

The City of Santa Fe
AND
Public Works/Transit Division

REQUEST FOR PROPOSALS (RFP)

**MARKETING AND ADVERTISING SALES FOR
'SANTA FE TRAILS' TRANSIT**



RFP# 23/04/P

Addendum # 1

RFP Release Date: February 24, 2023

Proposal Due Date: March 28, 2023

ELECTRONIC-ONLY PROPOSAL SUBMISSION

MARKETING AND ADVERTISING SALES FOR 'SANTA FE TRAILS' TRANSIT
RFP# 23/04/P
Addendum # 1

The purpose of this Addendum #1 is to add the necessary DBE Participation Goal and required signature authority of Offeror.

This addendum is issued to add the following documents to APPENDIX K:

DISADVANTAGED BUSINESS ENTERPRISE (DBE)
49 CFR Part 26

Background and Applicability

The newest version on the Department of Transportation's Disadvantaged Business Enterprise (DBE) program became effective November 15, 2014. The rule provides guidance to grantees on the use of overall and contract goals, requirement to include DBE provisions in subcontracts, evaluating DBE participation where specific contract goals have been set, reporting requirements, and replacement of DBE subcontractors. Additionally, the DBE program dictates payment terms and conditions (including limitations on retainage) applicable to all subcontractors regardless of whether they are DBE firms or not.

The DBE program applies to all DOT-assisted contracting activities. A formal clause such as that below must be included in all contracts above the micro-purchase level. The requirements of clause subsection b flow down to subcontracts.

A substantial change to the payment provisions in this newest version of Part 26 concerns retainage (*see* section 26.29). Grantee choices concerning retainage should be reflected in the language choices in clause subsection d.

Clause Language

The following clause language is suggested, not mandatory. It incorporates the payment terms and conditions applicable to all subcontractors based in Part 26 as well as those related only to DBE subcontractors. The suggested language allows for the options available to grantees concerning retainage, specific contract goals, and evaluation of DBE subcontracting participation when specific contract goals have been established.

Disadvantaged Business Enterprises

a. This contract is subject to the requirements of Title 49, Code of Federal Regulations, Part 26, *Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs*. The national goal for participation of Disadvantaged Business Enterprises (DBE) is 10%. The agency's overall goal for DBE participation is 5.7%. A separate contract goal has not been established for this procurement.

b. The contractor 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 this DOT-assisted contract. 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 Santa Fe deems appropriate. Each subcontract the contractor signs with a subcontractor must include the assurance in this paragraph (*see* 49 CFR 26.13(b)).

DISADVANTAGED BUSINESS ENTERPRISE (DBE)

c. 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 City of Santa Fe. In addition, the contractor may not hold retainage from its subcontractors.

d. The contractor must promptly notify the City of Santa Fe whenever a DBE subcontractor performing work related to this contract is terminated or fails to complete its work, and must make good faith efforts to engage another DBE subcontractor to perform at least the same amount of work. The contractor may not terminate any DBE subcontractor and perform that work through its own forces or those of an affiliate without prior written consent of the City of Santa Fe.

Signature of Contractor's Authorized Official
Name and Title of Contractor's Authorized Official
Date

End Addendum #1