

## UTAH TRANSIT AUTHORITY POLICY

### No. UTA.01.04

#### **DISADVANTAGED BUSINESS ENTERPRISE POLICY**

1) Purpose.

The Utah Transit Authority has established a Disadvantaged Business Enterprise (“DBE”) program in accordance with regulations of the U.S. Department of Transportation (“DOT”), 49 CFR Part 26. UTA has received Federal financial assistance from the DOT and as a condition of receiving this assistance, UTA has signed an assurance that it will comply with 49 CFR Part 26.

2) Definitions.

“*Disadvantaged Business Enterprise*” or “*DBE*” means a for-profit small business concern that is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged (or in the case of a corporation, in which 51 percent stock is owned by one or more such individuals) and whose management and daily business operations are controlled by the socially and economically disadvantaged individuals who own it.

“*DBE Liaison Officer*” means an employee appointed to be responsible for implementing all aspects of UTA’s DBE program. The DBE Liaison Officer is a required position and must have direct, independent access to the Executive Director concerning DBE program matters.

A. “Socially and Economically Disadvantaged” means any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who has been subjected to racial or ethnic prejudice or cultural bias within American society because of his or her identity as a member of groups and without regard to his or her individual qualities.

The social disadvantage must stem from circumstances beyond the individual's control.

1. Any individual who a recipient finds to be a socially and economically disadvantaged individual on a case-by-case basis. An individual must demonstrate that he or she has held himself or herself out, as a member of a designated group. If UTA has a reasonable basis to believe that an individual does not belong to a disadvantaged group, the certifier may start a proceeding to determine whether the presumption should be regarded as rebutted with respect to that individual. UTA’s proceeding to rebut membership to a disadvantaged group will follow the procedures of 49 CFR Part 26.87.
2. Any individual in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged:
  - a. “Black Americans,” which includes persons having origins in any of the Black racial groups of Africa;
  - b. “Hispanic Americans,” which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;
  - c. “Native Americans,” which includes persons who are enrolled members of a federally or State recognized Indian tribe, Alaska Natives, or Native Hawaiians. In accordance with DOT guidance received August 27, 2019 in the memorandum

- entitled, "Definition of Native American Owned DBEs", UTA will confirm enrollment in a federally or State recognized Indian Tribe and require they submit documentation of such membership;
- d. "Asian-Pacific Americans," which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), Republic of the Northern Marianas Islands, Macao, Fiji, Tonga, Kiribati, Tuvalu, Nauru, Federated States of Micronesia, or Hong Kong;
  - e. "Subcontinent Asian Americans," which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka;
  - f. Women;
  - g. Any additional groups whose members are designated as socially and economically disadvantaged by the SBA, at such time as the SBA designation becomes effective.

Being born in a particular country does not, standing alone, mean that a person is necessarily a member of one of the groups listed in this definition.

### 3) Policy.

A. It is the policy of UTA to ensure:

- DBEs as defined in 49 CFR Part 26 have an equal opportunity to receive and participate in DOT-assisted contracts;
- Nondiscrimination in the award and administration of DOT-assisted contracts;
- A level playing field is created on which DBEs can compete fairly for DOT-assisted contracts
- All goal setting is narrowly tailored in accordance with 49 Code of Federal Regulations Part 26.
- Only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
- The removal of barriers for DBEs that participate in DOT-assisted contracts
- DBE Programs have the opportunity to develop so that they can compete successfully in the marketplace outside of the DBE program.


B. The DBE Liaison Officer 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 UTA in its financial assistance agreements with the DOT.

### 4) Cross-References.

- Office of Service Development OSD SOP 3.11 - Solicitation Documents for Formal Solicitations
- 49 CFR Part 26
- Corporate Policy 1.2.2 Technology Hardware and Software Procurement

This UTA Policy was reviewed by UTA’s Chief Officers on 3/3/2021, consented by the Board of Trustees on 3/24/2021 and approved by the Executive Director on 6/15/2021. This policy takes effect on the latter date.

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 Kim Shanklin, Chief People Officer  
 Accountable Executive

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 Carolyn M. Gonot  
 Executive Director

Approved as to form:

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 Counsel for the Authority

**History**

Date	Action	Owner
1/23/2002	Adopted – 1.1.20 Board Process Policy Disadvantaged Enterprise as adopted by Board Resolution 414	Manager of Civil Rights Compliance
2/4/2008	Rescinds - 1.1.20 Disadvantaged Business Enterprise Corporate Policy Rescinds Board Process Policy 1.1.20 Disadvantaged Enterprise Policy	Manager of Civil Rights Compliance
5/17/2016	Revised - 1.1.20 Disadvantaged Business Enterprise Corporate Policy to clarify language and change to include Interim CEO	Manager of Civil Rights Compliance
3/24/2021	Board Consent - UTA.01.04 Disadvantaged Business Enterprise UTA Policy	Manager of Civil Rights Compliance
6/15/2021	Rescinds - 1.1.20 Disadvantaged Business Enterprise Corporate Policy	Manager of Civil Rights Compliance
6/15/2021	Adopted – UTA.01.04 Disadvantaged Business Enterprise UTA Policy	Manager of Civil Rights Compliance