

METRO

Disability-Owned Business Enterprise (DOBE) Program

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METRO Disability Owned Business Enterprise (DOBE) Program

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METRO Disability Owned Business Enterprise (DOBE) Program

I. Policy

The METRO policy is to promote equal opportunity, inclusion, and nondiscrimination in all its procurement matters. METRO's Disability Owned Business Enterprise (DOBE) Program ("Program") was created to help ensure disability owned firms have equal access to opportunities in procurement and contracting at METRO. Through existing procurement practices and procedures, the Program will allow METRO to target DOBE participation more effectively and help ensure access to opportunities relating to METRO's contracting and procurement. The Program will only be applicable to locally funded projects.

The Program will not be used to discriminate against any company or groups of companies. The purpose of the Program is to create a level playing field on which DOBE firms can compete fairly in all facets of METRO's procurement activities.

The DOBE Program is separate from METRO's Small Business Enterprise (SBE) and Disadvantaged Business Enterprise (DBE) Programs. Nothing in the Program should be construed to give a Bidder or Proposer a property interest in any proposal, bid or contract prior to the Board of Directors' award of the contract and compliance with all statutory and legal requirements.

II. Definitions

Disability Owned Business Enterprise (DOBE) – a DOBE business must (1) be at least 51 percent owned, operated, managed, and controlled by individuals with a disability; (2) be either a U.S. citizen or lawful permanent resident; (3) exercise independence from any other business enterprise; (4) have its principal place of business (headquarters) in the United States; and (5) have been formed as a legal entity in the United States.

Disabled – A person (a) with one or more disabilities as defined by the Americans with Disabilities Act, as amended (ADA), (b) having a record of such disabilities, and (c) regarded as having such disabilities. A person is considered disabled if their disability is chronic, longstanding and can be recognized.

Disability Owned Business Enterprise (DOBE) Program – The Metropolitan Transit Authority of Harris County, Texas (METRO) DOBE Program was adopted by the METRO Board of Directors in September 2022. The purpose of this program is to ensure access to procurement opportunities for disability owned businesses and to promote equal opportunity and fairness in all procurement matters, in accordance with state and federal laws.

Bidder – Any person or entity that submits a bid to provide labor, goods or services to METRO by contract in response to a solicitation by METRO competitive bids.

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Contractor – Any person or business entity that shall enter a contract with METRO, including all partners and joint ventures of such person or business entity.

Disadvantaged Business or Disadvantaged Business Enterprise (DBE) – A voluntary designation of a for-profit small business concern that is at least 51 percent owned by one or more individuals who are socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more of such individuals and whose management and daily business operations are controlled by one or more of the Socially and economically disadvantaged Individuals who own it. METRO employs the definition of “socially and economically disadvantaged” as found in 49 Code of Federal Regulations (CFR) Part 26 Section 26.5. Disadvantaged Business Enterprises satisfy METRO’s Small Business goals. To qualify as a Disadvantaged Business, the business entity must necessarily meet the requirements of a Small Business herein. (See METRO’s Disadvantaged Business Enterprise Program for DBE guidelines and procedures).

METRO Small Business Enterprise or SBE Program – A goal-oriented Program to provide full and fair procurement opportunities to METRO Certified Small Business Enterprises.

Prime Contractor – A Contractor who receives a contract from METRO for goods or services and has the primary responsibility for execution of the contract. The Prime Contractor may subcontract portions of the required work to subcontractors.

Program – The Disability Owned Business Enterprise (DOBE) Program of the Metropolitan Transit Authority of Harris County, Texas.

Proposer – Any person or entity that submits a proposal to provide labor, goods, or services to METRO by contract in response to a request for proposal, request for qualification or competitive bid.

Subcontractor – Any business providing goods, labor, or services to a Contractor, if such goods, labor, or services are procured or used in fulfillment of the Contractor’s obligations arising from a contract with METRO.

III. Scope

The goal of METRO’s Disability Owned Business Enterprise (DOBE) Program is to provide disability owned businesses with a full and fair opportunity to compete for procurement opportunities at METRO. Therefore, by design, the Program’s applicability is sufficiently broad to ensure equal access to procurement opportunities and the incorporation of inclusive practices, while requiring competitiveness and quality of work.

As is METRO’s policy, the Program will require competitive pricing (where allowed by law), including qualifications and demonstrated competencies in the selection of all Contractors and their subcontractors.

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The Office of Economic Business Opportunity (OEBO) will administer the Program on behalf of METRO. The Program's most common application will be toward locally funded procurement opportunities.

Implementation of the Program will be conducted in phases. During the initial phase, the Program will build capacity through outreach, technical assistance, and business development efforts to identify ready, willing, and able DOBE firms that can provide the products and services required by METRO.

As the capacity of ready, willing, and able DOBE firms grows, the Program will:

- Identify DOBE firms that could be utilized on METRO's informal procurement opportunities
- Investigate procurement language that could promote the utilization of these firms
- Establish participation goals on locally funded, formal procurements

The Program will track and report DOBE participation on solicitations and contracts in the capacity of Prime, subcontractor or supplier.

IV. Eligibility

To be classified as a certified DOBE, suppliers should meet the following qualifications: (1) be at least 51 percent owned, operated, managed, and controlled by individuals with a disability; (2) be either a U.S. citizen or lawful permanent resident; (3) exercise independence from any other business enterprise; (4) have its principal place of business (headquarters) in the United States; and (5) have been formed as a legal entity in the United States.

The Program will recognize DOBE firms from various certifying agencies and/or organizations around the country. The Program will recognize DOBE firms from the following list of external certifying entities (but not limited to):

- Veterans Administration VetBiz Registry
 - Service Disabled Veteran Owned Small Business (SDVOSB)
- City of Houston, Office of Small Business Opportunity
 - Persons with Disabilities Business Enterprise (PDDBE)
- South Central Texas Regional Certification Agency
 - Disabled Individual Business Enterprise (DIBE)
- Louisiana Economic Development
 - Louisiana Veteran Initiative, Service Connected Veteran Owned Small Entrepreneurship

Note: METRO will also accept certifications from other city/state municipalities and organizations that meet the eligibility qualifications. This list will be updated as appropriate.

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V. Accountability

The effectiveness of the Program will be measured by a review of the data collected indicating DOBE Prime, subcontractor and supplier participation during the solicitation process and contract/Purchase Order awards. Prior to the implementation of the Program, a baseline will be established based on the identification of DOBEs in METRO's Small Business Enterprise directory and participation on prior contracts.

VI. Directory

METRO will create a Disability Owned Business Enterprise (DOBE) Directory ("Directory") that lists DOBE certified firms. Each business listing will contain such items as the business name, contact person, address, phone number, legal structure of the business, and details concerning the company's business capabilities. The North American Industrial Classification System (NAICS) will be identified for each company, where applicable, and the Directory will be continuously updated and maintained with online access available to Bidders and Proposers.

This Directory will be utilized to source, facilitate, identify and ensure DOBE firms with capabilities relevant to general contracting requirements have equal access to procurement opportunities.



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