

RESOLUTION NO. 54-11-09

**A RESOLUTION OF THE TOWN COMMISSION OF
THE TOWN OF LAKE PARK, FLORIDA
ADOPTING POLICIES AND AN
IMPLEMENTATION PLAN FOR TITLE VI AND
RELATED STATUTES NON-DISCRIMINATION
AGREEMENT FOR FLORIDA DEPARTMENT OF
TRANSPORTATION AND THE FEDERAL
HIGHWAY ADMINISTRATION FUNDING**

WHEREAS, the Town of Lake Park ("Town") is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166. Florida Statutes; and

WHEREAS, the Town desires to implement strategies that will improve the economic well being of the community; and

WHEREAS, the Florida Department of Transportation requires that Municipalities acquire Local Agency Program (LAP) Certification to insure that the Agency has the capacity to comply with Federal operating and reporting requirements; and

WHEREAS, Disadvantaged Business Enterprise (DBE)/Minority Business Enterprise (MBE) policies and procedures must be approved by the governing body of the agency; and

WHEREAS, an implementation plan must be in place to apply the policies approved by the governing body of the Town; and

WHEREAS, the Town of Lake Park wishes to enter into a Local Agency Program Agreement with the Florida Department of Transportation; and

NOW, THEREFORE, BE IT RESOLVED by the Town Commission of the Town of Lake Park, Florida:

SECTION 1. The Town Commission approves the Disadvantaged Business Enterprise Policies and Procedures.

SECTION 2. The Town Commission authorizes and directs the Mayor to sign and submit the requisite copy of the Disadvantaged Business Enterprise (DBE)/Minority Business Enterprise Policy Statement to the Florida Department of Transportation as part of the Town's LAP Certification Application.

SECTION 4. The Town Commission directs the Town Manager to act as Liaison to the Florida Department of Transportation in matters related to Disadvantaged Business Enterprises/Minority Business Enterprises contracting with the Town for State and Federally funded highway projects.

SECTION 3. This Resolution shall take effect immediately upon its adoption.

The foregoing Resolution was offered by Commissioner Rumsey who moved its adoption. The motion was seconded by Commissioner Daly and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR DESCA DUBOIS	<u> / </u>	<u> — </u>
VICE-MAYOR JEFF CAREY	<u> / </u>	<u> — </u>
COMMISSIONER ED DALY	<u> / </u>	<u> — </u>
COMMISSIONER PATRICIA OSTERMAN	<u> / </u>	<u> — </u>
COMMISSIONER KENDALL RUMSEY	<u> / </u>	<u> — </u>

The Town Commission thereupon declared the foregoing Resolution NO. 54-11-09 duly passed and adopted this 4 day of November, 2009.

TOWN OF LAKE PARK, FLORIDA

BY: Desca Dubois
DESCA DUBOIS
MAYOR

ATTEST:

Vivian Lemley
VIVIAN M. LEMLEY
TOWN CLERK

TOWN OF LAKE PARK
TOWN SEAL
SEAL

FLORIDA

Approved as to form and legal
sufficiency:

BY: Thomas J. Baird
THOMAS J. BAIRD
TOWN ATTORNEY

DBE AFFIRMATIVE POLICY STATEMENT & ACTION PLAN

POLICY STATEMENT

The Town of Lake Park is committed to the effective implementation of the Disadvantaged Business Enterprise (DBE) Program, such businesses hereinafter designated as DBEs as defined in Title 49, Code of Federal Regulations (CFR) Part 26. This program will be executed in accordance with the regulations of the United States Department of Transportation (DOT) as a condition of receiving DOT funding.

It is the policy of the Town of Lake Park to:

- a) Ensure nondiscrimination in the award and administration of DOT-assisted contracts in the Town's highway programs;
- b) Create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
- c) To ensure that Lake Park's DBE program is narrowly tailored in accordance with applicable law;
- d) Ensure that only firms which fully meet this part's eligibility standards are permitted to participate as DBEs;
- e) Help remove barriers to the participation of DBEs in DOT-assisted contracts; and
- f) Assist the development of firms that can compete successfully in the marketplace outside the DBE Program.

The Town of Lake Park will not exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract. The Town of Lake Park 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 Town of Lake Park shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts.

In administering the DBE Program, the Town of Lake Park will not directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing the accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin. No contractor, sub-recipient, or subcontractor shall discriminate on the basis of race, color, national origin, or sex in the performance on any DOT-assisted contract. Contractors shall carry out the 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 will result in a material breach of the contract, which may result in the termination of this contract or such other remedy, as the recipient deems appropriate.

Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of the agreement. The Town of Lake Park may take enforcement action

under 49 CFR Part 31, Program Fraud and Civil Remedies, against any participant in the DBE program whose conduct is subject to such action. The Town of Lake Park may refer to the United States Department of Justice, for prosecution under 18 United States Code (USC) 1001 or other applicable provisions of law, any person who makes a false or fraudulent statement in connection with participation of a DBE in any DOT-assisted program or otherwise violates applicable Federal statutes.

The Town Manager has been designated as the DBE Liaison Officer. In that capacity, the Town Manager is responsible for implementing all aspects of the DBE Program.

This DBE policy statement is available to all Town of Lake Park department heads, Commissioners, Administrators and to the DBE and non-DBE business community. The policy statement is also available on the Town of Lake Park website at www.lakeparkflorida.gov.



Desca DuBois, Mayor
Town of Lake Park
535 Park Avenue
Lake Park, FL 33403

November 4, 2009
Date



I. DESIGNATION OF LIAISON OFFICER

The Town of Lake Park will aggressively recruit disadvantaged businesses as subcontractors and suppliers for all contracts with the Florida Department of Transportation. The Town has appointed a Liaison Officer to develop and maintain this Affirmative Action Plan in accordance with the requirements of Rule Chapter 14-78, F.A.C.

The Liaison Officer will have primary responsibility for developing, maintaining, and monitoring the Town's utilization of disadvantaged subcontractors in addition to the following specific duties:

1. The Liaison Officer shall aggressively solicit bids from disadvantaged business subcontractors for all Florida Department of Transportation contracts;
2. The Liaison Officer will submit all records, reports, and documents required by the Florida Department of Transportation, and shall maintain such records for a period of not less than three years, or as directed by any specific contractual requirements of the Florida Department of Transportation.

The following individual has been designated Liaison Officer with responsibility for implementing the Town's affirmative action program in accordance with the requirements of the Florida Department Transportation.

Maria V. Davis
Town of Lake Park
535 Park Avenue
Lake Park, Florida 33403-2603
(phone) 561-881-3304

II. AFFIRMATIVE ACTION METHODS

In order to formulate a realistic Affirmative Action Plan, the Town of Lake Park has identified the following known barriers to participation by disadvantaged subcontractors, before describing its proposed affirmative action methods:

1. Lack of qualified disadvantaged subcontractors in our specific geographical areas of work;
2. Lack of certified disadvantaged subcontractors who seek to perform Florida Department of Transportation work;
3. Lack of interest in performing on Florida Department of Transportation contracts;
4. Lack of response when requested to bid;
5. Limited knowledge of Florida Department of Transportation plans and specifications to prepare a responsible bid.

In view of the barriers to disadvantaged businesses stated above, it shall be the policy of the Town of Lake Park to provide opportunity by utilizing the following affirmative action methods to ensure participation on the contracts with the Florida Department of Transportation. The Town of Lake Park will:

1. Provide written notice to all certified DBE subcontractors in the geographical area where the work is to be subcontracted by the Town;
2. Advertise in minority focused media concerning subcontract opportunities with the Town;
3. Select portions of the work to be performed by DBEs in order to increase the likelihood of meeting contract goals (including, where appropriate, breaking down contracts into economically feasible units to facilitate DBE participation);
4. Provide adequate information about the plans, specifications, and requirements of the contract, not rejecting subcontractors without sound reasons based on a thorough investigation of their capabilities;
5. Waive requirements of performance bonds where it is practical to do so;
6. Attend pre-bid meetings held by the Florida Department of Transportation to apprise disadvantaged subcontractors of opportunities with the Town;
7. Follow up on initial solicitations of interest to DBE subcontractors to determine with certainty whether the DBE company is interested in the subcontract opportunity.

The Town of Lake Park understands that this list of affirmative action methods is not exhaustive and will include additional approaches after having established familiarity with the disadvantaged subcontracting community and/or determined the stated approaches to be ineffective.

III. IMPLEMENTATION

On contracts with specific DBE goals, the Town of Lake Park will make every effort to meet contract goals as stated by utilizing its affirmative action methods. On projects with no specific goals, the Town will, as an expression of good faith, seek to utilize DBE subcontractors where work is to be subcontracted.

IV. REPORTING

The Town of Lake Park, shall keep and maintain such records as are necessary to determine the Company's compliance with its DBE Affirmative Action Plan.

The Company will design its record keeping system to indicate:

1. The number of DBE subcontractors and suppliers used by the Company, identifying the items of work, materials and services provided;

2. The efforts and progress being made in obtaining DBE subcontractors through local and community sources;
3. Documentation of all contracts, to include correspondence, telephone calls, newspaper advertisements, etc., to obtain DBE participation on all Florida Department of Transportation projects;
4. The Company shall comply with Florida Department of Transportation's requirements regarding payments to subcontractors including DBEs for each month (estimate period) in which the companies have worked.

V. **DBE DIRECTORY**

The Town of Lake Park will utilize the DBE Directory published by the Florida Department of Transportation.

The Town will distribute Form Number 275-030-01, Schedule A, Certification Form # 1, to potential DBE contractors and assist in their completion.