

DISADVANTAGE BUSINESS ENTERPRISE

10/24/05

POLICY

It is the policy of the Department of Transportation that disadvantaged business enterprises as defined in 49 C.F.R. Part 26 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this Agreement. Consequently, the DBE requirements of 49 C.F.R. Part 26 apply to this Agreement.

DBE OBLIGATION

The recipient or its contractor agrees to ensure that disadvantaged business enterprises as defined in 49 C.F.R. Part 26 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this Agreement. In this regard all recipients or contractors shall take all necessary and reasonable steps in accordance with 49 C.F.R. Part 26 to ensure that minority business enterprises have the maximum opportunity to compete for and perform contracts. Recipients and their contractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of DOT assisted contracts."

SUBCONTRACTS

The Contractor shall advise each subrecipient or subcontractor that failure to carry out the requirements set forth in 49 C.F.R. Part 26 shall constitute a breach of contract and, after the notification of the Department, may result in termination of the Agreement or contract by the Contractor or such remedy as the Contractor deems appropriate."

DBE PROGRAM

If as a condition of assistance the Contractor has submitted and the Department has approved a Disadvantaged Business Enterprise program which the recipient agrees to carry out, this program is incorporated into this Agreement by reference. This program shall be treated as a legal obligation and failure to carry out its terms shall be treated as a violation of financial assistance. Upon notification of the recipient of its failure to carry out the approved program, the Department shall impose sanctions as noted in 49 C.F.R. Part 26; such sanctions may include termination of the Agreement or other measures that may affect the ability of the Contractor to obtain future NCDOT financial assistance.

The recipient shall advise each subrecipient, contractor, or subcontractor that failure to carry out the requirements set forth in 49 C.F.R. Part 26 shall constitute a breach of contract and, termination of the Agreement or contract by the recipient or such remedy, as the recipient deems appropriate.