE Category Listing for DBEs located within the 10-county Houston Region. Please see the following Figure.

Texas Unified Certification Program Certifying Agency Region Map



As indicated in the Figure above, the City of Houston is the certifying agency for the Houston Region.

The data base for these certified DBEs can be found at the following web address:

<http://www.txdot.gov/apps-cg/tucp/tucp-cat-dist.htm?dist=HOU>

The data source for identifying all firms ready, willing and able is the U.S. Census Bureau North American Industry Classification System (NAICS) 2011 County

Business Patterns for the 10 counties of the Houston Region. The web address is:

<http://censtats.census.gov/cgi-bin/cbpnaic/cbpsect.pl>

Applicable North American Industry Classification System (NAICS) Codes:

The Federal funds will be used to develop the Post Oak Boulevard Reconstruction with Dedicated Bus Lanes Project and the Bellaire / Uptown Transit Center Project. The Federal funds are expected to be used for right of way acquisition, design and construction of these facilities. Based on the nature of the work required, Uptown Houston selected the following NAICS codes for identifying the data required to calculate the overall goal base figure.

- **Street & Utility Construction (includes Post Oak Boulevard work and bus / High Occupancy Vehicle roads and ramps to the Transit Center)**

237110 Water and Sewer Line and Related Structures Construction

This industry comprises establishments primarily engaged in the construction of water and sewer lines, mains, pumping stations, treatment plants, and storage tanks. The work performed may include new work, reconstruction, rehabilitation, and repairs. Specialty trade contractors are included in this group if they are engaged in activities primarily related to water, sewer line, and related structures construction. All structures (including buildings) that are integral parts of water and sewer networks (e.g., storage tanks, pumping stations, water treatment plants, and sewage treatment plants) are included in this industry.

237310 Highway, Street, and Bridge Construction

This industry comprises establishments primarily engaged in the construction of highways (including elevated), streets, roads, airport runways, public sidewalks, or bridges. The work performed may include new work, reconstruction, rehabilitation, and repairs. Specialty trade contractors are included in this group if they are engaged in activities primarily related to highway, street, and bridge construction (e.g., installing guardrails on highways).

- **Transit Center Construction**

236220 Commercial and Institutional Building Construction

This industry comprises establishments primarily responsible for the construction (including new work, additions, alterations, maintenance, and repairs) of commercial and institutional buildings and related structures, such as stadiums, grain elevators, and

indoor swimming pools. This industry includes establishments responsible for the on-site assembly of modular or prefabricated commercial and institutional buildings. Included in this industry are commercial and institutional building general contractors, commercial and institutional building operative builders, commercial and institutional building design-build firms, and commercial and institutional building project construction management firms.

238110 Poured Concrete Foundation and Structure Contractors

This industry comprises establishments primarily engaged in pouring and finishing concrete foundations and structural elements. This industry also includes establishments performing grout and shotcrete work. The work performed may include new work, additions, alterations, maintenance, and repairs.

238120 Structural Steel and Precast Concrete Contractors

This industry comprises establishments primarily engaged in: (1) erecting and assembling structural parts made from steel or precast concrete (e.g., steel beams, structural steel components, and similar products of precast concrete); and/or (2) assembling and installing other steel construction products (e.g., steel rods, bars, rebar, mesh, and cages) to reinforce poured-in-place concrete. The work performed may include new work, additions, alterations, maintenance, and repairs.

238910 Site Preparation Contractors

This industry comprises establishments primarily engaged in site preparation activities, such as excavating and grading, demolition of buildings and other structures, septic system installation, and house moving. Earth moving and land clearing for all types of sites (e.g., building, nonbuilding, mining) is included in this industry. Establishments primarily engaged in construction equipment rental with operator (except cranes) are also included.

- **Landscaping**

561730 Landscaping Services

This industry comprises (1) establishments primarily engaged in providing landscape care and maintenance services and/or installing trees, shrubs, plants, lawns, or gardens and (2) establishments primarily engaged in providing these services along with the design of landscape plans and/or the construction (i.e., installation) of walkways, retaining walls, decks, fences, ponds, and similar structures.

- **Design Services**

541320 Landscape Architectural Services

This industry comprises establishments primarily engaged in planning and designing the development of land areas for projects, such as parks and other recreational areas; airports; highways; hospitals; schools; land subdivisions; and commercial, industrial, and residential areas, by applying knowledge of land characteristics, location of buildings and structures, use of land areas, and design of landscape projects.

541330 Engineering Services

This industry comprises establishments primarily engaged in applying physical laws and principles of engineering in the design, development, and utilization of machines, materials, instruments, structures, processes, and systems. The assignments undertaken by these establishments may involve any of the following activities: provision of advice, preparation of feasibility studies, preparation of preliminary and final plans and designs, provision of technical services during the construction or installation phase, inspection and evaluation of engineering projects, and related services.

All Firms ready, willing and able in the Houston Region (by NAICS)

Project Element	NAICS Code	Description	Brazoria	Fort Bend	Galveston	Harris	Montgomery	Waller	Chambers	Liberty	Jefferson	Total
Street & Utility Construction	237110	Water & Sewer Line and Related Structures Construction	13	18	7	99	27	7	1	1	4	177
	237310	Highway, Street and Bridge Construction	7	9	2	78	9	1	0	3	7	116
		Subtotal	20	27	9	177	36	8	1	4	11	293
Transit Center	236220	Commercial and Institutional Building Construction	24	47	32	558	64	2	5	6	28	766
	238110	Poured Concrete Foundation and Structure Contractors	8	19	7	158	23	2	0	3	16	236
	238120	Structural Steel and Precast Concrete Contractors	3	4	1	52	8	2	0	1	0	71
	238910	Site Preparation Contractors	19	19	22	175	44	8	3	8	19	317

Landscaping		Subtotal	54	89	62	943	139	14	8	18	63	1390
	561730	Landscaping Services	42	108	45	589	103	12	6	4	38	947
		Subtotal	42	108	45	589	103	12	6	4	38	947
Design Services												
	541320	Landscape Architectural Services	1	8	1	56	6	0	0	1	0	73
	541330	Engineering Services	39	127	55	1332	111	3	3	2	39	1711
		Subtotal	40	135	56	1388	117	3	3	3	39	1784

Calculation of DBE Goal

Project Element	NAICS Code		All Firms	DBEs	% DBE	Estimated Cost	Weighted	
Street & Utility Construction								
	237110	Water & Sewer Line and Related Structures construction	177	33	19%			
	237310	Highway, Street and Bridge Construction	116	31	27%			
		Subtotal	293	64	22%	\$80,607,760	71%	15.50%
Transit Center								
	236220	Commercial and Institutional Building Construction	766	84	11%			
	238110	Poured Concrete Foundation and Structure Contractors	236	44	19%			
	238120	Structural Steel and Precast Concrete Contractors	71	13	18%			
	238910	Site Preparation Contractors	317	35	11%			
		Subtotal	1390	176	13%	\$10,250,000	9%	1.14%
Landscaping								
	561730	Landscaping Services	947	36	4%			
		Subtotal	947	36	4%	\$7,885,838	7%	0.26%
Design Services								
	541320	Landscape Architectural Services	73	12	16%			

	541330	Engineering Services	1711	110	6%			
		Subtotal	1784	122	7%	\$14,839,375	13%	0.89%
						\$113,582,973	100%	17.80%

Weighting – Uptown Houston weighted the calculation to reflect the available preliminary cost estimates for the several construction and design categories as indicated in the table above.

AS indicated in the above table, the Base Figure was calculated as **17.8%**

Step 2: Adjustments to Base Figure

No adjustments were made to this Base Figure.

As a result, Uptown Houston will use the base figure of 17.8% as the overall goal.

Public Participation (To be completed after 45 day public comment period)

Uptown Houston published (Date TBD) our goal information in these publications:

- Houston Chronicle

Uptown Houston received comments from these individuals or organizations:

Summaries of these comments are as follows:

Our responses to these comments are:

Attachment 4**Section 26.51: Breakout of Estimated
Race-Neutral & Race Conscious Participation**

Uptown Houston will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. Uptown Houston uses the following race-neutral means to increase DBE participation:

Uptown Houston estimates that, in meeting our overall goal of 17.8%, Uptown Houston will obtain 17.8% from race-neutral participation and 0% from race-conscious participation.

The following is a summary of the basis of our estimated breakout of race-neutral and race-conscious DBE participation:

Uptown Houston's program will be implemented with entirely race-neutral means. In order to ensure that Uptown Houston's DBE program will be narrowly tailored to overcome the effects of discrimination, if Uptown Houston uses contract goals, Uptown Houston will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see 26.51(f)) and Uptown Houston will communicate this change to the program to FTA. If Uptown Houston revises its program and uses contract goals, Uptown Houston will 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: DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry DBE goal; DBE participation on a prime contract exceeding a contract goal; and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

Uptown Houston does not intend to achieve any DBE participation by using contract goals.