RESOLUTION NO. 1989 - 3

SAN MATEO COUNTY TRANSPORTATION AUTHORITY

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ADOPTING DISADVANTAGED BUSINESS ENTERPRISE POLICY OF THE SAN MATEO COUNTY TRANSPORTATION AUTHORITY

WHEREAS, the San Mateo County Transportation Authority desires to establish a policy to encourage consultants and contractors engaged by the Authority to use best efforts to ensure that disadvantaged business enterprise firms have the maximum practicable opportunities to compete for subcontract work, if any, with respect to specific contracts or projects; and

WHEREAS, the Authority staff has formulated such a policy statement.

NOW, THEREFORE, BE IT RESOLVED by the San Mateo County Transportation Authority that the Disadvantaged Business Enterprise Policy, attached hereto as Exhibit A and incorporated herein by this reference, hereby is approved and adopted.

Regularly passed and adopted this 6th day of April, 1989, by the following vote:

AYES: BAKER, FITZGERALD, GRIFFIN, HUENING, MILLER, TEGLIA

NOES:

ABSENT: DUDLEY

Chairperson, San Mateo County Transportation Authority

ATTEST:

Secretary

DISADVANTAGED BUSINESS ENTERPRISE POLICY

SAN MATEO COUNTY TRANSPORTATION AUTHORITY

The San Mateo County Transportation Authority shall promote the participation of Disadvantaged Business Enterprise firms (DBE's) in contracts and procurement activities of the Authority. In this regard, the Authority shall make available to potential consultants and contractors its data base and other resource information regarding certified DBE's in the trades and specialization work that may be involved in a particular project or contract and shall encourage consultants and contractors to use best efforts to ensure that DBE's have the maximum practicable opportunities to compete for subcontract work, if any, with respect to a specific contract or project. By this policy, the Authority hereby notifies all potential proposers or bidders that no firm will be discriminated against on the grounds of race, color, sex, or national origin in the selection process for consideration of an award of contract.

For purposes of this policy, a Disadvantaged Business Enterprise shall be a firm which meets the criteria set forth in the definition of this term as contained in the Disadvantaged Business Enterprise Policy of the San Mateo County Transit District (see Exhibit A, attached).

III. DEFINITIONS

A. Disadvantaged Business Enterprise (DBE)

A Disadvantaged Business Enterprise ("DBE") is a small business concern: (a) which is at least 51% owned by one or more socially disadvantaged individuals, or, in the case of any publicly-owned business, at least 51% of the stock of which is owned by one or more socially and economically disadvantaged individuals; and (b) whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

1. Small Business Concern

A "small business concern" as used above in Definition III.A., is an enterprise which is independently owned and operated and which is not dominant in its field of operation and which further meets the criteria established by the Small Business Administration as set forth in Section 3 of the Small Business Act (15 U.S.C.A. §632) and the implementing regulations thereto (13 CFR 121), except that a small business concern shall not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals which has annual average gross receipts in excess of $14 million over the previous three (3) fiscal years. The Secretary of Transportation shall adjust this figure from time to time for inflation. In determining whether a business qualifies as a small business, the District shall follow the guidelines in Appendix B, "Determinations of Business Size," of Subpart D of the Regulations, attached hereto and incorporated herein as Exhibit A.

2. Socially and Economically Disadvantaged Individuals

"Socially and economically disadvantaged individuals" as used in Definition III.A. above, are persons who are citizens or lawful permanent residents of the United States and who are:

(a) Black Americans (includes persons having origins in any of the Black racial groups of Africa);

(b) Hispanic Americans (includes persons with origins in Mexico, Puerto Rico, Cuba, South or Central America, or other Spanish or Portuguese culture or origin, regardless of race);

(c) Native Americans (includes persons who are American Indian, Eskimo, Aleuts or Native Hawaiians);

(d) Asian-Pacific American (includes persons having origins from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, the Phillipines, Samoa, Guam, the U.S. Trust Territories of the Pacific, and the Northern Marianas);

(e) Asian-Indian Americans (includes persons with origins from India, Pakistan and Bangladesh);

(f) Women, regardless of race, ethnicity or origin; or

(g) Members of any other minorities or other individuals, found to be disadvantaged by the Small Business Administration pursuant to Section 8(a) of the Small Business Act, as amended (15 U.S.C.A. §637(a)) and the implementing regulations thereto.

The Regulations direct that the District shall make a rebuttable presumption that individuals in the foregoing groups are socially and economically disadvantaged. The District may also determine, on a case by case basis, that individuals who are not members of the groups identified above are socially and economically disadvantaged. In determining whether a firm is socially and economically disadvantaged, the District shall follow the guidelines in Appendix C, "Guidance for Making Determinations of Social and Economic Disadvantage," of Subpart D of the Regulations which is included in Exhibit A.