

Disadvantaged Business Enterprise (DBE) Policy

City of Henderson – Henderson Area Rapid Transit (HART)

(Tier II FTA Recipient – 49 CFR Part 26)

1. Policy Statement

The City of Henderson, operating Henderson Area Rapid Transit (HART), has established a Disadvantaged Business Enterprise (DBE) program in accordance with the regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. As a Tier II recipient of Federal Transit Administration (FTA) funds, HART is committed to ensuring that DBEs, as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts.

It is the policy of HART to:

- Ensure nondiscrimination in the award and administration of DOT-assisted contracts.
- Create a level playing field on which DBEs can compete fairly for DOT-assisted contracts.
- Ensure that the DBE program is narrowly tailored in accordance with applicable law.
- Ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs.
- Help remove barriers to the participation of DBEs in federally assisted contracts.
- Encourage the development of firms that can compete successfully in the marketplace outside of the DBE program.

The Transit Manager for HART has been designated as the DBE Liaison Officer (DBELO). In that capacity, the DBELO is responsible for implementing all aspects of this DBE policy.

2. Applicability

This policy applies to all DOT-assisted contracts funded through the FTA where HART is the contracting agency. As a Tier II recipient, HART's cumulative total of DOT-assisted prime contracts does not exceed \$670,000 in a federal fiscal year (excluding transit vehicle purchases).

3. Contract Assurances (49 CFR §26.13)

Each DOT-assisted contract HART executes will include the following assurance:

“The contractor, subrecipient, 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 City of Henderson deems appropriate.”

4. Recordkeeping and Reporting (49 CFR §26.11)

HART will maintain and submit to FTA the required information on DBE participation, including:

- A list of DOT-assisted contracts and payments.
- Documentation of DBE participation on FTA-funded projects.
- Other data as required by FTA reporting systems.

5. Small Business Element (49 CFR §26.39)

HART will implement a Small Business Element designed to facilitate competition by small businesses, including DBEs. This may include:

- Outreach to small and minority-owned firms in procurement opportunities.
- Dividing contract requirements into smaller tasks where feasible.
- Simplifying bonding, insurance, and other requirements within federal and state guidelines.

6. Transit Vehicle Procurement (49 CFR §26.49)

HART will comply with all DBE requirements applicable to transit vehicle procurements, including ensuring that vehicle manufacturers submit and maintain approved DBE programs.

7. Race-Neutral Implementation

As a Tier II recipient, HART will operate its DBE program on a wholly race-neutral basis, unless directed otherwise by FTA. HART will not set contract-specific DBE goals but will take all reasonable steps to facilitate DBE participation.

8. Effective Date & Duration

This DBE Policy is effective upon adoption by the City of Henderson and will remain in effect until amended or rescinded.

Approved by:

City of Henderson, Kentucky

Date: 07/01/2025

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Date: 07/01/2025

The City of Henderson, through Henderson Area Rapid Transit (HART), has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26.

It is the policy of HART to ensure that DBEs, as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. In administering its DBE program, HART will not discriminate on the basis of race, color, national origin, or sex.

To achieve this commitment, HART will:

- Ensure nondiscrimination in the award and administration of DOT-assisted contracts.
- Encourage DBE and small business participation through outreach and contract structuring.
- Remove barriers that impede the participation of DBEs in DOT-assisted contracts.
- Operate its program in a transparent and race-neutral manner, unless otherwise directed by FTA.

The Mass Transit Superintendent or HART has been designated as the DBE Liaison Officer (DBELO). In that role, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that this policy is understood and implemented throughout HART.

All HART employees and contractors are expected to cooperate fully with the implementation of this policy and the achievement of its objectives.

Questions concerning this policy or the DBE program requirements may be directed to:

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