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**COG DISADVANTAGE BUSINESS ENTERPRISE (DBE) ASSURANCES**

FOR RECIPIENTS OF FTA SECTION 5310 ENHANCED MOBILTY FUNDING

By signature, below **[INSERT ORGANIZATION NAME]** confirms it will comply with DOT regulation [49 CFR part 26](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=c557e0c662d8af4ad52a31b56b5bb2f2&n=49y1.0.1.1.20&r=PART&ty=HTML), including the following specific DBE assurances applicable to all DOT-assisted contracts and their administration:

1. **DBE Assurance 26.13(a)**

**[INSERT ORGANIZATION NAME]** 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 49 CFR part 26. The recipient shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts.

##### **DBE Contract Assurance 26.13(b)**

**[INSERT ORGANIZATION NAME]** will ensure that the following assurance is placed in every DOT-assisted contract and subcontract:

The contractor, sub recipient 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 recipient deems appropriate, which may include, but is not limited to:

(1) Withholding monthly progress payments;

(2) Assessing sanctions;

(3) Liquidated damages; and/or

(4) Disqualifying the contractor from future bidding as non-responsible.

[*Note: This language is to be used verbatim, as it is stated in 26.13(b)]*

### 10% Statutory Goal Assurance 26.41 (a-c)

## [INSERT ORGANIZATION NAME] agrees and assures it will comply with the 10% national goal for DBE participation in DOT-assisted contract opportunities.

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Signature of Authorizing Official Date

*You may obtain an electronic version of FTA’s DBE sample document, the DBE regulation themselves and other DOT guidance from DOT’s website:* [*https://www.transportation.gov/civil-rights/disadvantaged-business-enterprise*](https://www.transportation.gov/civil-rights/disadvantaged-business-enterprise)