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# Disadvantaged Business Enterprise Program

# Disadvantaged Business Enterprise Program



## DBE Policy

### Section 26.1, 26.23 Objectives/Policy Statement

The Washington Metrorail Safety Commission (WMSC) has established a Disadvantaged Business Enterprise (DBE) program in accordance with the regulations of the U.S. Department of Transportation (DOT), Title 49 Code of Federal Regulations (CFR) Part 26. The WMSC has received federal financial assistance from the DOT, and as a condition of receiving this assistance, the WMSC has signed an assurance that it will comply with these regulations.

It is the policy of the WMSC to ensure that DBEs, as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT-assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet Title 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT-assisted contracts;
6. To assist the development of firms that can compete successfully in the marketplace outside the DBE Program.

Ms. Venus Ellison serves as our DBE Liaison Officer. She may be reached on 202-384-1520 or by email: [vellison@wmsc.gov](mailto:vellison@wmsc.gov).

Ms. Ellison is responsible for implementing all aspects of our DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations of the WMSC in its financial assistance agreements with the Department of Transportation.

The WMSC has disseminated this policy statement to its Commissioners and all its staff members. This statement has been distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts, and it is displayed prominently on our public website.

A handwritten signature in blue ink, appearing to read "D. Ellison", is written over a horizontal line.

Chief Executive Officer  
September 20, 2022



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## Disadvantaged Business Enterprise Program

### Introduction

The Washington Metrorail Safety Commission (WMSC) is the designated State Safety Oversight Agency (SSOA) for the Washington Metropolitan Area Transit Authority (WMATA) Metrorail system. As such, the WMSC is legally and financially independent of WMATA.

The WMSC serves as the safety regulatory authority for the WMATA Metrorail system, and works in cooperation with the Federal Transit Administration (FTA) and WMATA to enhance public safety. The WMSC's State Safety Oversight (SSO) program was certified by the Federal Transit Administration in accordance with the requirements of Title 49 United States Code (U.S.C.) § 5329(e), and the FTA's SSO regulation Title 49 Code of Federal Regulations (CFR) Part 674, on March 18, 2019. The WMSC's rail transit experts implement the WMSC's program and focus on verification of compliance with WMATA's safety plans to ensure that these WMATA provides a safe environment and transportation service.

The WMSC oversees the safety of WMATA Metrorail through six core functions: its triennial audit program, onsite inspections, safety event investigation, emergency management activities, safety certification, and oversight of WMATA's corrective action plans (CAPs).

The WMSC's receives its only federal funding from the U.S. Department of Transportation's (DOT) Federal Transit Administration (FTA), as a recipient pursuant to Title 49 U.S.C. § 5329.

The WMSC does not provide any services or benefits directly to members of the public, and the activities of the WMSC do not confer any obligations or requirements on members of the general public. That said, the WMSC is required to comply with the Freedom of Information Act (5

U.S.C. § 552(a)–(d)) and the Government in the Sunshine Act (5 U.S.C. § 552b).

The WMSC is comprised of Commissioners and Alternates appointed by the District of Columbia, the State of Maryland, and the Commonwealth of Virginia. Each jurisdiction is permitted to appoint two Commissioners and one Alternate, none of whom is a salaried employee of the WMSC. The day-to-day work of the WMSC is undertaken by its full-time staff.

The legal authority for the WMSC is derived from an Interstate Compact, which was authorized by identical legislation enacted by each of the jurisdictions served by Metrorail: D.C. Act 21-666, which became law on February 10, 2017; Maryland H.B. 119, which became law on March 30, 2017; and Virginia H.B. 2136, which became law on March 24, 2017. The U.S. Congress granted its consent and approval of the WMSC Compact via H.J.Res.76, which became P.L. 115-54 on August 22, 2017. This legislation is collectively referred to as the "WMSC Compact."

### Subpart A: General Requirements

#### Section 26.1, 26.23 Objectives<sup>1</sup>

The objectives are found in the policy statement on the first page of this program.

#### Section 26.3 Applicability

This program is required because the WMSC is the recipient of federal transit funds authorized by Title 49 U.S.C. § 5329.

<sup>1</sup> In this document, all section numbers referenced in headers refer to sections of Title 49

CFR Part 26. For example, "Section 26.1" refers to Title 49 CFR Section 26.1.



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### Section 26.5 Definitions

The terms used by the WMSC in this program have the same meanings as defined Title 49 CFR Part 26.5

### Section 26.7 Non-discrimination Requirements

The WMSC will never 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 covered by Title 49 CFR Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, the WMSC 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 its DBE program with respect to individuals of a particular race, color, sex, or national origin.

### Section 26.11 Record Keeping Requirements and Reporting Requirements

Uniform Report of DBE Awards or Commitments and Payments: 26.11 (a)

The WMSC will report DBE participation to the FTA using the Uniform Report of DBE Awards or Commitments and Payments, according to Appendix B of the DBE regulation on a semiannual basis. This report is due each June 1 and December 1.

Bidders List: 26.11 (c)

The WMSC will create a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted

contracts. The purpose of this requirement is to allow use of the bidders list approach to calculating overall goals. The bidders' list will include the name, address, DBE or non-DBE status, age, and annual gross receipts of firms. The WMSC will collect this information from all actual vendors who either perform work for the WMSC, or who seek to do business with the WMSC. Vendors, (successful and unsuccessful) who attend pre-bid and/or pre-proposal meetings will be asked to provide this information. Prime contractors will be asked to provide the same information for all of their sub-contractors.

### Section 26.13 Assurances

The WMSC has signed the following assurances, applicable to all DOT-assisted contracts and their administration

Federal Financial Assistance Agreement Assurance: 26.13(a)

The WMSC 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 Title 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under Title 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. The recipient's DBE Program, as required by Title 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Federal Transportation Administration of its failure to carry out its approved program, the Department may impose sanction as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under Title 18 U.S.C. § 1001 and/or the Program Fraud Civil



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Remedies Act of 1986 (Title 31 U.S.C. § 3801, et seq.).

The language above will appear in any financial assistance agreements with sub-recipients.

### Contract Assurance: 26.13b

The WMSC will ensure that the following clause 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 award or performance of this contract. The contractor shall take all necessary and reasonable steps to ensure non-discrimination as required of Title 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 remedies to include but not limited to: withholding monthly progress payments; assessing sanctions; liquidated damages; deeming the vendor non-responsible for future bidding and/or the termination of this contract or such other remedy as the recipient deems appropriate.

## Subpart B Administrative Requirements

### Section 26.21 DBE Program Updates

Because the WMSC has received a grant of \$250,000 or more in FTA operating assistance in a federal fiscal year, the WMSC will continue to carry out this program until all DOT financial assistance funds have been expended. The WMSC will provide updates to the FTA updates representing any significant changes to this program.

### Section 26.25 DBE Liaison Officer (DBELO)

The WMSC's DBELO is Ms. Venus Ellison. Ms. Ellison may be reached on 202-384-1520, or by email at [vellison\[at\]wmsc.gov](mailto:vellison[at]wmsc.gov).

The DBELO is responsible for implementing all aspects of the DBE program and ensuring that the WMSC complies with all provision of Title 49 CFR Part 26. The DBELO has direct, independent access to the CEO concerning DBE program matters. An organization chart depicting the DBELO's position in the organization may be found here.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO is supported WMSC technical staff and procurement and legal professional, as needed. The duties and responsibilities of the DBELO include the following:

1. Gathers and reports statistical data and other information as required by the DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with staff to set overall triennial goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
6. Analyzes the progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.



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8. Advises the CEO and other senior staff on DBE matters and achievement.
9. Acts as a liaison to the Uniform Certification Process.
10. Provides outreach to DBEs and community organizations to advise them of opportunities.

### Section 26.27 DBE Financial Institutions

It is the policy of WMSC to annually investigate the availability of financial institutions owned and controlled by socially and economically disadvantaged individuals in the jurisdictions served by Metrorail. The WMSC will make reasonable efforts to use these institutions and to encourage prime contractors on DOT-assisted contracts to make use of these institutions. Information on the availability of such institutions can be obtained from the DBE Liaison Officer.

### Section 26.29 Prompt Payment Mechanisms

Prompt Payment: 26.29(a)

The WMSC will include the following clause in each DOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than thirty (30) days from the receipt of each payment the prime contract receives from the WMSC. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the WMSC. This clause applies to both DBE and non-DBE subcontracts.

Retainage: 26.29(b)

The WMSC will not issue any contracts with retainage provisions.

Monitoring and Enforcement: 26.29(d)

This is not applicable because the WMSC will not issue any contracts with retainage provisions.

### Section 26.31 Directory

The WMSC does not maintain its own directory of certified DBE firms; instead, the WMSC relies on the determination of any recognized Unified Certification Programs (UCP) directory published by any state or federal agency. Although the WMSC does not generally place geographic restrictions on vendor location, locally, the WMSC utilizes DBE directories maintained by area UCPs. Specifically, the following organizations maintain such directories:

- District of Columbia DOT [Metropolitan Washington Unified Certification Program \(MWUCP\) directory](#),
- Maryland DOT [Office of Minority Business Enterprise](#), and
- Virginia Department of [Small Business and Supplier Diversity](#).

UCP directories identify firms eligible to participate as DBEs, listing the firm's name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE.

### Section 26.33 Overconcentration

The WMSC has not identified overconcentration in the types of work for which the WMSC expects to award contracts. The WMSC will reevaluate for overconcentration as part of its triennial goal-setting process (see Section 26.45).



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### Section 26.35 Business Development Programs

The WMSC has not established a business development program. The WMSC will reevaluate the need for such a program as part of its triennial goal-setting process (see Section 26.45).

### Section 26.37 Monitoring and Enforcement Mechanisms

The WMSC has several monitoring and enforcement mechanisms available to ensure compliance with Title 49 CFR Part 26.

The WMSC will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that the DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in Title 49 CFR Part 26.109.

The WMSC consider action under its own legal authorities, including responsibility determinations in future contracts. Further the WMSC has several remedies available to enforce the DBE requirements contained in its contracts. These including, but are not limited to, withholding payment, and breach of contract action pursuant to the terms of the contract, which may include termination of the contract.

In addition, the federal government has available several enforcement mechanisms that it may apply to firms participating in the DBE problem including, but not limited to, suspension or debarment proceedings pursuant to Title 49 CFR Part 26, enforcement action pursuant to Title 49 CFR Part 31, and prosecution pursuant to Title 18 U.S.C. § 1001.

This WMSC will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished by collecting the information and documentation specified by Title 49 CFR Part 53. Subsequently, along with any invoice seeking payment for work performed, the WMSC will require submission of the following by the contractor: (1) A certification as to whether any of the Part 53 information referenced above, has changed, and, if so, submission of updated information; (2) a certification of whether any DBE was removed or terminated from performance of work on the project, a written justification for the removal, and, if the DBE was replaced by a non-DBE, a justification for that replacement; (3) a list of all entities that performed any work pertaining to that invoice, and identification of their status as DBE or non-DBE and the total value of the invoiced amount attributable to each entity; (4) a spreadsheet for the invoice period, and also cumulatively, the amount of actual payments to DBEs compared with the dollar amounts committed to DBEs at the time of contract award (*i.e.*, a running tally of actual DBE attainments versus DBE commitments); and, (5) evidence of the date(s) and amount(s) of payments made to any subcontractors following receipt of the most recent payment from the WMSC to demonstrate compliance with prompt-payment provisions.

The WMSC will use the invoice information described above to keep a running tally of actual payments to DBEs for work committed to them at the time of contract award.

For each contract on which DBEs are participating, project managers may, from time to time, conduct scheduled or unannounced compliance reviews. Compliance reviews may include a check of the identity and DBE status of contractors, a review of other information and documentation deemed necessary for review. The findings of any compliance review will be documented in writing, and the written report will identify the sources of information and





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documentation reviewed and relied upon in making any specific findings.

### Section 26.39 Fostering Small Business Participation

The WMSC is committed to maximizing the participation of small businesses (both DBE and non-DBE) on a non-discriminatory basis in its FTA-assisted contracts. The WMSC will accomplish this by, among other activities: establishing a race-neutral small business set-asides for prime contracts wherever feasible; encouraging contractors to provide subcontracting opportunities that small businesses, including DBEs, can reasonably perform; structuring procurements to facilitate the proposals from consortia or joint ventures consisting of small businesses, including DBEs;

As part of the good faith implementation of its DBE program, the WMSC will actively use these and other strategies to foster small business participation.

### Subpart C – Goals, Good Faith Efforts, and Counting

#### Quotas

The WMSC does not use set-asides or quotas in any way in the administration of its DBE program.

### Section 26.45 Overall Goals

The WMSC will submit its triennial overall DBE goal to the FTA on August 1 of the year specified by the FTA.

The WMSC will also request the use of project-specific DBE goals as appropriate, and/or will establish project-specific DBE goals if directed by the FTA.

Prior to establishing DBE goals, the WMSC will create a forecast of the types, value, and NAICS codes for the FTA-assisted contracts that are likely to be awarded during the upcoming triennial period. This procurement forecast will inform the goal-setting process.

The process generally used by the WMSC to establish overall DBE goals is a two-step process. The first step is to determine a base figure for the relative availability of DBEs to perform the forecasted work, and the second step is to adjust the base figure as described below.

The WMSC determines the base figure using the UCP directories pertaining the regions in which WMSC bidders/proposers are based to determine the number and availability of certified DBEs for the forecasted contracts.

The WMSC will adjust this base figure based on factors such as the current capacity of DBEs to perform the forecasted work and in light of actual DBE attainment from prior years. Further, the Conflict of Interest provision found at Title 49 CFR Part 674.41(c) states that a contractor may not provide services to both an SSOA and a rail fixed guideway public transportation system under the oversight of that SSOA unless a waiver has been granted. The WMSC is the SSOA that oversees WMATA. Consequently, vendors performing work for WMATA would likely not be eligible to perform work for the WMSC. The WMSC will factor in this prohibition when adjusting the base figure to arrive at the proposed DBE goal to submit to the FTA

The WMSC will publish a notice of its proposed goal prominently on its public website. WMSC staff will invite comments on our proposed goal during a public meeting of the Commissioners held in accordance with the Government in the Sunshine Act (5 U.S.C. § 552b). The information on the WMSC's public website will provide full instructions for submitting public comments.



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The WMSC's submission to the FTA will include: the goal (including the breakout of estimated race-neutral and race-conscious participation, as appropriate); a copy of the methodology, worksheets, etc., used to develop the goal; and, a summary of any information and comments received and our responses.

The WMSC will begin using our overall goal on October 1 of the specified year, unless other instructions are received from the FTA. If a goal is established on a project basis, the WMSC will begin using the goal by the time of the first solicitation for a DOT-assisted contract for that project. Our goal will remain effective for the duration of the three-year period established and approved by the FTA.

The WMSC's goal-setting will always be based on demonstrable evidence of market conditions and designed to attain a goal that is rationally related to the relative availability of DBEs in the market.

### Section 26.47 Goal Setting and Accountability

If the awards and commitments shown on the WMSC's Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall goal applicable to that fiscal year, the WMSC will:

1. Analyze in detail the reason for the difference between the overall goal and the actual awards/commitments;
2. Establish a corrective action plan (CAP) with specific steps and milestones to correct the problems identified in the analysis; and,
3. Retain the analysis and the CAP in its records for at least three years. This analysis will be made available to the FTA at any time upon request during that period.

### Section 26.49 Transit Vehicle Manufacturers Goals

This section does not apply to the WMSC because the WMSC will not purchase any transit vehicles.

### Section 26.51 Meeting Overall Goals/Contract Goals

The WMSC will meet the maximum feasible portion of its overall goal using race-neutral means of facilitating DBE participation. To do so, the WMSC will look to DBE firms to serve as prime contractors.

The WMSC will use contract goals to meet any portion of the overall goal that the WMSC does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of the overall goal that is not projected to be met through the use of race-neutral means.

Contract-specific goals will be expressed as a percentage of total amounts of an FTA-assisted contract. Typically, this information will be included in the solicitation.

### Section 26.53 Good Faith Efforts Procedures

Award of Contracts with a DBE Contract Goal: 26.53(a)

In those instances where a contract-specific DBE goal is included in a procurement/solicitation, the WMSC will not award the contract to a bidder who does not either: (1) meet the contract goal with verified, countable DBE participation; or (2) document that it has made adequate good faith efforts to meet the DBE contract goal, even though it was unable to do so. It is the obligation of the bidder to demonstrate



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that it has made sufficient good faith efforts prior to submission of its bid.

### Evaluation of Good Faith Efforts: 26.53(a) and (c)

The WMSC General Counsel shall be responsible for determining whether a bidder/offeree who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive.

To determine whether good faith efforts have been made by a bidder, the General Counsel will evaluate whether the scope, intensity, and appropriateness of the bidders efforts could reasonably have been expected to meet the contract goal.

The WMSC will ensure that all information is complete and accurate and that it adequately documents the bidder/offeree's good faith efforts before committing to the performance of the contract by the bidder/offeree.

### Information to be Submitted: 26.53(b)

The WMSC treats bidder/offerees' compliance with good faith efforts' requirements as a matter of responsiveness.

Each solicitation for which a contract goal has been established will require the bidders/offerees to submit the following information:

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor

whose participation it submits to meet a contract goal;

5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors commitment and;
6. If the contract goal is not met, evidence of good faith efforts.

### Administrative Reconsideration: 26.53(d)

Within fifteen (15) days of being informed by the WMSC that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeree may request administrative reconsideration. Bidder/offerees should make this request in writing to the following reconsideration official: WMSC General Counsel, 750 First Street NE, Suite 900, Washington, DC, 20002, or by electronic submission to correspondence[ @ ]wmsc.gov. To the maximum extent practicable, the reconsideration official will not have played any role in the original determination of non-responsiveness.

As part of the reconsideration, the bidder/offeree will have an opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeree will also have the opportunity to meet in person with the reconsideration official. The WMSC will send the bidder/offeree a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the DOT.

### Good Faith Efforts when a DBE is Terminated/Replaced on a Contract with Contract Goals: 26.53(f)

The WMSC prohibits prime contractors from terminating a DBE subcontractor listed on a



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bid/contract with a DBE contract goal without the WMSC's prior written consent. Prior written consent will only be provided where there is good cause for termination of the DBE firm, as established by Section 26.53(f)(3) of the DBE regulation.

Before transmitting its request to terminate to the WMSC, the prime contractor must give written notice to the DBE of its intent to do so. A copy of this notice must be provided to the WMSC with the request to terminate. The DBE will then have five (5) days to respond and advise the WMSC of the rationale for any objection to the proposed termination.

In those instances where good cause exists to terminate a DBE's contract, the WMSC requires the prime contractor make good faith efforts to replace a terminated DBE with another certified DBE, to the extent needed to meet the contract goal. The prime contractor is required to obtain prior WMSC approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts. The WMSC requires prime contractors to keep the DBELO fully apprised of termination and substitution and related activities, and to provide reasonable documentation, as requested.

If the contractor fails or refuses to comply in the time specified, the WMSC will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default.

### Sample Bid Specification:

The requirements of Title 49 CFR Part 26 apply to this contract. By policy, the WMSC will not discriminate based on race, color, sex, and national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors,

including those who qualify as DBEs. A DBE contract goal of 3 percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in [Appendix A of Title 49 CFR Part 26](#), to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror will be required to submit the following information:

1. The names and addresses of DBE firms that will participate in the contract;
2. a description of the work that each DBE firm will perform;
3. the dollar amount of the participation of each DBE firm participating;
4. Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal;
5. Written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); and (5) if the contract goal is not met, evidence of good faith efforts.

## Section 26.55 Counting DBE Participation

The WMSC will count DBE participation toward overall and contract goals as provided in Title 49 CFR Part 26.55.

## Subparts D and E – Certification

## Section 26.81 Unified Certification Programs

The WMSC will use and count for DBE credit only those DBE firms certified by a recognized UCP. For firms interested in becoming certified,



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the WMSC will refer them to the following regional UCPs:

- District of Columbia DOT [Metropolitan Washington Unified Certification Program \(MWUCP\) directory](#),
- Maryland DOT [Office of Minority Business Enterprise](#), and
- Virginia Department of [Small Business and Supplier Diversity](#).

### Subpart F - Compliance and Enforcement

#### Section 26.109 Information, Confidentiality, Cooperation

The WMSC will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with all applicable law.

The WMSC will not release personal financial information to a third party (other than DOT) without the written consent of the submitter, unless required by law.

#### Monitoring Payments to DBEs

The WMSC will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of the WMSC or DOT. This reporting requirement also extends to any certified DBE subcontractor.

The WMSC will perform interim audits of contract payments to DBEs. Such audits will review payments to DBE subcontractors to ensure that the actual amounts paid to DBE subcontractors equals or exceeds the dollar

amounts reported in the schedule of DBE participation.

#### For More Information

For more information, please consult the following sources:

- WMSC Organizational Chart can be found on the [WMSC website](#).
- DBE directories are maintained by the following regional organizations:
  - District of Columbia DOT [Metropolitan Washington Unified Certification Program \(MWUCP\) directory](#),
  - Maryland DOT [Office of Minority Business Enterprise](#), and
  - Virginia Department of [Small Business and Supplier Diversity](#).
- DBE Regulation, [49 CFR Part 26](#)