



**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY
OFFICE OF DIVERSITY & INCLUSION**

**SMALL BUSINESS ENTERPRISE
(SBE) PROGRAM**

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SECTION 1. SMALL BUSINESS ENTERPRISE PROGRAM OVERVIEW

A. Policy Statement

In compliance with Title 49 CFR section 26.39, an amendment to 49 CFR Part 26, Subpart B, MARTA amends its current DBE program to create a **Small Business Enterprise (SBE) Program** in which:

- MARTA creates a race-neutral SBE Program for MARTA federally-aided projects. Such a program is intended to foster small business participation and competition by small business concerns;
- The SBE Program will not require SBE goal setting on MARTA federally-aided projects, however, a certified SBE will be encouraged to participate and certified SBE participation will be tracked, monitored, and reported;
- Firms currently certified as a DBE are eligible to participate in the SBE program; and
- Firms not currently certified as a DBE will complete an SBE Certification Application form to be utilized by MARTA to document eligibility of small businesses under the SBE Program.

MARTA's SBE Program is a race and gender-neutral program to ensure that SBEs as defined in 13 CFR, Part 121 are afforded every opportunity to participate in federally and locally funded contracts that fall under the Informal Procurement classification (small purchases under \$200,000). SBEs locally based in MARTA's service areas of City of Atlanta, Clayton County, DeKalb County and Fulton County are preferred.

B. Program Objectives

The objectives of the SBE Program include:

- To ensure nondiscrimination in the award and administration of federally and locally funded contracts;
- To provide opportunities for small businesses to participate in all MARTA's small purchases under \$200,000;
- To create a level playing field on which SBEs can compete fairly on federally and locally funded contracts;
- To help remove barriers to the participation of SBEs in federally and locally funded contracts;
- To assist the development of firms that can compete successfully in the marketplace outside the SBE program; and
- To ensure that only firms that fully meet SBE certification eligibility standards of 13 CFR 121 and 49 CFR 26 are permitted to participate as SBEs.

C. Small Business Enterprise Program Commitment

Small Business Allocation: MARTA's Board of Directors approved the Small Business element of the DBE Program in February 2012. A target annual goal of 5% of contracts under \$200,000 will be targeted for small business participation.

MARTA's Small Business Enterprise Program ("SBE Program") was created to provide additional opportunities for MARTA service area small businesses to participate in contracting opportunities at MARTA. By formalizing existing practices and implementing new procedures, the SBE Program will allow MARTA to target more effectively small business participation and create opportunities relating to MARTA's contracting opportunities.

SECTION 2. DEFINITIONS

Annual Goal – a numerically expressed aspirational goal which MARTA seeks to achieve annually for overall Small Business participation.

Annual Report – the report prepared and presented by D & I staff to the Executive Director of Diversity and Inclusion on an annual basis showing Small, Minority, Women, and Disadvantaged Business participation.

Bidder - one who participates in submitting a response to a bid.

Contract Goal – a numerically expressed objective which Contractors are to achieve on individual contracts.

Contractor – one who participates, through a contract or subcontract (at any tier).

Commercially Useful Function (CUF) – an SBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by performing, managing, and supervising the work involved. To perform a commercially useful function, the SBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself. To determine whether an SBE is actually performing a commercially useful function, MARTA will consider the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract is commensurate with the work it actually performs.

- (1) An SBE does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of SBE participation.
- (2) If an SBE does not perform or exercise responsibility for at least fifty one percent (51%) of the total cost of its contract with its own work force, or if the SBE subcontracts a greater portion of the work of a contract than would be expected on the basis of normal industry practice for the type of work, MARTA will presume that the SBE is not performing a commercially useful function.

Disadvantaged Business Enterprise (DBE) - a for-profit small business concerns where socially and economically disadvantaged individuals own at least a 51% interest and control management and daily business operations. Socially and economically disadvantaged citizens include: African Americans, Hispanics, Native Americans, Asian-Pacific and Subcontinent Asian Americans, and women. Other individuals can also qualify as socially and economically disadvantaged on a case-by-case basis.

- ❖ **Socially** – Protected races and women.

- ❖ **Economically** – Individual owners must have a personal net worth not exceeding \$1,320,000 (excluding ownership interest in the firm, retirement fund assets, and equity value of primary residence). The firm’s average gross receipts over the last three years must not exceed \$23.98 million.

GDOT – The Georgia Department of Transportation.

MARTA – Metropolitan Atlanta Rapid Transit Authority, the transit system (rail and bus) serving the metropolitan Atlanta area.

Minority Business Enterprise (MBE) - A business concern that is at least 51% owned, operated and controlled by minority (Black, Asian, Hispanic, Native American and Hasidic Jew) individuals who are U. S. citizens.

Monitoring – The system established to measure compliance of the SBE Program.

Office of Diversity and Inclusion – The Department within MARTA that is responsible for the oversight and administration of the SBE Program.

North American Industrial Classification System (NAICS) – The classification number which best describes the primary business of a firm.

Participation – The rate of SBE utilization.

Payment – Dollars actually paid to Prime Contractors and/or Subcontractors for MARTA contracted good and/or services.

Pre-Quote Conference – A meeting held by MARTA prior to the quote closing date of a particular project at which prospective bidders are advised to MARTA specification requirements which may include SBE provisions.

Program -the Small Business Enterprise Program of the Metropolitan Atlanta Rapid Transit Authority.

Quoter – one who participates in submitting a response to a Request for Quote.

Race-neutral – a measure or program that is, or can be, used to assist all small businesses. For the purposes of the SBE and DBE programs, race-neutral includes gender-neutrality.

Small Business Enterprise (SBE) - A small business concern, including its affiliates, which is independently owned, operated, controlled and whose annual gross income averaged over the past three (3) years does not exceed the Small Business Administration's (SBA) size standards as set forth in 13 CFR, Part 121. A size standard is the largest that a firm can be and still qualify as a small business (SBA's size standards by industry amended, 3/12/12).

SBE Directory - List of firms registered by GDOT, which is used by MARTA and its contractors to identify SBE potential contractors and subcontractors and suppliers.

The SBE directory can be assessed at the website link at

<http://www.dot.ga.gov/PartnerSmart/Business/Documents/Small%20Business/NONDBE-SMALLBUSINESSES.pdf>

Women Business Enterprise (WBE) - A business concern that is at least 51% owned, operated and controlled by one or more women who are U. S. citizens or Legal Resident Aliens; whose business formation and principal place of business are in the U. S. or its territories and whose management and daily operations is controlled by a woman with industry expertise.

SECTION 3. NON-DISCRIMINATION

A. Non-discrimination

MARTA 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, religion, sex, sexual orientation, gender identity, or national origin.

SECTION 4. ADMINISTRATIVE REQUIREMENTS

A. Responsibility of the SBE Program Implementation

MARTA has designated the following individuals to implement and administer the SBE Program.

Paula M. Nash

Executive Director, Diversity and Inclusion

Stephanie L. Lee

Supplier Diversity Program Analyst (Program Manager)

Office of Diversity and Inclusion

Metropolitan Atlanta Rapid Transit Authority

2424 Piedmont Road, NE

Atlanta, GA 30324

Phone: (404) 848-4675 Email: Slee2@itsmarta.com

The Supplier Diversity Program Analyst (Program Manager) is responsible for implementing all aspects of the SBE program and ensuring that MARTA complies with all provisions of 13 CFR Part 121. The duties and responsibilities include the following:

1. Work with all departments to set contract specific SBE goals.
2. Identifies contracts and procurements so that SBE goals are included in solicitations.
3. Ensures that bid alerts are available to SBEs in a timely manner.
4. Participates in pre-quote conferences.
5. Analyzes MARTA's progress toward attainment and identifies ways to improve progress.
6. Provides outreach to SBEs and community organizations to advise them of opportunities.
7. Represent MARTA at business organizations and advocacy groups.
8. Track and monitor the performance of contractors in meeting the SBE goals.
9. Gather and report statistical data and other information as required.

B. Solicitation Requirement

The quoter and bidder shall submit the following with its quote or bid, no later than the time of the quote or bid due date. Any quoter or bidder who fails to complete and return this information with its quote or bid shall be deemed to be non-responsive and may be ineligible for contract award.

- a. Complete "EEO Statistical Data Form" which requires the Quoters and Bidders employment data. The Quoter and Bidder shall provide information pertaining to its workforce.
- b. Complete "Schedule of Small Business Enterprise (SBE) Utilization Plan" which requires the details of small business participation.

C. SBE Directory

GDOT administers a Federal Small Business Program. Only firms that register with Georgia Department of Transportation (GDOT) are included in the GDOT SBE database. The directory lists the company name, first and last name, address, job title, business phone and fax number, email address, NAICS Code and the type of work the business has been registered to perform as a SBE. The SBE directory can be assessed at the website link at <http://www.dot.ga.gov/PartnerSmart/Business/Documents/Small%20Business/NONDBE-SMALLBUSINESSES.pdf>.

D. Reporting and Record Keeping Requirements

The effectiveness of the SBE Program will be measured by a review of data indicating contractor and subcontractor spending with SBEs. In order to ensure the effective tracking of utilization, the following reporting and record keeping efforts will be used.

Supplier Diversity Management Program System - In the future

In order to achieve the SBE goal, MARTA encourages the use of small businesses in the performance and awarding of contracts. Contractors shall be required to electronically submit Subcontractor payment information by reporting payment data into MARTA's Supplier Diversity Management Program System (available on-line at <https://marta.diversitysoftware.com/?TN=marta>) beginning with the first MARTA payment for services under the Contract, and with every payment thereafter (for the duration of the Contract).

If the payment data is not in compliance, the Executive Director, or his/her designee, shall contact the Contractor to discuss the reasons for non-compliance. A Contractor's failure to comply with the reporting requirements of this provision may result in the withholding of payment to the Contractor

Small/Disadvantage/Minority Business Enterprise Awards and Payment Summary

D & I will monitor MARTA's SBE contracts to ensure that the contractors are in compliance with the requirements and regulations of the SBE program. D & I will track SBE participation using the Small/Disadvantage/Minority Business Enterprise Awards and Payments Summary (Excel Spreadsheet). The report is generated from Contracts and Procurement Department Active Contracts Report, see **Attachment A**, "Small/Disadvantage/Minority Business Enterprise Awards and Payments Summary".

Uniform Report of SBE Awards and Payments

D & I will report SBE participation to the Executive Director using the Uniform Report of SBE Awards and Payments. The report is generated from the Small/Disadvantage/Minority Business Enterprise Awards and Payment Summary, see **Attachment B**, "Uniform Report of SBE Awards and Payments".

E. Outreach and Education

MARTA shall make every effort to ensure that opportunities to participate in contracts and procurement are available and communicated to SBEs. D & I will participate in outreach events with other agencies, municipalities and community-based business organizations to leverage its efforts to assist SBEs. Outreach activities may include, without limitation, any or all of the following:

1. Establish capacity building outreach efforts such as How To Do Business With MARTA Workshop, Certification Workshop, Vendor Outreach Sessions, Meet The Buyers Symposium, Small Business Resource Fair, Reverse Vendor Fair (Supplier Showcase), Business Chat Sessions and etc.
2. Establish a Small Business Development Program to assist SBEs with technical services such as Business Management, Financial (Banking, Access to Capital, Accounting), Bonding and Insurance, Workforce and etc.

3. Develop communications and written materials such as Bid Alerts to inform SBEs of current opportunities.
4. Provide Technical Assistance educating SBEs on Supplier Diversity Management Program System (contract compliance system), and iSupplier Portal (vendor registration system)
5. Engage in outreach efforts hosted by community-based business organizations, such as Small Business Administration, Atlanta Business League, Georgia Minority Supplier Development Council, Greater Women Business Council, Georgia Hispanic Construction Association, National Association of Minority Contractors, National Association of Women In Construction, US Pan Asian American Chamber of Commerce and etc.
6. Engage in outreach efforts hosted by agencies and municipalities, such as City of Atlanta, Clayton County Government, DeKalb County Government, Fulton County Government, Atlanta Housing Authority, Georgia Department of Administrative Services, Atlanta Public Schools and etc.

SECTION 5. SMALL BUSINESS ENTERPRISE CERTIFICATION

A. Small Business Enterprise Certification

MARTA does not administer an SBE Certification program. See Section 6, Item B for Small Business Enterprise registration process.

SECTION 6. SMALL BUSINESS ENTERPRISE REGISTRATION

A. Small Business Enterprise Definition and Requirements

An SBE must fall within the definition of a Small Business as defined by the U. S. Small Business Administration (SBA), either in terms of the average number of employees over the past 12 months, or average annual receipts over the past three years. An SBE average annual receipts cannot exceed \$22.41 million, and still be seen as a small business.

NOTE: A full table of Small Business Size Standards matched to the North American Industry Classification System (NAICS) may be obtained at www.sba.gov/size.

B. Small Business Enterprise Registration Process

MARTA will rely on the verification process used by GDOT. SBEs will be directed to review the Small Business Program application instructions, tool and links, prior to submitting to GDOT. To expedite the registration process, the SBEs will be asked to use the SBA Determination Tool in which the SBEs will print the results and attached to their application, see **Attachment C**, "Small Business Program Application & Affidavit".

SECTION 7. COMPLIANCE AND ENFORCEMENT

A. Monitoring

MARTA will have several remedies to enforce compliance with the SBE Program requirements contained in its contracts, including, but not limited to, the following:

1. Breach of contract action, pursuant to the terms of the contract.
2. Any other available remedy.

MARTA will implement the following monitoring mechanisms to ensure compliance with SBE Program requirements:

1. MARTA will verify that work committed to SBEs at contract award is actually performed by the SBEs. This will be accomplished by direct observation, interviews, and/or review of submitted documents.
2. MARTA will keep a running report of actual payments to SBEs for work committed to them the time of contract award with the use of the Small/Disadvantage/Minority Business Enterprise Awards and Payment Summary Report in conjunction to MARTA's Supplier Diversity Management Program System to cross reference.

B. SBE Utilization

Contractors are required to submit a Schedule of Small Business Enterprise (SBE) Utilization Plan, see **Attachment D**, Schedule of Small Business Enterprise Utilization Plan, with written response to solicitation.

APPENDIX I

FORMS AND REPORTS

The following forms shall be used by Contractors for compliance with the SBE Program.

1. EEO Statistical Data Form
2. Schedule of Small Business Enterprise Utilization Plan

Note: The forms listed above will be included in the RFQ package.

The following reports will be used by D & I to monitor and enforce compliance of the SBE Program.

1. Small/Disadvantage/Minority Business Enterprise Award and Payment Summary
2. Uniform Report of DBE Awards and Payments
3. Small Business Program Application and Affidavit Form
4. Schedule of Small Business Enterprise Utilization Plan
5. EEO Statistical Data Form

Attachment B

**UNIFORM REPORT OF DBE AWARDS AND PAYMENTS
CONTRACTS UNDER \$200,000**

1 Submitted to:		
2 Federal Fiscal year in which reporting period falls	FY	3. Date This Report Submitted:
4 Reporting Period		
5 Annual DBE Goal(s):	Race Neutral Projection:	OVERALL Goal:

Awards this Reporting Period

A	AWARDS MADE DURING THIS REPORTING PERIOD (Total contracts and subcontracts committed during this reporting period)	A	B	C	D	E	F	G
		Total Dollars	Total Number	Total to DBEs (dollars)	Total to DBEs (number)			
6	Prime contracts awarded this period	\$ -	0	\$ -	0	\$ -	0	#DIV/0!
7	Subcontracts awarded/committed this period	\$ -	0	\$ -	0	\$ -	0	#DIV/0!
8	TOTAL			\$ -	0	\$ -	0	#DIV/0!

B	BREAKDOWN BY ETHNICITY & GENDER	A	B	C	D	E	F
		Total to DBE (dollar amount)			Total to DBE (number)		
		Women	Men	Total	Women	Men	Total
		9	Black American	\$ -	\$ -	\$ -	0
10	Hispanic American	\$ -	\$ -	\$ -	0	0	0
11	Native American	\$ -	\$ -	\$ -	0	0	0
12	Asian-Pacific American	\$ -	\$ -	\$ -	0	0	0
13	Subcontinent Asian Americans	\$ -	\$ -	\$ -	0	0	0
14	Non-Minority	\$ -	\$ -	\$ -	0	0	0
15	TOTAL	\$ -	\$ -	\$ -	0	0	0

Payments Made this Period

		A	B	C	D	E	F
C	PAYMENTS ON ONGOING CONTRACTS	Total Number of Contracts	Total Dollars Paid	Total Number of Contracts with DBEs	Total Payments to DBE firms	Total Number of DBE firms Paid	Percent to DBEs
	16 Prime and subcontracts currently in progress	0	\$ -	0	\$ -	0	#DIV/0!
		A	B	C	D	E	
D	TOTAL PAYMENTS ON CONTRACTS COMPLETED THIS REPORTING PERIOD	Number of Contracts Completed	Total Dollar Value of Contracts Completed	DBE Participation Needed to Meet Goal (Dollars)	Total DBE Participation (Dollars)	Percent to DBEs	
	17 Race Neutral	0	\$ -	-	\$ -	#DIV/0!	
18	Totals	0	\$ -	-	\$ -	#DIV/0!	
19	Submitted by:						

Georgia Department of Transportation (GDOT)
Small Business Program Application & Affidavit

Office of Equal Opportunity
600 West Peachtree Street
Atlanta, Georgia 30308
Phone: (404) 631-1972
Fax: (404) 631-1943

Business Name: _____

Business Address: _____

(City) (State) (Zip)

Mailing Address: _____

(City) (State) (Zip)

Telephone: _____ **Fax:** _____ **Other** _____

E-Mail: _____ **Date Business Established:** _____

Federal Employer Identification Number: _____

GDOT Vendor Number: _____

Brief Description of Work Type: _____

NAICS/ NIGP codes: _____

Legal Structure:

- Corporation
- Partnership
- Limited Liability Company
- Sole Proprietorship

List All Officers of the Business:

NAME	TITLE

Firm Gross receipts, past three (3) year average: \$ _____.

Majority Owner's Gender _____ **Majority Owner's Race** _____

NOTE: Providing this information will not affect the award of a contract. The information will be used for statistical purposes only.

I, _____ am an owner or duly authorized representative of _____ (Applicant/Name of business), and I do hereby declare:

This business:

- a. Meets the definition of a small business as defined by the USDOT:
 - Is organized for profit;
 - Has a place of business in the US;
 - Is independently owned and operated;
 - Is not dominant in its field on a national basis;
 - Average gross receipts for the past 3 years do not exceed \$22.41 million; and
 - Meets the size standards established by the North American Industry Classification System (NAICS), in accordance with 13 CFR 121.

Or,

- b. Is a Disadvantaged Business Enterprise (DBE) under Georgia's Unified Certification Program

The Undersigned hereby authorize(s) and request(s) any person, firm or corporation to furnish any pertinent information requested by the Georgia Department of Transportation deemed necessary to verify the statements made in this affidavit or regarding the ability, standing and general reputation of the business. I understand that refusal to permit such inquiries shall be grounds for denial of registration. I declare, under penalty of perjury that the business qualifies as a small business and the information provided above, and any supporting documents are true and accurate to the best of my knowledge.

Owner/ Authorized Representative Signature

Date

Owner/ Authorized Representative Printed Name & Title

Notary:

STATE OF _____

COUNTY OF _____

Before me, the above signed authority, personally appeared _____, who is personally known to me or has produced _____ (type of identification) identification and is duly sworn, deposes and says that he / she is authorized to represent _____ (business).

Sworn and subscribed to before me this _____ day of _____.

(Notary Signature)

My Commission Expires:

**METROPOLITAN ATLANTA RAIL TRANSIT AUTHORITY
OFFICE OF DIVERSITY AND INCLUSION**

**SCHEDULE OF SMALL BUSINESS ENTERPRISE (SBE) UTILIZATION PLAN
Contract #**

As specified in Part I, Section 18 of the Equal Opportunity and Small Business Utilization specifications, Contractors are to present the following details.

Name of Contractor/Subcontractor	S B E	D B E	M B E	W B E	Race	Gender	Point of Contact: Name/Phone Number/Address	Type of work and contract item or parts thereof to be performed	Agreed Upon Contract Amount
									Total

CERTIFICATION

The undersigned certifies that he/she has read, understands, and agrees to be bound by Parts I and III of this Request for Quote, including the accompanying Exhibits, regarding Equal Opportunity assurances and SBE, and the other terms and conditions of the Request for Quote. The undersigned further certifies that he/she is legally authorized by the Contractor to make the statements and representations in this Part I and that said statements and representations are true and correct to the best of his/her knowledge and belief. The undersigned will enter-into formal agreement(s) with SBE(s) which are otherwise deemed by the Authority to be technically responsible and certified to perform the work listed above.

Print Name: _____ Signature: _____ Title: _____ Date of Signing: _____
 Firm or Corporate name: _____ Telephone: _____ Fax: _____
 Address: _____

**METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY
OFFICE OF DIVERSITY AND INCLUSION**

**SMALL BUSINESS ENTERPRISE (SBE) PROGRAM
EEO STATISTICAL DATA**

Contract #

Employment Data as of: _____

Company Location

Contract Name

The Quoter shall provide the following information pertaining to its workforce. If the Quoter has an Atlanta-area workforce, it should be shown; if the Quoter does not have an Atlanta-area workforce, total permanent workforce should be shown.

JOB CATEGORIES	ALL EMPLOYEES			TOTAL MINORITY EMPLOYEES								
	TOTAL MALES AND FEMALES	MALES	FEMALES	MALES				FEMALES				
				BLACK	ASIAN AMERICAN	AMERICAN INDIAN	HISPANIC	BLACK	ASIAN AMERICAN	AMERICAN INDIAN	HISPANIC	
Officers												
Managers												
Supervisors												
Professionals												
Technicians												
Sales Workers												
Office & Clerical												
Craftsman (skilled)												
Operatives (semi-skilled)												
Laborers (unskilled)												
Service Workers												
Apprentices												
TOTALS												

The above reflects (check one): Atlanta-area workforce Total permanent workforce (outside Atlanta area)

Firm's Name

Signature /Title

Date