



DISADVANTAGED BUSINESS ENTERPRISE PROGRAM (DBE)
(including Emerging Small Business Enterprise (ESBE) program)

SPECIFICATIONS FOR MUNICIPAL CONTRACTS
For Projects Funded Wholly or in Part by Federal DOT

Federal Transit Administration (FTA)
Federal Aviation Administration (FAA)
Federal Highway Administration (FHWA)
Federal Maritime Administration (MARAD)

Part I: Applications

This project is funded wholly or in part with financial assistance from the U.S. Department of Transportation (DOT) through FTA, FAA or FHWA. It is subject to Anchorage Municipal Code Chapter 7.60, and the Disadvantaged Business Enterprise Program 49 C.F.R. 26 regarding the participation by Disadvantaged Business Enterprises in the Department of Transportation programs and to any other applicable federal and state regulations. The requirements of this program are mandatory. Bidders/Proposers shall be fully informed regarding the requirements of the above regulations. Particular attention is directed to the following matter:

A bidder/proposer who is not in compliance with the requirements of the applicable regulations or these specifications shall not be awarded this contract. Noncompliance after award of contract constitutes a breach of the contract and may result in termination of the contract or other appropriate remedy for such breach.

Part II: DBE Participation

The Municipality of Anchorage Office of Equal Opportunity is currently administering a race-neutral DBE program. This does not negate the importance of striving to meet DBE participation goals that have been submitted to the federal government in accordance with 49 CFR 26. This project has been identified as receiving funding from the following federal funding source and is associated with the following DBE participation objective as of October 4, 2025:

Federal Transit Administration (FTA) - 0%
Federal Aviation Administration (FAA) – 0%
Federal Highway Administration (FHWA) – 0%

Part III: Solicitation of DBEs for This Project

A. The Municipality of Anchorage (MOA) encourages bidders/proposers to actively solicit bids for the subcontracting of services and supplies from certified DBEs in order to assist the MOA in meeting its Race Neutral participation as stated in these specifications.

Part IV: Certified DBEs Eligible to Be Used for Credit on this Project - SECTION Reserved as of 10/4/2025

Part V: Credit for DBE Participation for the Project – SECTION Reserved as of 10/4/2025

Part VI: Submission of DBE Information

The requirements of this program are mandatory. Bidders/Proposers who do not submit these forms shall be considered non-responsive. Please reference Anchorage Municipal Code Chapter 7.60, and the Disadvantaged Business Enterprise Program 49 C.F.R. 26.

A. **Invitation to Bid:**

10-029 DBE STATEMENT
10-031 PAYMENT PROGRESS REPORTS ACKNOWLEDGEMENT
10-032 BIDDER REGISTRATION/DBE COMMITMENT

The above forms are to be included in the bid packet and are to be submitted to the Purchasing Department at bid opening.

** Payment Progress Reports (Form 10-031) must be submitted by Prime Contractor to the MOA DBE Officer by the 15th of every month for the life of the project.*

B. **Request for Proposal:**

10-029 DBE STATEMENT
10-032 BIDDER REGISTRATION/DBE COMMITMENT (page 1 only)

The above forms are to be included in the proposal and are to be submitted to the Purchasing Department at proposal closing.

10-031 PAYMENT PROGRESS REPORTS ACKNOWLEDGEMENT
10-032 BIDDER REGISTRATION/DBE COMMITMENT (completed form)

The above forms (10-031 and 10-032) are to be submitted to the Municipality of Anchorage, Office of Federal Compliance by the *successful proposer* at the completion of

contract negotiations. Failure to comply with these requirements will deem the contractor non-responsive.

** Payment Progress Reports (Form 10-031) must be submitted by Prime Contractor to the MOA DBE Officer by the 15th of every month for the life of the project.*

Part VII: Disadvantaged Business Enterprise Utilization

- A. If a successful bidder/proposer for a contract that contains DBE participation, at any time after the award of the contract, proposes to remove or make substitutions to DBE subcontractors, or joint venture partners under the contract, a written notice of such removal, or substitution shall be submitted to the DBE officer prior to substitution or removal. The successful bidder/proposer must also provide a reasonable explanation for the removal or substitution of the DBE. Where such removal or replacement would cause the DBE percentage to fall below the participation amount set for the project, the MOA encourages the successful bidder/proposer to utilize another DBE subcontractor as the replacement. These efforts shall be documented and the circumstances fully explained in writing, and approval obtained from the DBE officer prior to replacement.
- B. The Office of Federal Compliance (OFC) DBE officer shall monitor the contractor's DBE utilization to verify that the work is committed to certified DBE subcontractors.
- C. The Municipality encourages the successful bidder/proposer to refrain from requiring performance and/or payment bonds of their certified DBE subcontractors.
- D. The DBE officer or designee may visit the job site during regular working hours and interview subcontractors and employees for verification of compliance with these specifications and/or the regulations.

Part VIII: DBE Policy and Obligations

The following statement is included in the agreement between the Municipality and its contractor on this project and must also be included in each subcontract the prime contractor signs with a subcontractor or supplier on this project:

"The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, sexual orientation, 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 recipient deems appropriate."

Failure of the contractor or its subcontractors to carry out the requirements set forth above shall constitute a breach of contract after notification from the Municipality, may result in termination of the contract by the Municipality or such remedy as the Municipality deems appropriate.

Part IX: Required Prompt Payment to Subcontractors

This contract is funded wholly or in part with U.S. DOT funding. Verification of contractor's payments to certified DBEs will also be monitored throughout the duration of the project. No MOA credit will be made toward the contract participation until the payments are made to the certified DBE subcontractors. The Contractor is required to pay all subcontractors within eight (8) business days after receipt of payment from the MOA and after the work is completed satisfactorily.

Part X: Retainage

The MOA declines to hold retainage from prime contractors for DOT funded projects and prohibits withholding retainage from subcontractors.

Part XI: Proposer's and Bidder's Registration Information

The MOA is required by DOT federal regulation (49 C.F.R. § 26.11) to create a bidders list, consisting of information on all certified DBE and non-DBE firms, which bid or quote on DOT assisted contracts. The purpose of the bidders list is to provide the MOA with as much accurate data as possible regarding the universal makeup of DBEs, non-DBEs, and subcontractors seeking to work on federally assisted contracts.

Part XII: Emerging Small Business Participation

In compliance with 49 CFR Part 26.39: Fostering Small Business Participation, the Municipality of Anchorage (MOA) established an Emerging Small Business Enterprise (ESBE) component as part of the Disadvantaged Business Enterprise (DBE) Program to assist small business concerns and ensure such businesses are provided an opportunity to participate on USDOT funded projects. MOA may set Emerging Small Business goals on its contracts with subcontracting opportunities on a case-by-case basis. All references to Emerging Small Businesses in this document shall include Disadvantage Business Enterprises.

For additional information, please contact the Office of Federal Compliance for the Municipality of Anchorage:

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