

POLICY STATEMENT

OBJECTIVES/POLICY STATEMENT

Section 26.1, 26.23

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

It is the policy of The Woodlands to ensure that DBEs are 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.

The Assistant General Manager- Finance & Administration, Monique Sharp, has been delegated as the DBE Liaison Officer (DBELO). In that capacity, the Monique Sharp, DBELO, 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 The Woodlands in its financial assistance agreements with the Department of Transportation.

The Woodlands has disseminated this policy statement to the Board of Directors and all of the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts. This statement is included in all DOT-funded solicitation packages and has been communicated to local business groups and governments, chambers, and community organizations.

MONIQUE SHARP
ASSISTANT GENERAL MANAGER
FINANCE & ADMINISTRATION

Date

GENERAL REQUIREMENTS

Objectives – Section 26.1

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

Applicability – Section 26.3

The Woodlands is the recipient of federal transit funds authorized by Titles I, III, V, and VI of ISTEA, Pub. L. 102-240 or by Federal transit laws in Title 49, U.S. Code, or Titles I, II, and V of the Teas-21, Pub. L. 105-178.

Definitions – Section 26.5

The Woodlands will adopt the definitions contained in 49 CFR Section 26.5 for this program.

Non-discrimination Requirements – Section 26.7

The Woodlands 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, The Woodlands 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.

Record Keeping Requirements – Section 26.11

Reporting to DOT: 26.11(b)

The Woodlands will report DBE participation to DOT as follows:

The Woodlands 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)

The Woodlands 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.

The Woodlands 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.

The Woodlands 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 The Woodlands, FTA or DOT. This reporting requirement also extends to any certified DBE subcontractor.

The Woodlands 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.

Federal Financial Assistance Agreement – Section 26.13

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

Assurance: 26.13(a)

The Woodlands 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 Woodlands 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 Woodlands' 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 sanctions 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.

Contract Assurance: 26.13b

The Woodlands 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 Woodlands deems appropriate.

ADMINISTRATIVE REQUIREMENTS

DBE Program Updates – Section 26.21

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

Policy Statement – Section 26.23

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

DBE Liaison Officer (DBELO) – Section 26.25

The Woodlands has designated the following individual as the DBE Liaison Officer:

Monique Sharp

Assistant General Manager- Finance & Administration
2801 Technology Forest Blvd.
The Woodlands, TX 77381
281-210-3800
MSharp@thewoodlandstowship-tx.gov

In that capacity with The Woodlands, Monique Sharp, DBELO, is responsible for implementing all aspects of the DBE program and ensuring that The Woodlands complies with all provision of 49 CFR Part 26. Monique Sharp, DBELO, has direct, independent access to Don Norrell, The Woodlands President, concerning DBE program matters. An organization chart displaying Monique Sharp's, DBELO's, position in the organization is found in Attachment A to this program.

Monique Sharp, DBELO, is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. Monique Sharp, DBELO, has a staff 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 The Woodlands' progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the President/Board of Directors on DBE matters and achievement.
9. Participates in pre-bid meetings.
10. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
11. Plans and participates in DBE training seminars.
12. Certifies DBEs according to the criteria set by DOT and acts as liaison to the Uniform Certification Process in the State of Texas.
13. Provides outreach to DBEs and community organizations to advise them of opportunities.
14. Maintains the bidders list of all DBE and non-DBE firms who bid or quote on DOT assisted contracts and matching fund contracts.

Safeguard to Conflict of Interest

To avoid conflict of interest in the Assistant General Manager acting as the DBELO, Kellan Shaw, Accounting Manager, will be responsible for determining whether a bidder/offeree who has not met the contract goal has documented sufficient good faith efforts to obtain DBE participation to meet the DBE goal. If sufficient Good Faith Efforts have not been documented The Woodlands will go to the next best bid.

DBE Financial Institutions – Section 26.27

It is the policy of The Woodlands 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.

This is the first time The Woodlands has ever had an officially adopted DOT/FTA DBE Program. Previously The Woodlands will make efforts to identify and use such institutions. The Woodlands will also re-evaluate the availability of DBE financial institutions every 18 months.

To date we have identified the following such institutions:

<http://www.federalreserve.gov/releases/mob>

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

Prompt Payment Mechanisms – Section 26.29

Prompt Payment: 26.29(a)

The Woodlands will include the following clause in each DOT-assisted prime contract:

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 District.

Retainage: 26.29(b)

The prime contractor agrees 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 The Woodlands. This clause applies to both DBE and non-DBE subcontracts.

Monitoring and Enforcement: 26.29(d)

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

The Woodlands 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.

The Woodlands 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.

The Woodlands 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.

The Woodlands will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

Directory – Section 26.31

The Woodlands provides instructions to potential bidders to access the State of Texas's online Uniform Certification Program Directory and TxDOT's online Certified Firm Information Directory,

which identify all firms eligible to participate as DBEs. These directories list the firm's name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE.

The State of Texas Uniform Certification Program Directory is included by reference in Attachment B.

Overconcentration – Section 26.33

The Woodlands has not identified that overconcentration exists in the types of work that DBEs perform.

Business Development Programs – Section 26.35

The Woodlands has not established a business development program. We will re-evaluate the need for such a program every 18 months.

Monitoring and Enforcement Mechanisms – Section 26.37

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

1. The Woodlands 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. The Woodlands will consider similar action under The Woodlands' own legal authorities, including responsibility determinations in future contracts. Attachment C lists the regulation, provisions, and contract remedies available to The Woodlands in the events of non-compliance with the DBE regulation by a participant in The Woodlands' procurement activities.
3. The Woodlands 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 auditing the DBE contractor or subcontractor to verify that the firm is performing a commercially useful function that may include: performing, managing and supervising the work; negotiating price, determining quality and quantity, ordering, installing and paying for material and supplies; evaluating the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract or subcontract is commensurate with the work actually performed and the DBE credit claimed for its performance of the work; and other relevant factors.
4. The Woodlands will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award by requiring the prime contractor to submit monthly payment reports on the Contractor Payment Report Form (Attachment F).

Small Business Provision – Section 26.39

To facilitate competition by small business concerns, The Woodlands will make efforts to expend a portion of DOT assisted contracts with small businesses using the following strategy.

Small businesses cannot exceed the Small Business Size Limits, as defined by the Small Business Administration (SBA). These limits can be found at <http://www.sba.gov/content/tables-small-business-size-standards>.

The Woodlands has incorporated the following non-discriminatory element to its DBE program, in order to facilitate competition on DOT-assisted public works projects by small business concerns (both DBEs and non-DBE small businesses): unbundling of contracts requirements, simplify or reduce bonding requirement; encouraging bidders on large contracts to identify and/or provide specific subcontracts appropriate for small business participation, and letting prime contract of a size that small businesses can reasonably compete for and perform.

On prime contracts without DBE contract goals The Woodlands will require prime contractors to provide subcontracting opportunities small businesses can reasonably perform, rather than selfperforming all the work involved. During the procurement process and subsequent contract the bidder/offeror will be required to:

- Identify and attempt to subcontract work within the contract to small businesses to perform the tasks. If the prime contractor cannot contract with a small business they will be required to submit proof of their good faith efforts, e.g. phone log, emails, etc., to find a small business to perform the work;
- Verify the small business is eligible to participate as a small business. The SBA provides a list of firms eligible to participate as a small business, which can be found at <https://www.bpn.gov/CCRSearch/Search.aspx>;
- Submit the small business(es) information on the Contractor/Respondent Certification form (See Attachment E) with the bid or proposal;
- Submit the Small Business Subcontractor Certification form (See Attachment E) with the bid or proposal. This form is completed by the small business; and
- Submit the Contractor Payment Report form (See Attachment F) with the monthly invoices throughout the life of the contract.

If The Woodlands has a large contract it will attempt to identify possible portions of the contract which could be unbundled and bid separately to help small businesses participate in City contracts funded in part by DOT funds. The Woodlands will send the bid solicitation to eligible small businesses by utilizing the SBA eligible firm list. In addition, The Woodlands will present information on the small business participation element during its outreach presentations to different groups in and around the community.

The small business participation element is a permanent part of this DBE Program. The Woodlands participants are the DBE Liaison Officer, City Council and the Finance Department.

GOALS, GOOD FAITH EFFORTS, AND COUNTING

Set-asides or Quotas – Section 26.43

The Woodlands does not use quotas in any way in the administration of this DBE program.

Overall Goals – Section 26.45

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

In accordance with Section 26.45(f) The Woodlands will submit its overall goal to DOT on August 1, every three years. Before establishing the overall goal every three years, The Woodlands will consult with the 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 The Woodlands' efforts to establish a level playing field for the participation of DBEs.

Following this consultation, The Woodlands will publish a notice of the proposed overall goals on The Woodlands 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, The Woodlands will issue this notice the year of update. The notice must include addresses to which comments may be sent and addresses (including offices and The Woodlands 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.

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

Goal Setting and Accountability – Section 26.47

If the awards and commitments shown on The Woodlands' Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall applicable to that fiscal year, we will:

1. Analyze in detail the reason for the difference between the overall goal and the actual awards/commitments; and
2. Establish specific steps and milestones to correct the problems identified in the analysis.

Transit Vehicle Manufacturers Goals – Section 26.49

The Woodlands will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of this section. Alternatively, The Woodlands may, at its discretion and with FTA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of the TVM complying with this element of the program.

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

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment E to this program. When the DBE Goal is updated every three years, the breakout of estimated race-neutral and race-conscious participation (Attachment E) will be updated as well.

Contract Goals – Section 26.51(d-g)

The Woodlands will use contract goals to meet any portion of the overall goal The Woodlands does not project being able to meet using race-neutral means. Contract goals are established so that, over the three-year period to which the overall goal applies, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of race-neutral means.

The Woodlands will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. We need not establish a contract goal on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work.)

The Woodlands will express the contract goals as a percentage of the Federal share of a DOT-assisted contract.

If The Woodlands fails to meet their overall three year goal in any one the fiscal years we will evaluate the shortfall and determine why it occurred, and then develop/implement a plan to address any problems identified.

Good Faith Efforts Procedures – Section 26.53

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

In those instances where a contract-specific DBE goal is included in a procurement/solicitation, The Woodlands will not award the contract to a bidder who does not either: (1) meet the contract goal with verified, countable DBE participation; or (2) documents it has made adequate good faith efforts to meet the DBE contract goal, even though it was unable to do so. It is the obligation of the bidder to demonstrate it has made sufficient good faith efforts prior to submission of its bid.

Monique Sharp, DBELO, is 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.

The process used to determine whether good faith efforts have been made by a bidder are as follows: The obligation of the bidder/offeror is to make good faith efforts to include DBEs. The bidder/offeror can demonstrate it has done so either by meeting the contract goal or documenting good faith efforts. The bidder must document good faith effort in writing and submit with bid response.

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

Information to be submitted (26.53(b))

The Woodlands 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. Whether the firm is a DBE, non-DBE, or a Small Business;
4. The ethnic code, as described in the form;
5. The age of the firm;
6. The annual gross receipts from the firm;
7. The dollar amount of the participation of each DBE firm participating;
8. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal (Attachment E, Form 1);
9. Written and signed confirmation from the DBE or the Small Business that it is participating in the contract as provided in the prime contractors commitment (Attachment E, Form 2) and
10. If the contract goal is not met, evidence of good faith efforts.

Administrative reconsideration (26.53(d))

Within 30 days of being informed by The Woodlands 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:

Kellan Shaw
Accounting Manager
2801 Technology Forest Blvd.
The Woodlands, TX 77381
281-210-3800

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 The Woodlands' reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. The Woodlands 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 DOT.

Good Faith Efforts when a DBE is terminated/replaced on a contract (26.53(f))

The Woodlands requires that prime contractors not terminate a DBE subcontractor listed on a bid/contract with a DBE contract goal without The Woodlands' prior written consent. Prior written consent will only be provided where there is "good cause" for termination of the DBE firm, as established by Section 26.53(f)(3) of the DBE regulation.

Before transmitting to The Woodlands its request to terminate, the prime contractor must give notice in writing to the DBE of its intent to do so. A copy of this notice must be provided to The Woodlands prior to consideration of the request to terminate. The DBE will then have five (5) days to respond and advise The Woodlands of why it objects to the proposed termination.

In those instances where "good cause" exists to terminate a DBE's contract, The Woodlands will require the prime 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. The Woodlands 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, The Woodlands will require the prime contractor to obtain The Woodlands' 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:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of The Woodlands to practice nondiscrimination based on race, color, sex, or national origin in the award or

performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of 5 percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (Attachment 1), to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror will be required 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 firm will perform; (3) whether the firm is a DBE, non-DBE, or a Small Business; (4) the ethnic code, as described in the form; (5) the age of the firm; (6) the annual gross receipts from the firm; (7) the dollar amount of the participation of each DBE firm participating; (8) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; (9) Written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (8); and (10) if the contract goal is not met, evidence of good faith efforts.

Counting DBE Participation – Section 26.55

The Woodlands will count DBE participation toward overall as provided in 49 CFR 26.55.

CERTIFICATION STANDARDS

Unified Certification Program – Section 26.81

The Woodlands 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 Woodlands is a participant and not a certifying agency. The Woodlands' signed agreement was submitted to the Texas Department of Transportation on DATE with an effective date of Other DATE.

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 Montgomery County is and wanting to be certified is listed below:

City of Houston
Timothy Warren
611 Walker St.
Houston, TX 77002
Phone: 713-837-9035
Fax: 713-837-9052
timothy.warren@cityofhouston.net
www.houstontx.gov/obo/

A copy of the State of Texas's Unified Certification Program (TUCP) certification procedures and/or UCP program is available at: <http://www.dot.state.tx.us/business/tucp/default.htm>

Any firm or complainant may appeal the State of Texas's Unified Certification Program (TUCP) decision in a certification matter to DOT. Such appeals may be sent to:

U.S. Department of Transportation
Office of Civil Rights Certification Appeals Branch

1200 New Jersey Ave. SE
West Building, 7th Floor
Washington, D.C. 20590

COMPLIANCE AND ENFORCEMENT

Information, Confidentiality, Cooperation – Section 26.109

The Woodlands 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 Woodlands 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

The Woodlands 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 The Woodlands or DOT. This reporting requirement also extends to any certified DBE subcontractor.

The Woodlands 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 A	Organizational Chart
Attachment B	DBE Directory
Attachment C	Monitoring and Enforcement Mechanisms
Attachment D	Overall Goal Calculation
Attachment E	Form 1 & 2 for Demonstration of Good Faith Efforts
Attachment F	Contractor Payment Report Form
Attachment G	Regulations: 49 CFR Part 26

Attachment A – Organizational Chart

Include the reconsideration official in the org chart.



ORGANIZATIONAL CHART



THE WOODLANDS
TOWNSHIP

Attachment B

DBE Directory

A copy of the Texas Unified Certification Program DBE Information Directory can be obtained on the Texas Department of Transportation website at <http://www.dot.state.tx.us/business/tucp/default.htm>, a link can be found on The Woodlands Transit webpage, or a copy can be requested from The Woodlands' DBE Liaison Officer

Attachment C

Monitoring and Enforcement Mechanisms

The Woodlands will monitor and provide written certification for every contract/project on which DBEs are participating, ensuring the DBEs are in fact performing the work.

The Woodlands has available several remedies to enforce the DBE requirements contained in its contracts, including, but not limited to, the following:

1. The suspension of any payment or part thereof until such time as the issues concerning compliance are resolved; and/or
2. Work stoppage; and/or
3. Termination, suspension, or cancellation of the contract in whole or in part; and/or
4. In the event that a bidder fails to achieve the DBE goals of this program, after contract completion, the bidder's eligibility to receive any future The Woodlands contract will be conditioned upon the bidder making up the deficit in DBE participation in such future contracts by having DBEs perform equal to double the dollar value of the deficiency in the DBE requirement in the prior contract.

In addition, the federal government has available several enforcement mechanisms that it may apply to firms participating in the DBE problem, including, but not limited to, the following:

1. Suspension or debarment proceedings pursuant to 49 CFR part 26
2. Enforcement action pursuant to 49 CFR part 31
3. Prosecution pursuant to 18 USC 1001.

Attachment D

The process The Woodlands used to establish its DBE goal for FY 2013 through 2015 is summarized below. In accordance with 49 C.F.R. Part 26 the City followed a two-step process based on documented evidence of the availability of ready, willing and able DBEs relative to all businesses ready, willing and able to participate in its DOT assisted contracts. The goal reflects The Woodlands' expected level of participation by DBEs.

Step 1 – Establish Base Figure

The Woodlands looked at all the possible DOT assisted contracting opportunities for award in fiscal years 2011 through 2013 and their corresponding NAICS codes.

- Column 3 reflects the dollar amount of the possible contracting opportunities for the noted NAICS codes;
- Next, The Woodlands looked at the possible locations contractors and subcontractors could feasibly be located and still perform work on the City's DOT assisted contracts. The City selected Harris and Montgomery Counties, and used Census Data to determine the number of firms ready, willing and able to perform the work. Column 5 lists the total number of firms in each NAICS code;
- The City then analyzed the Texas Unified Certification Program DBE database to determine the number of ready, willing and able DBE firms in the selected area. Column 6 lists the total number of DBE firms in each NAICS code;
- Column 7 reflects the base figure for relative availability of DBEs for each industry category. The Woodlands divided the number of DBEs by the number of total firms to arrive at the base figure.
- Column 8 is the result of applying the Base Goal percentage (Column 7) to the Possible Contracting Opportunities (Column 3) to derive at the actual dollar amounts for DBE achievement.
- To arrive at the DBE goal of 5.0% the City divided the total Expected DBE Dollars (Column 8) by the total Possible Contracting Opportunities (Column 3).

NAICS	Code Industry	Possible Contracting Opportunities	% of the Budget	Total Firms	DBEs	Base Goal	Expected DBE Dollars	DBE Goal
221310 236220 237310 238110 238120 238140 238150 238160 238170 238210 238220 238290 238310 238320 238330 238350 238910 238990 541320 541330	Engineering, Construction & Maintenance	\$12,000,000	70%	6,123	404	6.6%	\$792,000	
424720 485113 561720 561730 811110 811111 811112 811113 811118 811120 811121 811122 811191 811192 811198 812332	Bus Operations	\$5,100,000	30%	4921	64	1.3%	66,300	
		\$17,100,000	100%					5.0%

Step 2 – Base Goal Adjustment

The Woodlands does not have the necessary historical data to justify an adjustment based on past DBE participation. This is the first time The Woodlands has ever had an officially adopted DOT/FTA DBE Program. Previously The Woodlands did not have a locally adopted DBE goal. Based on statistical analysis conducted under STEP 1 goal calculation, The Woodlands will use a base figure of 5.0% as the overall goal.

Attachment E

Form 1 Respondent/Contractor Certification

Instructions: The Respondent/Contractor shall complete this form by listing 1) Names of all proposed subcontractors. 2) Contact information, 3) Description of work to be performed/product to be provided, 4) Status as a DBE or non-DBE, 5) Ethnic Code of firm 6) Age of the firm, 7) Annual gross receipts of the firm, 8) % or \$ amount of Total Contract. Those subcontractors which are listed on this form as DBEs must have current certification as a DBE with a participating TUCP certifying agency. The DBE certification must be complete by the time the proposals are submitted. Additionally, those subcontractors which are listed on this form as DBEs must complete Form 2, agreeing to the information listed here.

Name of Prime Contractor (Respondent/Contractor):

Ethnic Codes

- A)** Black American
- B)** Hispanic American
- C)** Native American
- D)** Sub-continental Asian American
- E)** Asian-Pacific American
- F)** Non-Minority Women
- G)** Other

Project Name: _____

1) Name of Subcontractor	2) Address, Telephone # of DBE Firm (Including name of contact person)	3) Description of Work, Services Provided. Where applicable, specify "supply" or "Install" or both.	4) DBE, non-DBE or Small Business	5) Ethnic Code	6) Age of Firm	7) Annual Gross Receipts	8) DBE % or \$ amount of Total Contract

This schedule must be completed as instructed above and include every subcontractor proposed on this project.

The undersigned will enter into a formal agreement with DBE contractors for work listed in this schedule upon execution of a contract with The Woodlands Township. The contractor agrees to the terms of this schedule by signing below and submitting the Intent to Perform, as completed by the DBE subcontractor(s). The contractor also certifies that no more than 70% of the work for this project will be subcontracted.

Signature of Authorized Representative

Date

Form 2
DBE Subcontractor Certification

NOTE: In accordance with 49 CFR (Code of Federal Regulations) Part 26 and Board policy, DBE firms participating in the DBE Program must have "current" certification status with a TUCP Certifying Agency by the due date established for this RFP.

1. TO: (Name of Respondent/Prime Contractor) _____
2. The undersigned is either currently certified under the Texas Unified Certification Program (TUCP) as a DBE or will be at the time this solicitation is due.
3. The undersigned is prepared to perform the following described work and/or supply the material listed in connection with the above project (where applicable specify "supply" or "install" or both)

and at the following price \$_____ and/or _____% of the total contract amount (should be the same \$ or % found on Form 1).

4. **The DBE subcontractor should complete this section only if the DBE is subcontracting any portion of its subcontract.**

With respect to the proposed subcontract described above, the undersigned DBE anticipates that _____% of the dollar value of this subcontract will be sublet and/or awarded to other contractors. Any and all DBE subcontractors a DBE subcontractor uses must be listed on Form 1 and must also be DBE certified.

Name of DBE Firm

Name of Respondent/Prime Contractor

Signature of Authorized Representative

Signature of Authorized Representative

Printed Name

Printed Name

Phone Number

Phone Number

Date

Date

Small Business Subcontractor Certification

NOTE: In accordance with 49 C.F.R. Part 26 and Board policy, small business firms completing this form must be registered with the Small Business Administration as a small business by the due date established for this bid/request for proposal.

To: _____ (Name of Respondent/Prime Contractor)

1. The undersigned is either currently registered with the SBA as a small business or will be at the time this bid/proposal is due.
2. The undersigned is prepared to perform the following described work and/or supply the material listed in connection with the above project (where applicable specify "supply" or "install" or both)

_____ and at the following price \$ _____ and/or _____% of the total contract amount (should be the same \$ or % found on Contractor/Respondent Certification Form).

3. The small business subcontractor should complete this section only if the small business is subcontracting any portion of its subcontract.

With respect to the proposed subcontract described above, the undersigned small business anticipates that _____% of the dollar value of this subcontract will be sublet and/or awarded to other contractors. Any and all small business subcontractors uses must be listed on the Contractor/Respondent Certification Form and must also be registered as a small business with the SBA.

Name of Small Business Firm

Name of Respondent/Prime Contractor

Signature of Authorized Representative

Signature of Authorized Representative

Printed Name

Printed Name

Phone Number

Phone Number

Date

Date

Attachment F

CONTRACTOR PAYMENT REPORT FORM

Instructions: Contractors are required to complete and submit this report, as specified in the contract or as requested, until final payment of the contract has been made. Failure to comply with the DBE provisions may result in contract termination, or the suspension or debarment of the contractor from doing business with the Township in the future in accordance with the procedures set forth in the DBE Program. This report must be submitted with each invoice. Instructions for completing this report can be found on the following page.

1. Contract Number, if applicable	2. Invoice Number	3. Reporting Period From: _____ To: _____		4. Contractor's Business Name	5. Contact Person	6. Address
7. Telephone Number	8. Date of Contract Award	9. Schedule Date of Completion	10. Original Contract Amount	11. Current Contract Modifications	12. Total Amount Received to Date	13. Total Amount Owed
			\$	\$	\$	\$
14. Committed DBE %	15. Actual DBE Participation to date	16. Actual DBE % to Date				
	\$					

17. Name of DBE Subcontractor	18. Description of Work	19. Amount of payments made during current invoice period	20. Date of payments made during current invoice period	21. Subcontract Dollars	22. Amount paid to date	23. Percent Paid to Date	24. Amount of this invoice allocated to DBE subcontractor

(Add rows to the table, as needed, to complete this section)

By completing this form, the Contractor acknowledges the City's prompt payment policy, which requires the Contractor to pay all subcontractors within 30 days of receiving payment from the City.

Signature	Date Signed	Name and Title of Individual Completing Report

Attachment G

Regulations: 49 CFR Part 26

A copy of Title 49 Code of Federal Regulation, Part 26, Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs, can be viewed on the world-wide web at the following URL:

http://www.access.gpo.gov/nara/cfr/waisidx_06/49cfr26_06.html

POLICY STATEMENT

The Woodlands Township assures that no person shall on the grounds of race, color, or national origin, as provided by Title VI of the Civil Rights Act of 1964, and in accordance with Title VI regulations (49 CFR part 21) consistent with FTA C 4702.1B be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The Woodlands will integrate into their programs and activities considerations expressed in the Policy Guidance concerning Recipients’ Responsibilities to Limited English Proficient (LEP) Persons (70 FR 74087) and The Woodlands further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not.

In the event The Woodlands distributes federal funds to another governmental entity and/or a non-profit agency, The Woodlands will include Title VI language in all written agreements and will monitor for compliance.

The Woodlands’ Assistant General Manager or equivalent is responsible for initiating and monitoring Title VI activities, assuring the preparation of required reports.

AUTHORITIES

Title VI of the 1964 Civil Rights Act provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance (please refer to 23 CFR 200.9, 49 CFR 21 and FTA C 4702.1B).

Title VI of the Civil Rights Act of 1964; 42 USC 2000d; Federal Transit Laws 49 U.S. C. 53 et seq. 42 Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended 42 USC 4601 et. seq; Department of Justice 28 CFR part 42 Subpart F Coordination of Enforcement of Nondiscrimination in Federally-Assisted Programs on the DOT – Effectuation of Title VI of the Civil Rights Act of 1964, 23 DFR part 771, Environmental Impact and Related Procedures, 29 CFR 450 and 49 CFR 613 Planning Assistance and Standards; Dot Policy concerning Recipients’ Responsibilities to Limited English Proficient Persons, Section 12 of FTA’s Master Agreement FTA MA13 (Certifications and Assurances in Appendix A).

Monique Sharp
Assistant General Manager
Finance & Administration
The Woodlands Township

Date

TITLE VI PROCEDURES

The Woodlands Township developed this Title VI Plan as a new FTA Grantee. The Woodlands Township has developed all of the necessary procedures and processes to be in compliance with Title VI regulations, including a complaint process and a Title VI notice to the public.

The Woodlands Township will provide open access to all transit riders and all associated services and practices regardless of race, color, or national origin. Bilingual staff will be available whenever feasible throughout the scheduling and service provision process. The Woodlands Township will annually review their staffing composition to ensure workforce diversity that mirrors the community served.

COMPLAINT PROCEDURES FOR PROGRAMS AND ACTIVITIES INCLUDING FEDERALLY ASSISTED PROGRAMS

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964 as amended, Equal Employment Opportunity (EEO) and On-the-Job Training (OJT) Program components) Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any transportation or program or activity administered by The Woodlands, as well as to sub-recipients, consultants, and contractors. The program is also conducted in accordance with FTA C 4702.1B. These procedures apply to complaints filed against a program and/or activity funded by either the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA) and other Federal offices.

Intimidation or retaliation of any kind is prohibited per Title 49, Code of Federal Regulations, Part 21.11(e).

The procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination. A person may also file a complaint directly with the Federal Transit Administration, AT FTA Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590.

These procedures are part of an administrative process, which do not provide for remedies that include punitive damages or compensatory remuneration for the complainant.

Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the investigator may be utilized for resolution, at any stage of the process. The investigator will make every effort to pursue a resolution of the complaint. Initial interviews with the complainant and the respondent will request information regarding specifically requested relief and settlement opportunities.

PROCEDURES

Any individual, group of individuals or entity that believes they have been subjected to discrimination on the basis of race, color, or national origin as prohibited by Title VI nondiscrimination provisions by The Woodlands may file a written complaint. A formal

complaint must be filed within 180 calendar days of the alleged occurrence, or when the alleged discrimination became known to the complainant. The complainant must meet the following requirements:

- a. Complaint shall be in writing and signed by the complainant(s).
- b. Present the date of the alleged act of discrimination (date when the complainant(s) became aware of the alleged discrimination; or the date on which that conduct was discontinued or the latest instance of the conduct).
- c. Present a detailed description of the issues including names and job.
- d. Allegations received by fax or email will be acknowledged and processed, once the identity(ies) of the complainant(s) and the intent is required to mail a signed, original copy of the fax or email transmittal for The Woodlands to be able to process it.
- e. Allegations received by telephone will be reduced to writing and provided to the complainant for confirmation or revision before processing. A complaint form will be forwarded to the complainant for him/her to complete, sign and return to The Woodlands for processing.
- f. If required, case file will be submitted to the appropriate authority.

The Woodlands will process all complaints that are completed and submitted in a timely manner. Once the complaint is received, The Woodlands will review it to determine if our office has jurisdiction. Complaints will be review for:

- a. Whether the allegations involve a covered basis such as race, color, religion, national origin, gender, sexual orientation, or disability;
- b. Whether the allegations involve a program or activity of a federal funding recipient, sub-recipient, or contractor; or, in the case of ADA allegations, an entity open to the public;
- c. The complainant(s) acceptance of reasonable resolution based on the Department's administrative authority.

A complaint may be dismissed if the Complainant requests the withdrawal of the complaint; fails to respond to repeated requests for additional information needed to process complaint; and/or cannot be located after reasonable attempts.

The Woodlands has sole authority for accepting complaints for investigation. Once The Woodlands decides to proceed with the investigation, the complainant and the respondent will be notified in writing of the determination within ten (10) calendar days. The complaint will receive a case number and then be logged into The Woodlands' records identifying its basis, alleged harm, the race, color, religion, national origin, gender, sexual orientation, or disability of the complainant(s).

In cases where The Woodlands assumes investigation of the complaint, The Woodlands will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have ten (10) calendar days from the date of The Woodlands' written notification of acceptance of the complaint to furnish his/her response to the allegations.

Within 40 calendar days of the acceptance of the complaint, The Woodlands investigator will prepare an investigative report for Monique Sharp, Assistant General Manager of The Woodlands. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition. The "" will have ten (10) calendar days to review and provide comments to the investigator.

Monique Sharp, Assistant General Manager of The Woodlands, will address any comments to the preliminary investigative report, and its findings will be forwarded to The Woodlands' legal consultant for review. The legal consultant will review the report and associated documentation and will provide input within ten (10) calendar days. There will be a period of ten (10) calendar days for the legal consultant to discuss the report and any recommendations with the Assistant General Manager of The Woodlands, and have the Assistant General Manager address any modifications as needed.

The Woodlands' final investigative report and a copy of the complaint will be forwarded to FTA within 60 calendar days of the acceptance of the complaint. The Woodlands will notify the parties of its preliminary findings.

THE WOODLANDS TITLE VI NOTICE TO PUBLIC

The Woodlands Township hereby gives public notice that it is The Woodlands' policy to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all programs and activities. Title VI requires that no person in the United States of America shall, on the grounds of race, color, religion, national origin, gender, sexual orientation, or disability be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which The Woodlands receives federal financial assistance.

Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with The Woodlands. Any such complaint must be in writing or by phone and filed with The Woodlands Title VI Coordinator within one hundred and eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained from this office at no cost to the complainant by calling 281-210-3800.

This notice is to be posted in the offices of The Woodlands Township, on The Woodlands website (<http://www.thewoodlandstownship-tx.gov/index.aspx?nid=96>) and at other strategic locations.

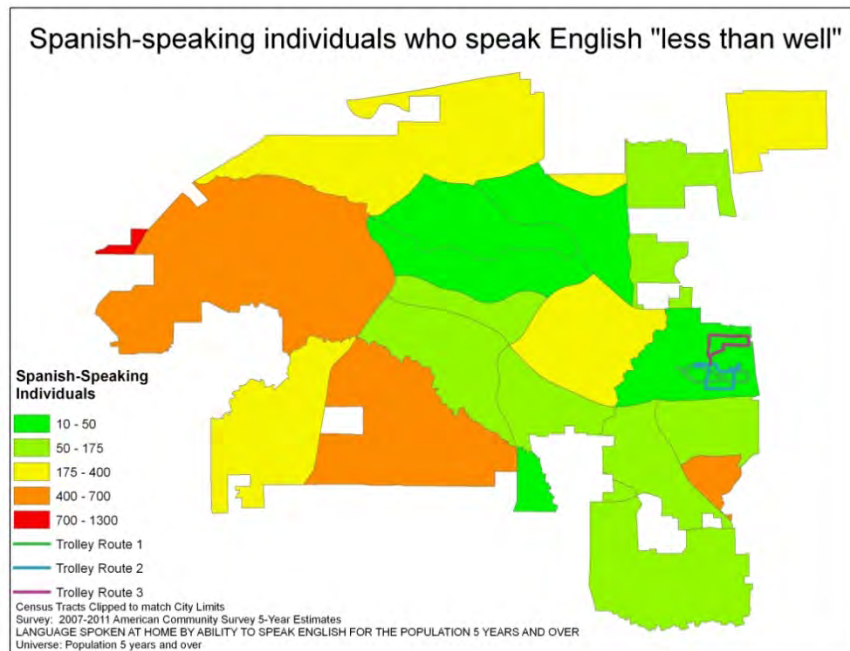
THE WOODLANDS LIMITED ENGLISH PROFICIENCY ANALYSIS

Factor 1 Assessing the Number or Proportion of LEP Persons served or Encountered in Eligible Service Population

According to the American Community Survey 2007 -2011 data, there is 3.9 percent of the transit service area population who speak English “less than well.” While 9.9 percent of the service area speaks Spanish at home, the percentage of Spanish-speaking individuals who reported speaking English “less than well” is 2.6 percent of the total service area population. While this does not meet the 5 percent LEP threshold, the population meets the Safe Harbor clause with over 1,000 individuals who speak English “less than well.”

2007-2011 American Community Survey Data The Woodlands Township Limited English Proficiency							
Language Spoken at Home	Speak English "very well"		Speak English "less than well"		Total		
	Number "very well"	Percent	Number "less than well"	Percent	Total Number	Percent of Total Language Sub-Group	Speaking Less than Well Percent of Total Population
Total population					88,983		
Speak only English					73,950	83.1%	
Spanish or Spanish Creole	6,507	73.5%	2,346	26.5%	8,853	9.9%	2.6%
French (incl. Patois, Cajun)	301	78.6%	82	21.4%	383	0.4%	0.1%
French Creole	0	0.0%	0	0.0%	0	0.0%	0.0%
Italian	75	78.9%	20	21.1%	95	0.1%	0.0%
Portuguese or Portuguese Creole	164	92.1%	14	7.9%	178	0.2%	0.0%
German	507	84.6%	92	15.4%	599	0.7%	0.1%
Yiddish	0	0.0%	0	0.0%	0	0.0%	0.0%
Other West Germanic languages	192	81.7%	43	18.3%	235	0.3%	0.0%
Scandinavian languages	270	93.8%	18	6.2%	288	0.3%	0.0%
Greek	41	100.0%	0	0.0%	41	0.0%	0.0%
Russian	34	68.0%	16	32.0%	50	0.1%	0.0%
Polish	64	100.0%	0	0.0%	64	0.1%	0.0%
Serbo-Croatian	38	61.0%	31	39.0%	69	0.1%	0.0%
Other Slavic languages	14	100.0%	0	0.0%	14	0.0%	0.0%
Armenian	0	0.0%	0	0.0%	0	0.0%	0.0%
Persian	136	69.0%	61	31.0%	197	0.2%	0.1%
Gujarati	158	69.9%	68	30.1%	226	0.3%	0.1%
Hindi	383	94.6%	22	5.4%	405	0.5%	0.0%
Urdu	398	100.0%	0	0.0%	398	0.4%	0.0%
Other Indic languages	91	77.8%	26	22.2%	117	0.1%	0.0%
Other Indo-European languages	71	69.6%	31	30.4%	102	0.1%	0.0%
Chinese	646	74.3%	224	25.7%	870	1.0%	0.3%
Japanese	71	62.3%	43	37.7%	114	0.1%	0.0%
Korean	117	60.6%	76	39.4%	193	0.2%	0.1%
Mon-Khmer, Cambodian	12	100.0%	0	0.0%	12	0.0%	0.0%
Hmong	0	0.0%	0	0.0%	0	0.0%	0.0%
Thai	33	50.8%	32	49.2%	65	0.1%	0.0%
Laotian	19	100.0%	0	0.0%	19	0.0%	0.0%
Vietnamese	104	55.0%	85	45.0%	189	0.2%	0.1%
Other Asian languages	299	75.3%	98	24.7%	397	0.4%	0.1%
Tagalog	270	78.9%	72	21.1%	342	0.4%	0.1%
Other Pacific Island languages	92	58.6%	65	41.4%	157	0.2%	0.1%
Navajo	0	0.0%	0	0.0%	0	0.0%	0.0%
Other Native North American	4	100.0%	0	0.0%	4	0.0%	0.0%
Hungarian	16	48.5%	17	51.5%	33	0.0%	0.0%
Arabic	186	77.2%	55	22.8%	241	0.3%	0.1%
Hebrew	0	0.0%	0	0.0%	0	0.0%	0.0%
African languages	83	100.0%	0	0.0%	83	0.1%	0.0%
Other and unspecified languages	0	0.0%	0	0.0%	0	0.0%	0.0%

Survey: 2007-2011 American Community Survey 5-Year Estimates
LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER
Universe: Population 5 years and over



Factor 2: Assessing the Frequency with Which LEP Individuals Come into Contact with your programs, activities, and services

The Woodlands Township will utilize FTA funds in order to operate transit service and develop transit and pedestrian infrastructure that enhances individuals' ability to easily access the transit services provided by Brazos Transit District (The District). LEP persons would come in contact with The District service when scheduling a demand response trip, boarding, riding, and alighting as well as during the planning, procurement, construction of federally-approved transit and pedestrian capital projects. The Woodlands Township will make the fact known during all public involvement programs, procurement endeavors, advertising efforts, and other instances that documents, instructions and other important materials can be translated into Spanish at no cost to the user. Very rarely does any of the construction require any detours or significant changes to accessing public transportation, so there would be minimal disruption for transit users of The District. In the instance where there are disruptions, The Woodlands Township will address any concerns while keeping LEP persons in mind.

Factor 3: Assessing the Nature and Importance of Program, Activity or Service

As stated in the Factor 2 analysis, The Woodlands will utilize FTA funds for operations and for the construction of pedestrian infrastructure. The District will provide notifications of changes in service to transit users in English and Spanish. The construction of transit stops, sidewalks, ADA ramps, pedestrian lighting and signalization will provide benefit to all users of transit services, but does not have any unique impact on LEP persons. The Woodlands will be able to translate all important documents and instructions into Spanish by utilizing bilingual staff persons and professional translation services.

Factor 4: Assessing the Resources Available to Connect Transit and Costs

The Woodlands will offer opportunities for LEP persons to fully access information regarding the construction projects. The Woodlands staff will have the ability to proficiently translate oral conversations as well as written documentation from English and Spanish, or vice versa. Language assistance training will be provided in conjunction with other staff training to identify resources and procedures when communicating with LEPs. The Woodlands finds that the staff time utilized translating documents, the additional costs of printing vital documents into Spanish, and other LEP-related efforts are estimated to be between \$2,000 and \$4,000 a year.

LEP IMPLEMENTATION PLAN

Task 1 - Identifying LEP Individuals Who Need Language Assistance

Number or Proportion of LEP Persons served or Encountered in Eligible Service Population

According to the American Community Survey 2007 -2011 data, there is 3.9 percent of the transit service area population who speak English “less than well.” While 9.9 percent of the service area speaks Spanish at home, the percentage of Spanish-speaking individuals who reported speaking English “less than well” is 2.6 percent of the total service area population. While this does not meet the 5 percent LEP threshold, the population meets the Safe Harbor clause with over 1,000 individuals who speak English “less than well.”

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Italian	75	78.9%	20	21.1%	95	0.1%	0.0%
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Yiddish	0	0.0%	0	0.0%	0	0.0%	0.0%
Other West Germanic languages	192	81.7%	43	18.3%	235	0.3%	0.0%
Scandinavian languages	270	93.8%	18	6.2%	288	0.3%	0.0%
Greek	41	100.0%	0	0.0%	41	0.0%	0.0%
Russian	34	68.0%	16	32.0%	50	0.1%	0.0%
Polish	64	100.0%	0	0.0%	64	0.1%	0.0%
Serbo-Croatian	38	61.0%	31	39.0%	69	0.1%	0.0%
Other Slavic languages	14	100.0%	0	0.0%	14	0.0%	0.0%
Armenian	0	0.0%	0	0.0%	0	0.0%	0.0%
Persian	136	69.0%	61	31.0%	197	0.2%	0.1%
Gujarati	158	69.9%	68	30.1%	226	0.3%	0.1%
Hindi	383	94.6%	22	5.4%	405	0.5%	0.0%
Urdu	398	100.0%	0	0.0%	398	0.4%	0.0%
Other Indic languages	91	77.8%	26	22.2%	117	0.1%	0.0%
Other Indo-European languages	71	69.6%	31	30.4%	102	0.1%	0.0%
Chinese	646	74.3%	224	25.7%	870	1.0%	0.3%
Japanese	71	62.3%	43	37.7%	114	0.1%	0.0%
Korean	117	60.6%	76	39.4%	193	0.2%	0.1%
Mon-Khmer, Cambodian	12	100.0%	0	0.0%	12	0.0%	0.0%
Hmong	0	0.0%	0	0.0%	0	0.0%	0.0%
Thai	33	50.8%	32	49.2%	65	0.1%	0.0%
Laotian	19	100.0%	0	0.0%	19	0.0%	0.0%
Vietnamese	104	55.0%	85	45.0%	189	0.2%	0.1%
Other Asian languages	299	75.3%	98	24.7%	397	0.4%	0.1%
Tagalog	270	78.9%	72	21.1%	342	0.4%	0.1%
Other Pacific Island languages	92	58.6%	65	41.4%	157	0.2%	0.1%
Navajo	0	0.0%	0	0.0%	0	0.0%	0.0%
Other Native North American	4	100.0%	0	0.0%	4	0.0%	0.0%
Hungarian	16	48.5%	17	51.5%	33	0.0%	0.0%
Arabic	186	77.2%	55	22.8%	241	0.3%	0.1%
Hebrew	0	0.0%	0	0.0%	0	0.0%	0.0%
African languages	83	100.0%	0	0.0%	83	0.1%	0.0%
Other and unspecified languages	0	0.0%	0	0.0%	0	0.0%	0.0%

Survey: 2007-2011 American Community Survey 5-Year Estimates
LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER
Universe: Population 5 years and over

Frequency with Which LEP Individuals Come Into Contact with your Programs, Activities and Services

The Woodlands Township will utilize FTA funds in order to operate transit service and develop transit and pedestrian infrastructure that enhances individuals' ability to easily access the transit services provided by Connect Transit. LEP persons would come in contact with the Friendship Center limited eligibility, demand response service when scheduling a demand response trip, boarding, riding, and alighting as well as during the planning, procurement, construction of federally approved transit and pedestrian capital projects. The Woodlands Township will make the fact known during all public involvement programs, procurement endeavors, advertising efforts, and other instances, that documents, instructions and other important materials can be translated into Spanish at no cost to the user. Very rarely does any of the construction require any detours or significant changes to accessing public transportation, so there will be minimal disruption for transit users. In the instance where there are disruptions, The Woodlands Township will address any concerns while keeping LEP persons in mind.

Task 2 - Language Assistance Measures

1. Published informational materials regarding transit services will be written in Spanish and English.
2. The Woodlands will provide translation and interpretation services free of charge upon request by calling 281-210-3800.
3. The Woodlands Township has Spanish speaking staff on duty during all service hours.
4. If a person has a speech or hearing impairment they can dial Texas Relay at 1-800-435-2988 or dial 711.

Task 3 – Providing Notice to LEP Persons

The public notice will be posted on The Woodlands Township website, on buses and at other strategic locations in Township facilities.

Task 4 – Monitoring and Evaluating Language Access Plan

The Woodlands Township will monitor the number of requests for Spanish translation and note any comments and complaints about translations or language assistance. The Language Access Plan will be updated to reflect any trends or common complaints.

Task 5 - Training Staff

Training in LEP language assistance measures will be provided in conjunction with orientation for new employees to identify resources and procedures when communicating with LEPs. The Woodlands Township staff will have the ability to proficiently translate oral conversations as well as written documentation from English and Spanish, or vice versa.

CONSTRUCTION PROGRAM REQUIREMENT

Any construction of transit facilities within The Woodlands Township will perform a Title VI equity analysis during the planning stage with regard to the location of the facility. In the past three years, an extension to the Sterling Ridge Park & Ride Facility, a Waterway Cruiser maintenance facility and a bus maintenance facility were constructed in The Woodlands by the Brazos Transit District, a FTA grantee, and complied with Title VI regulations under the District's direction.

PUBLIC PARTICIPATION PROCEDURES

The Woodlands Township will maintain a comprehensive public participation process for all transportation planning and/or construction projects. The objectives of the public participation process will fall in line with Houston-Galveston Area Council's (H-GAC) Public Participation Plan. Those objectives include:

- Present opportunities for citizens and stakeholders to provide public feedback for all transportation planning and/or construction projects through an open public comment process;
- Seek out comment from various groups in The Woodlands, including but not limited to, low-income, elderly, disabled, minority and other community groups to have well-rounded feedback; and
- Provide information in a variety of formats and languages as well as other educational opportunities on projects to all stakeholders.

Regular Meetings and Other Public Meeting

The Board of Director meetings are all open to the public to ensure a greater opportunity for involvement from concerned stakeholders. Meeting informational material can be made available in Spanish upon advance notice. The Woodlands will have an individual who is bilingual at the meetings to translate, if requested 7 days in advance. The Woodlands will have an individual who is bilingual at the meetings to translate, if necessary.

When transportation planning and/or construction projects arise, a separate public meeting is held. The projects are discussed in detail at these public meetings during the planning process, which occur before construction begins. All of the aforementioned practices are followed for the project public meetings. Oral comments can be translated as necessary, upon request. The Woodlands will utilize multiple media outlets to advertise important meetings such as newspapers and website notices. When planning for operations or transportation capital projects public meetings are planned and held in the facility in the geographic area impacted by the construction and served by the transit facility. The public meetings are located in the affected geographic area to increase access of LEP individuals who will be impacted.

MONITORING OF SUB RECIPIENTS FOR COMPLIANCE

The Woodlands Township will make periodic on-sight visits using relevant monitoring programs to ensure compliance with the requirements of all project activities, services, project administration and management practices supported with federal funds, including transit service operations. Monitoring will include but is not limited to such matters as Financial Control,

Procurement, Civil Rights, Maintenance, and other Federal Provision Requirements. Title VI compliance would be addressed under the Civil Rights section of an on-sight review.

MINORITY REPRESENTATION ON COMMITTEES AND COUNCILS SELECTED BY THE RECIPIENT

The Woodlands Township will actively encourage committee membership by all interested parties regardless of race, color or national origin.

<i>Body</i>	<i>Caucasian</i>	<i>Hispanic/ Latino</i>	<i>African- American</i>	<i>Asian- American</i>	<i>Native Americans</i>
Population	70.0%	17.9%	2.7%	5.4%	0.0%

LIST OF TRANSIT-RELATED TITLE VI INVESTIGATIONS, COMPLAINTS AND LAWSUITS

There were no transit-related Title VI investigations, complaints, and/or lawsuits in the past three (3) years.

	Date <i>(Month, Day, Year)</i>	Summary <i>(include basis of complaint: race, color, or national origin)</i>	Status	Action(s) Taken
Investigations				
1	None			
2				
3				
Lawsuits				
1	None			
2				
3				
Complaints				
1	None			
2				
3				

SERVICE STANDARDS

Vehicle Load Standards

The average of all loads during the peak operating period should not exceed vehicles' achievable capacities, which are: # of vehicles with passenger capacity for each type of vehicle which will also include waterway taxi.

Vehicle Headway Standards

Fixed-route bus service operates between XX-minute headway on weekdays between #:00 a.m. to #:00 p.m. Demand Response service has number of late arrivals.

On-Time Performance Standards

A fixed route bus service or demand response vehicle is considered "on-time" if it departs a scheduled time point no more than XX minutes early or no more than XX minutes late. The Woodlands' on-time performance objective is XX% or greater. The Woodlands monitors on-time performance and system performance results can be available upon request.

Service Availability Standards

Fixed route bus service with a ¼ mile buffer covers XX% of The Woodlands Township CDP limits. Demand response service is provided area.

INTERLOCAL AGREEMENT

This Interlocal Agreement (the “Agreement”) is made and entered into as of this 1st day of October, 2012, by and between The Woodlands Township (the “Township”), a political subdivision of the State of Texas duly created and operating pursuant to Chapter 289, Acts of the 73rd Texas Legislature, Regular Session, 1993, as amended, and the Montgomery County Committee on Aging (dba “The Friendship Center” (TFC), a non-profit charitable organization created pursuant to the Texas Non Profit Corporation Act, for the purpose of facilitating the provision of demand response transit services to the elderly and disabled.

WHEREAS, the 2010 U.S. Census changes in urbanized area boundaries has resulted in the designation by the Federal Transit Administration (“FTA”) of the Conroe/Woodlands area and adjacent areas as a new UZA in the State of Texas; and

WHEREAS, the City and the Township encompass the two largest population centers within the UZA and have proposed and/or ongoing federal and state funded Transit Programs that will, as of October 1st, 2012, become part of the UZA; and

WHEREAS, the City and Township have been investigating the best means of providing limited qualified demand response service within the UZA to replace general demand response service currently being provided by Brazos Transit District (dba ”The District”); and

WHEREAS, the City and Township have identified TFC as a suitable alternative demand response provider within the UZA for elderly and disabled individuals; and,

WHEREAS, the Township and TFC are each units of local government, within the meaning of the Interlocal Cooperation Act, Chapter 791, Texas Government Code, as amended (the “Act”), and are each authorized, pursuant to the enabling legislation of the Township, the

Texas Non Profit Corporation Act, and the general laws of the State of Texas, to enter into and preform their respective duties and obligations hereunder in furtherance of their respective governmental functions; and

WHEREAS, the Act provides that any one or more public agencies may contract with each other for the performance of governmental functions or services for the promotion and protection of the health and welfare of the inhabitants of this State and the mutual benefit of the Parties;

WHEREAS, the parties have been duly authorized to enter into, execute, deliver and preform this Agreement by all requisite actions of their respective governing bodies;

NOW, THEREFORE, for and in consideration of the mutual promises, agreements and undertakings set forth herein and the mutual benefits to be realized hereunder, the Township and TFC contract and agree as follows:

ARTICLE I. TOWNSHIP FUNDING COMMITMENT

1. The Township commits funding in the amount of twenty thousand (\$20,000) to be paid to TFC for the support of limited eligibility demand response services within the Conroe – Woodlands’ UZA for the October 1, 2013 through September 30, 2014 operating period.
2. The Township commits funding in the amount of seven thousand – five hundred dollars (\$7,500) toward the purchase of two (2) ADA accessible demand response vehicles to be acquired by TFC to, in part, assist with thee provision of demand response services within the UZA.

ARTICLE II. INVOICING AND PAYMENT

1. **Operating Support** - TFC will provide The Township monthly invoices supported with progress reports as delineated in ARTICLE III.
2. **Capital Support** - The Township will pay TFC equal monthly payments in the amount of one thousand, six hundred, sixty-six dollars (\$1,666) within fifteen (15) days of receipt of TFC invoicing and Progress Reports as indicated within ARTICLE III.

ARTICLE III – PROGRESS REPORTS

- TFC will submit monthly progress reports within fifteen (15) days of the close of the previous months' activity which include the following information and data:
- Total number of one-way demand response trips provided within the UZA including origin and destination, passenger type, purpose, number of days of service, number of hours of service provided and the number of people turned down for service;
- Complaints received regarding the quality of service provision including details of the complaint (i.e. service was late, service was inconvenient, etc.) , if any, and TFC resolution of same;
- Number of equipment breakdowns preventing origin and/or completion of the service and resolution of same.

ARTICLE IV – EQUITABLE INTEREST

The Township understands that TFC will utilize Federal Transit Administration (FTA) Section 5310 funding, administered through the Texas Department of Transportation, to assist in the purchase of the two (2) demand response vehicles referred to in Article I. In accordance with federal and state law, The Township will retain an equitable interest in the equipment purchased based upon the ratio of Township financial capital support to the entire purchase price of the equipment. The Township's equitable interest will terminate when the equipment reaches its useful life, as defined pursuant to federal and state guidelines.

ARTICLE V. LIABILITY

Section 9.01 - No Personal Liability of Township. To the extent allowed by law, the Township's officers, either singularly or collectively, are not personally liable on this Agreement or for any breach thereof.

Section 9.02 - No Personal Liability of The Friendship Center. To the extent allowed by law, The Friendship Center's officers, agents and employees, either singularly or collectively, are not personally liable on this Agreement or for any breach thereof.

ARTICLE VI. TERM AND EXPIRATION

1. Unless renewed, extended or amended by the requisite actions of both parties, this Agreement shall expire on September 30th, 2014.
2. This Agreement may be terminated by either party, with or without cause, by providing advance written notice of such termination to the other party not less than sixty (60) days in advance of such termination date.
3. This Agreement may be renewed for a successive fiscal year, as existing or modified through approval by the governing boards TFC and Township, within forty – five (45) days of the expiration date of this agreement.

ARTICLE VII. NOTICES

1. All notices, demands, or requests from one party to another shall be in writing and shall be personally delivered, sent by mail, certified, registered, express or overnight, postage prepaid, or sent by facsimile transmission, to the addresses set forth in paragraph 2. of this section, or to such other addresses as the parties may from time to time direct in writing.
2. The current addresses of the parties for purposes of this Agreement are as follows:

President	Executive Director
The Woodlands Township	The Friendship Center
2801 Technology Forest Blvd.	1202 Callahan Ave.
The Woodlands, Texas 77381	Conroe, Texas 77301
3. The addresses of either party for purposes of this Agreement may be changed effective upon delivery to the other party of a written notice specifying such new address of such party.

ARTICLE VIII. GENERAL PROVISIONS

1. The descriptive captions in this Agreement are for informational purposes only and shall in no way limit or effect the terms or conditions of the provisions hereof.

2. The sections, paragraphs, sentences, clauses, and phrases of this Agreement are not severable and, if any portion hereof shall be declared invalid or unenforceable by the final judgment or decree of any court of competent jurisdiction, this Agreement shall likewise be considered invalid and unenforceable in its entirety.

3. All sums which may become due and payable from one party to the other as consideration for the performance of governmental functions or services contemplated by this Agreement shall be paid from current revenues available to the paying party.

4. The provisions of this Agreement shall be binding on any successor entity of either party.

5. This Agreement constitutes the entire agreement between the parties with respect to the subject matter hereof and replaces any and all prior agreements, oral or written. All amendments to this Agreement must be in writing and duly authorized and executed by both parties.

6. This Agreement may be executed in any number of counterparts, and each counterpart is deemed to be an original instrument, but all such counterparts together constitute but one Agreement.

7. When duly authorized, executed and delivered by both parties hereto, this Agreement shall take effect as of the date set forth in the first paragraph hereof.

[Signature pages follow]

THE WOODLANDS TOWNSHIP

BY: _____
BRUCE TOUGH, CHAIRMAN,
BOARD OF DIRECTORS

BY: _____

Transportation Matters for Board Consideration

Fare Increase	August 2013	September 2013	October 2013
<ul style="list-style-type: none"> Review and recommendation by Transportation Committee 	X		
<ul style="list-style-type: none"> Board-Receive, consider and act upon providing public notice of hearing for fare increase. 	X		
<ul style="list-style-type: none"> Board-Hold public hearing. 		X	
<ul style="list-style-type: none"> Board- Receive, consider and act upon approval of a park and ride use fare increase. 		X	
Transit Grant Compliance/Title VI and DBE Requirements			
<ul style="list-style-type: none"> Board-Receive, consider and act up providing notice of publication for proposed policy statements to meet the US Department of Transportation Title VI and DBE requirements. 	X		
<ul style="list-style-type: none"> Review and recommendation from Transportation Committee. 		X	
<ul style="list-style-type: none"> Board- Receive, consider and act upon approval of the Title VI and DBE policy statements. 		X	
ADA Plan			
<ul style="list-style-type: none"> Board-Receive, consider and act upon a notice of publication for the proposed American with Disabilities Act (ADA) Policy as required by the US Department of Transportation. 		X	
<ul style="list-style-type: none"> Review and recommendation by Transportation Committee. 			X
<ul style="list-style-type: none"> Board-Receive, consider and act upon an American with Disabilities Act (ADA) Policy as required by the US Department of Transportation. 			X

Transportation Matters for Board Consideration

	August 2013	September 2013	October 2013
Authorize Change from Horizon to First Class Tours			
<ul style="list-style-type: none"> Review and recommendation by Transportation Committee 	X		
<ul style="list-style-type: none"> Board-Receive, consider and act upon concurrence with the Brazos Transit District regarding a change to contract bus providers for the park and ride facilities located in The Township. 	X		
Demand-Response Agreement			
<ul style="list-style-type: none"> Review and recommendation by Transportation Committee 	X		
<ul style="list-style-type: none"> Board-Receive, consider and act upon a briefing regarding a September hearing by the Conroe/Woodlands UZA to consider a demand-response proposal. 	X		
<ul style="list-style-type: none"> Board-Receive, consider and approve a demand response agreement with The Friendship Center. 		X	
Park and Ride User Survey			
<ul style="list-style-type: none"> Review and recommendation by Transportation Committee 	X		
<ul style="list-style-type: none"> Board-Receive, consider and act upon recommendations made by the Transportation Committee regarding changes to the park and ride operations (if needed). 	X or	X	

Transportation Matters for Board Consideration

	August 2013	September 2013	October 2013
Amend or Eliminate Sterling Ridge Medical Center Route			
<ul style="list-style-type: none">• Review and recommendation by Transportation Committee	X		
<ul style="list-style-type: none">• Board-Receive, consider and act upon providing direction to the Brazos Transit District regarding the continuation of the Sterling Ridge Medical Center Park and Ride route.		X	