

2025.05.15

**A RESOLUTION OF THE SAYREVILLE ECONOMIC AND REDEVELOPMENT
AGENCY ADOPTING A DISADVANTAGED BUSINESS ENTITY (DBE) POLICY**

WHEREAS, Sayreville Economic and Redevelopment Agency (“Agency”) has applied for financial assistance through the United States Department of Transportation for transportation-related projects; and

WHEREAS, pursuant to federal regulations set forth in **49 CFR Part 26**, recipients of USDOT funds are required to develop and implement a Disadvantaged Business Enterprise (DBE) Program to ensure nondiscrimination and to foster fair participation by DBEs in federally funded contracts; and

WHEREAS, the Agency desires to adopt and implement said DBE Policy, attached hereto as Exhibit A to comply with federal requirements and promote inclusive economic opportunity in its operations; and

NOW, THEREFORE, BE IT RESOLVED by the Sayreville Economic and Redevelopment Agency, in the County of Middlesex, State of New Jersey, that the DBE Policy, attached hereto as Exhibit A, is hereby adopted.

OFFERED BY:

Kenneth Scott

SECONDED BY:

Robert Davis

Governing Body Recorded Vote:

Members:

| | Aye | Nay | Abstain | Absent |
|-------------------|------------|------------|----------------|---------------|
| 1. Robert Davis | <u>X</u> | ___ | ___ | ___ |
| 2. Robert DeWise | ___ | ___ | ___ | <u>X</u> |
| 3. Rosetta Fisher | <u>X</u> | ___ | ___ | ___ |
| 4. Steve Grillo | <u>X</u> | ___ | ___ | ___ |
| 5. Trushar Parikh | ___ | ___ | ___ | <u>X</u> |
| 6. Donna Roberts | <u>X</u> | ___ | ___ | ___ |
| 7. Ken Scott | <u>X</u> | ___ | ___ | ___ |
| 8. John Zebrowski | <u>X</u> | ___ | ___ | ___ |

I, Himanshu Shah, Executive Director/ Secretary, and certifying agent of the Sayreville Economic and Redevelopment Agency, hereby certify that the foregoing Resolution was adopted at the regular meeting of the Agency held on May 15, 2025.



Himanshu Shah
Executive Director/ Secretary

Exhibit A

Sayreville Economic and Redevelopment Agency

Disadvantaged Business Enterprise (DBE) Policy

Introduction

The Sayreville Economic and Redevelopment Agency ("SERA") has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. SERA receives federal financial assistance from the USDOT, and as a condition of receiving this assistance and has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of SERA 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 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 market place outside the DBE Program.

Applicability

This DBE policy applies to all contracts funded in whole or in part with federal financial assistance received under: Titles I, III, V, and VI of ISTEA, Pub. L. 102-240 or by Federal transit laws in Title 49, U.S. Code, or Titles I, II, and V of the Teas-21, Pub. L. 105-178.

Policy Statement

SERA reaffirms its commitment to:

1. Ensuring nondiscrimination in the award and administration of all federally funded contracts and subcontracts;
2. Creating a level playing field on which DBEs can compete fairly for contracts and subcontracts;
3. Implementing a DBE Program that is narrowly tailored in accordance with applicable law.
4. Admitting only eligible firms into the DBE program;

5. Removing barriers to full participation of DBEs in public contracting opportunities;
6. Promoting the growth and development of firms that can compete successfully in the marketplace outside of the DBE program.

Definitions

- Disadvantaged Business Enterprise (DBE): A for-profit small business that is at least 51% owned and controlled by socially and economically disadvantaged individuals, certified under 49 CFR Part 26.
- USDOT Recipient: Any agency receiving federal financial assistance from the U.S. Department of Transportation, including Sayreville when applicable.
- Race-Neutral Measures: Efforts to promote DBE participation through outreach and assistance without specific DBE contract goals.
- Race-Conscious Measures: Measures that include DBE contract goals to ensure participation.

DBE Program Implementation

SERA shall:

1. Designate a DBE Liaison Officer (DBELO) to oversee implementation of the DBE program, ensure compliance with federal and state regulations, and report to the SERA Commissioners.
2. Follow NJDOT and USDOT guidance on DBE certification and reporting, and will utilize the New Jersey Unified Certification Program (NJ UCP) for DBE verification.
3. Include DBE participation goals as appropriate in contracts with federal funding, and require bidders to demonstrate good faith efforts to meet such goals.
4. Advertise procurement opportunities in media and networks accessible to DBEs and minority-owned businesses.
5. Monitor DBE **participation** throughout the contract cycle and take corrective action if contractors fail to meet DBE commitments without justification.

Contracting Requirements

For USDOT-assisted contracts:

- Bid documents shall specify whether DBE goals apply and provide instructions for bidders on demonstrating DBE participation or good faith efforts.
- Contractors and subcontractors must report DBE utilization on a regular basis, using forms prescribed by SERA or funding agency.

- Contractors may be required to replace a DBE subcontractor only with prior approval and must make good faith efforts to substitute with another DBE.

Certification Standards

To be eligible as DBE, a firm must:

- Be a for-profit business;
- Qualify as a small business entity as defined by the U.S. Small Business Administration;
- Be at least 51% owned, managed, and controlled by one or more socially and economically disadvantaged individuals;
- Have a personal net worth must not exceed \$1.32 million;
- Have average gross receipts over three years not exceeding \$23.98 million.

Race-Neutral and Race-Conscious Measures

SERA will strive to meet its overall DBE goals using race-neutral measures to the maximum extent practicable. If DBE participation falls short, race-conscious contract goals may be adopted in accordance with federal guidelines.

Reporting and Accountability

The DBELO shall prepare all required reports for submission to the appropriate federal or state agency and maintain documentation of DBE participation, outreach efforts, and contractor compliance.

Complaints and Violations

Any allegations of discrimination or violations of DBE regulations shall be investigated promptly. Violations may result in sanctions including contract termination, debarment, or referral to appropriate enforcement agencies.

Policy Review and Amendments

This policy shall be reviewed periodically and updated as necessary to remain compliant with federal and state regulations and to reflect best practices in public procurement.