

ORDINANCE NO. 012-32

AN ORDINANCE ADOPTING AN
AMENDED DISADVANTAGED
BUSINESS ENTERPRISE (DBE)
PROGRAM FOR FEDERALLY
FUNDED CONTRACTS, INCLUDING A
SMALL BUSINESS PROGRAM

WHEREAS, The Chicago Transit Authority (“Authority”), as a recipient of federal funds is required, pursuant to Presidential Executive Orders, the Surface Transportation Efficiency Act of 1991 and the Transportation Equity Act for the 21st Century and Title 49 of the United States Code to adopt and administer a Disadvantaged Business Enterprise (DBE) Program; and

WHEREAS, The requirements for a DBE Program for federally funded contracts are set forth in the DBE regulations (49 CFR Part 26) issued by the United States Department of Transportation (“DOT”); and

WHEREAS, On March 6, 2000, pursuant to Ordinance No. 000-34, the Transit Board adopted a DBE Program for Authority contracts funded with federal funds; and

WHEREAS, Under Section 1101(b) of the Safe, Accountable, Flexible and Efficient Transportation Equity Act, dated August 10, 2005, Congress retained the DBE Program as a requirement for recipients of federal transit funding; and

WHEREAS, Effective January 29, 2004, and January 28, 2011, DOT amended the DBE regulations; and

WHEREAS, The Authority has amended its DBE Program to incorporate the DOT’s recent revisions to the DBE regulations, changes in the manner in which the Authority does business, and to permit certain changes to the DBE Program Plan by the President; and

WHEREAS, The amended DBE Program also establishes a small business program, as required by DOT, that will utilize the Small Business Administration’s size standards for small businesses, in which the Authority will set aside certain contracts under \$100,000 for small businesses to bid on as prime contractors and that will require that prime contractors on certain larger construction contracts identify portions of the work to subcontract only to small businesses; now, therefore:

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BE IT ORDAINED BY THE CHICAGO TRANSIT BOARD
OF THE CHICAGO TRANSIT AUTHORITY:

SECTION 1. That the Chicago Transit Board of the Chicago Transit Authority hereby adopts the "Amended Chicago Transit Authority Disadvantaged Business Enterprise Program" attached hereto as Exhibit A, as the DBE Program for its federally funded contracts.

SECTION 2. The Amended DBE Program incorporates the DOT's recent revisions to the DBE regulations and changes in the manner in which the Authority does business, and also establishes a small business program, as required by DOT, that will utilize the Small Business Administration's size standards for small businesses, in which the Authority will set aside certain contracts under \$100,000 for small businesses to bid on as prime contractors and that will require that prime contractors on certain larger construction contracts identify portions of the work to subcontract only to small businesses.

SECTION 3. The Amended DBE Program Plan sets forth the changes to the DBE Program and sets forth the day-to-day rules by which Authority management and staff will conduct the Authority's DBE Program.

SECTION 4. Additional amendment of the day-to-day procedures contained in the DBE Program Plan is hereby delegated to the President who is authorized to make changes after review by the General Counsel; however, the sole authority to set the Authority's overall DBE goal is the Transit Board.

SECTION 5. The Amended DBE Program shall and does supersede the previous DBE Program for federally funded contracts and shall be in full force and effect upon the Transit Board's approval of and the ultimate full execution of the instant ordinance.

SECTION 6. This ordinance shall be in full force and effect from and after its passage.

APPROVED:

PASSED:

Chairman

Assistant Secretary

March 14, 2012

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