

CONSULTANT CONTRACT PROVISIONS

Participation by Disadvantaged Business Enterprises: The Consultant shall agree to abide by the statements which follow. These statements shall be included in all subsequent agreements between the Consultant and any sub-consultant or contractor.

Contract Assurance (49 CFR part 26.13(b))

The consultant must ensure that the following clause is placed in every DOT-assisted subcontract:

“The contractor 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 USDOT 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 recipient deems appropriate.”

Assurance (49 CFR part 26.13(a))

{Recipient} 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 recipient 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 recipient’s 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 sanction 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.).

The Department’s DBE Program is a race neutral program which means that we expect to achieve our DBE goal through the normal competitive bid process. The Department’s DBE goal is adjusted annually for the federal fiscal year. The current goal is 7.9%. In order to comply with the provisions of 49 CFR part 26, the Consultant also agrees to the following:

- **Bid Opportunity List (Form 275-030-10):** The Consultant shall submit the Bid Opportunity List with all Requests for Proposals.

- **Anticipated DBE Participation Statement (Form 375-030-21):** The Consultant shall submit the Anticipated DBE Participation Statement with all Requests for Proposals.
- **Equal Opportunity Reporting System (BizWeb):** The Consultant shall use the online reporting tool, BizWeb at www.bipincwebapps.com/bizwebflorida/, to report actual payments to DBEs and non-DBEs.
- **DBE Directory:** The Consultant may use the online DBE directory, BizNet www.bipincwebapps.com/biznetflorida/ at, to locate ready, willing, and able DBEs to perform sub-consultant work on DOT-assisted contracts.

It is understood and agreed that if the Consultant at any time learns that the certification it provided the Department in compliance with 49 CFR, Section 23.51, was erroneous when submitted or has become erroneous by reason of changed circumstances, the Consultant shall provide immediate written notice to the Department's Equal Opportunity Office. It is further agreed that the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction" as set forth in 49 CFR, Section 29.510, shall be included by the Consultant in all lower tier covered transactions and in all aforementioned federal regulation.