

# **Lower Rio Grande Valley Development Council**

Disadvantaged Business Enterprise

(DBE) Program

For Projects Funded in Whole or In Part

by United States Department of Transportation Funds

Valley Metro

Weslaco, Texas

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## SECTION 1 Submittal

### INTRODUCTION

The Lower Rio Grande Valley Development Council is pleased to submit the following Disadvantaged Business Enterprise (DBE) Program for the procurement of goods and services for the Lower Rio Grande Valley Development Council (LRGVDC) Department which is funded in whole or in part by the United States Department of Transportation.

This document complies with 49 CFR Part 26 and has been adopted by the LRGVDC Board of Directors. Attached are support documents to this plan.

## RESOLUTION

2010 - 04

**A RESOLUTION OF THE LRGVDC BOARD OF DIRECTORS ADOPTING A POLICY STATEMENT OF SUPPORT AND COMMITMENT TO THE PROVISIONS OF 49 C.F.R. PART 26, AS AMENDED, TO ENSURE THAT A FAIR AND EQUAL OPPORTUNITY IS PROVIDED IN THE PROCUREMENT PROCESS TO DISADVANTAGED BUSINESS ENTERPRISES (DBE's), AND TO CHARGE THE PROCUREMENT DIRECTOR WITH SETTING ANNUAL PROGRAM GOALS THAT MEET THE REGULATORY REQUIREMENTS OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION (USDOT).**

**WHEREAS**, the Lower Rio Grande Valley Development Council receives funds from the United States Department of Transportation (USDOT); and,

**WHEREAS**, the provisions of 49 CFR Part 26 require that Disadvantaged Business Enterprises (DBEs) be afforded a nondiscriminatory, fair and equal opportunity to participate in the award of contracts financed in whole or in part by USDOT; and,

**WHEREAS**, the LRGVDC participates in the Texas Unified Certification Program (TUCP) which certifies DBEs within the State of Texas for participation under the regulations of 49 CFR Part 26; and

**WHEREAS**, the LRGVDC and its Transit Department are committed to ensuring that a nondiscriminatory, fair and equal opportunity is provided to everyone offering their products or services to the region and that all, including DBEs are given an equal opportunity to participate in the procurement process; and

**WHEREAS**, neither the LRGVDC nor its contractors shall discriminate on the basis of race, color, religion, national origin, handicap, age, or sex in the award and performance of contracts for products or services, including those contracts funded in part or in full by USDOT.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE LRGVDC:**

Section 1. The LRGVDC reiterates its supports and commitment to the provisions contained in and the spirit of 49 CFR Part 26, as amended, in providing opportunity to Disadvantaged Business Enterprises.

Section 2. The Procurement Director is designated as the agent responsible for the development and implementation of the Transit Department's annual DBE Goal

Section 3. That the LRGVDC Transit Department shall designate the Procurement Director to serve as the LRGVDC's DBE Liaison Office (DBELO) with the Texas Unified Certification Program (TUCP).

Section 4. The LRGVDC and its Transit Department shall take all necessary and appropriate actions as required under 49 CFR Part 26, including:

- 1) Identify all contracting opportunities that are funded in part or in full by USDOT funds;
- 2) Incorporate the DBE Program into the LRGVDC's procurement policies and procedures;
- 3) Utilize the Texas Unified Certification Program (TUCP) database of certified vendors to analyze the availability of DBE vendors;
- 4) That the Procurement Director will establish DBE participation goals on an annual basis for those projects and services funded in whole or in part by USDOT funds;

5) Use good faith efforts in meeting the established annual goals;

6) Track on an annual basis the utilization of certified DBE vendors and report the same to USDOT, as required.

Section 5. The LRGVDC Transit Department shall adhere to the purchasing policy regarding competitive bidding and the Disadvantaged Business Enterprise program established by USDOT for its funded programs.

Section 6. The LRGVDC Transit Department is authorized to adopt and is directed to comply with policies in connection with its procurement needs that are in accord with USDOT DBE requirements.

LRGVDC Board of Directors President

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The Honorable Norma G. Garcia

## FOUNDATION

### Definitions of Terms

In accordance with 49 CFR section 26.5, the following definitions apply to the LRGVDC Transit Department's DBE program.

- **AFFILIATION:** As defined in the Small Business Administration (SBA) regulations, 13 CFR part 121:

Except as otherwise provided in 13 CFR part 121, concerns are affiliates of each other when, either directly or indirectly:

- a. One concern controls or has the power to control the other;
- b. A third party or parties controls or has the power to control both; or
- c. An identity of interest between or among parties exists such that affiliation may be found.

In determining whether affiliation exists, it is necessary to consider all appropriate factors, including common ownership, common management, and contractual relationships. Affiliates must be considered together in determining whether a concern meets small business size criteria and the statutory cap on the participation of firms in the DBE program.

- **AFFIRMATIVE ACTION:** Specific and positive activities undertaken by the LRGVDC and its contractors to eliminate discrimination and its effects, to ensure nondiscriminatory results and practices in the future, and to involve disadvantaged business enterprises fully in contracts and programs funded by the DOT.
- **ALASKA NATIVE:** A citizen of the United States who is a person of one-fourth degree or more Alaskan Indian (including Tsimshian Indians not enrolled in the Metlaktla Indian Community), Eskimo, or Aleut blood, or a combination of those bloodlines. The term includes, in the absence of proof of a minimum blood quantum, any citizen whom a Native village or Native group regards as an Alaska Native if their father or mother is regarded as an Alaska Native.
- **ALASKA NATIVE CORPORATION:** Any Regional Corporation, Village Corporation, Urban Corporation, or Group Corporation organized under the laws of the State of Alaska in accordance with the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601, et seq.).

- **DISADVANTAGED BUSINESS ENTERPRISE (DBE):** A for-profit small business concern:

That is at least 51% owned by one or more individuals who are both socially and economically disadvantaged; or in the case of a corporation, in which at least 51% of the stock is owned by one or more such individuals; and

Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

- **DOT-ASSISTED CONTRACT:** Any contract or modification of a contract between the LRGVDC and a contractor (at any tier) that is funded for in whole or in part with DOT financial assistance, including letters of credit or loan guarantees, except a contract solely for the purchase of land.

- **EQUAL OPPORTUNITY:** The requirements of non-discrimination in employment with regard to race, religion, creed, color, national origin, ancestry, physical handicap, medical condition, age, marital status, or sex, and in accordance with Government Code, Section 12490.

- **GOAL:** The annual percentage of DOT-assisted dollars intended to be awarded to DBEs. The annual overall DBE goal is achieved through a combination of race-neutral and race-conscious measures, including contract-specific goals.

- **GOOD FAITH EFFORTS:** Efforts to achieve a DBE goal or other requirement of the program, which by their scope, intensity, and appropriateness to the objective, can be expected to fulfill the program requirement.

- **IMMEDIATE FAMILY MEMBER:** Father, mother, husband, wife, son, daughter, brother, sister, grandmother, grandfather, grandson, granddaughter, mother-in-law, or father-in-law.

- **INDIAN TRIBE:** Any Indian tribe, band, nation, or other organized group or community of Indians, including any ANC, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, or is recognized as such by the State in which the tribe, band, nation, group, or community resides. See definition of "tribally-owned concern" in these definitions.

- **JOINT DEVELOPMENT:** The planning and implementation of an income producing real estate development which is adjacent to or physically related to an existing or proposed public transportation facility (e.g. transit station, Park and Ride, or bus facility).
- **JOINT VENTURE:** An association of a DBE firm and one or more other firms to carry out a single for profit business enterprise, for which the parties contribute their property, capital, efforts, skills, and knowledge, and in which the DBEs responsible for a distinct, clearly defined portion of the work of the contract and whose share in the capital, contribution, control, management, risks, and profits of the joint venture are commensurate with its ownership interest.
- **LESSEE:** A business or person that leases, or is negotiating to lease, property from a recipient or the department on the recipient's or department's facility for the purpose of operating a transportation-related activity or for the provision of goods or services to the facility or to the public on the facility.
- **LEVEL PLAYING FIELD:** The objective of the DOT and LRGVDC's DBE program; wherein an environment is created to achieve the level of participation by DBEs that would reasonably be expected in the absence of discrimination.
- **MANUFACTURER:** A business that operates, or maintains a factory or establishment that produces on the premises the materials or supplies obtained by the contractor.
- **MINORITY:** A person who is a U.S. citizen or lawful permanent resident of the U.S. and who is a:
  - "Black American", which includes persons having origins in any of the black racial groups of Africa.
  - "Hispanic American", which includes persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race.
  - "Native American", which includes persons that are American Indians, Eskimos, Aleuts or Native Hawaiians.
  - "Asian-Pacific American", which includes persons whose origins are from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, the Philippines, Samoa, Guam, the U.S. Trust Territories of the Pacific, and the Northern Marianas; or



"Asian-Indian American", which includes persons whose origins are from India, Pakistan, and Bangladesh.

- **NATIVE HAWAIIAN:** Any individual whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.
- **NATIVE HAWAIIAN ORGANIZATION:** Any community service organization serving Native Hawaiians in the State of Hawaii which is a not-for-profit organization chartered under the State of Hawaii, is controlled by Native Hawaiians, and whose business activities will principally benefit such Native Hawaiians.
- **NONCOMPLIANCE:** The condition existing when a recipient or contractor has not correctly implemented the requirements of the program.
- **OPERATING ADMINISTRATION OR OA:** Any of the following parts of the DOT: the Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA). The "Administrator" of an operating administration includes his or her designees.
- **PERSONAL NET WORTH:** The net value of the assets of an individual remaining after total liabilities are deducted. An individual's personal net worth does not include the individual's ownership interest in an applicant or participating DBE firm; or the individual's equity in his or her primary place of residence. An individual's personal net worth includes only his or her own share of assets held jointly or as community property with the individual's spouse.
- **PRE-BID/PRE-PROPOSAL CONFERENCE:** A meeting held by the LRGVDC, prior to the bid/proposal closing date of a particular project, at which prospective bidders/proposers are advised of LRGVDC specification requirements, which include DBE provisions.
- **PRE-BID/PRE-CONSTRUCTION CONFERENCE:** A meeting held by the LRGVDC after award of contract on a particular construction project, but prior to the beginning of any work, at which the prime contractor is advised of its federal compliance obligations and any final technical requirements.
- **PREPONDERANCE OF THE EVIDENCE:** The standard of evidence used in DBE eligibility criteria. Pertains to the total context of factual submissions.

- **PRIMARY INDUSTRY CLASSIFICATION:** The four-digit Standard Industrial Classification (SIC) code designation which best describes the primary business of a firm. The SIC code designations are described in the Standard Industry Classification Manual. This classification is being replaced by NAICS codes.
- **PRIMARY RECIPIENT:** A recipient who received DOT financial assistance and passes some or all of this assistance on to another recipient.
- **PRINCIPAL PLACE OF BUSINESS:** The business location where the individuals who manage the firm's day-to-day operations spend most working hours and where top management's business records are kept. If the offices from which management is directed and where business records are kept are in different locations, the recipient will determine the principal place of business for DBE program purposes.
- **PROGRAM:** Any undertaking by a recipient to use DOT financial assistance, and includes the entire activity any part of which receives DOT financial assistance.
- **RACE-CONSCIOUS MEASURE OR PROGRAM:** One that is focused specifically on assisting only DBEs, including women-owned DBEs.
- **RACE-NEUTRAL MEASURE OR PROGRAM:** One that is, or can be, used to assist all small businesses. For the purposes of this part, race-neutral includes gender-neutrality.
- **REBUTTABLE PRESUMPTION:** A fact related to DBE eligibility criteria that is held to meet the standards of eligibility unless proven otherwise.
- **RECIPIENT:** Any entity, public or private, to which DOT financial assistance is extended, whether directly or through another recipient, through the programs of the FAA, FHWA, or FTA, or who has applied for such assistance.
- **REGULAR DEALER:** A firm that owns, operates or maintains a store, warehouse or other establishment in which the materials or supplies required for the performance of the contract are bought, kept in stock, and regularly sold to the public in the usual course of business. To be a regular dealer, the firm must engage in, as its principal business, and in its own name, the purchase and sale of the products in question. A regular dealer in such bulk items as steel, cement, gravel, stone, and petroleum products need not keep such products in stock, if it owns or operates

distribution equipment. Brokers and packagers shall not be regarded as manufacturers or regular dealers within the meaning of this definition.

- **RELATIVE AVAILABILITY:** The percentage of available DBE firms in light of local circumstances and the number of total available firms.
- **SECRETARY:** The Secretary of Transportation or his/her designee.
- **SET-ASIDE:** A contracting practice restricting eligibility for the competitive award of a contract solely to DBE firms.
- **SMALL BUSINESS ADMINISTRATION OR SBA:** The United States Small Business Administration.
- **SMALL BUSINESS CONCERN (with respect to firms seeking to participate as DBEs in DOT-assisted contracts):** A small business as defined pursuant to Section 3 of the Small Business Act (13 CFR 121), and regulations implementing it, that does not exceed the cap on gross receipts specified in 49 CFR 26.65(6).
- **SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS (for purposes of DOT-assisted projects):** Any individual who is a citizen (or lawfully admitted permanent resident) of the United States, and who is:

Any individual who a recipient finds to be a socially and economically disadvantaged individual on a case-by-case basis;

Women (regardless of race, ethnicity or origin); or

Individuals found to be socially and economically disadvantaged by the U.S. SBA pursuant to Section 8(a) of the Small Business Act.

The LRGVDC will make a rebuttable presumption that individuals in the above groups are socially and economically disadvantaged. The LRGVDC may, on a case-by-case basis, determine or accept the determination by another DOT recipient, individuals who are socially and economically disadvantaged in accordance with 49 CFR 23, Subpart D, SECTION 4.

- **TRANSIT VEHICLE MANUFACTURER:** A manufacturer of vehicles used by FTA recipients for the primary program purpose of public mass transportation (e.g. buses, railcars, vans). The term does not apply to firms that rehabilitate old vehicles or to manufacturers of locomotives or ferryboats. The term refers to distributors of or dealers in transit vehicles with respect to requirements of 49 CFR part 23.67 of the regulations.

- TRIBALLY OWNED CONCERN: Any concern that at least 51% owned by an Indian tribe as defined in these definitions.
- U.S. DOT REGULATIONS (49 CFR part 23 and part 26): Federal rules and regulations published in the Federal Register dated March 31, 1980; amended April 27, 1981; July 21, 1983; October 21, 1987; and March 4, 1999; by the Department of Transportation, Office of the Secretary; entitled "Participation by [Minority Business Enterprise] in Department of Transportation Programs" and codified at Title 49, Code of Federal Regulations, Part 23.

#### Objectives /Policy Statement (26.1, 26.23)

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

It is the policy of the LRGVDC 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; and
5. To help remove barriers to the participation of DBEs in DOT assisted contracts.

The LRGVDC has established the position of DBE Program Coordinator within the Procurement Department and has delegated the responsibility of acting as the LRGVDC's DBE Liaison Officer (DBELO). In that capacity, the DBE Program Coordinator is responsible for implementing and monitoring all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the LRGVDC in its financial assistance agreements with the Department of Transportation.

The LRGVDC will disseminate this policy statement to the Board of Directors and all the components of our organization. We will distribute this statement to

DBE and non-DBE business communities that perform work for us on DOT-assisted contracts.

The LRGVDC has published a notice announcing these goals, a description of how they were selected to be made available for inspection during normal business hours at the LRGVDC for thirty (30) days following the date of the notice, and informing the public that the Department of Transportation and the LRGVDC will accept comments on the goals for forty-five (45) days from the date of the notice.

The notice included addresses to which comments may be sent and was published in general circulation media (The Monitor) as well as the LRGVDC web site (lrgvdc.org) and available minority-focus media and trade association publications, and has stated that the comments are for informational purposes only. (See SECTION 3)4

## DBE PROGRAM

### Nondiscrimination (26.7)

The LRGVDC 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 49 CFR part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, the LRGVDC will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program.

### DBE Program Updates (26.21)

Since the LRGVDC has received grants from FTA for planning, capital and operating assistance, we will continue to carry out this program until all funds from DOT financial assistance have been expended. We will provide to DOT updates representing significant changes in the program.

### Quotas (26.43)

The LRGVDC does not use quotas in any way in the administration of this DBE program.

### DBE Liaison Officer (DBELO) (26.25)

We have designated the DBE Program Coordinator as our DBE Liaison Officer. Attachment 1 provides the current name and contact information for this individual. In that capacity, this individual is responsible for implementing all aspects of the DBE program and ensuring that the LRGVDC complies with all provisions of 49 CFR part 26. The DBELO provides assistance and direction to LRGVDC Departments receiving DOT funding to ensure compliance with all regulations and that the LRGVDC is putting forth a "good faith effort" to achieve its DBE goals. An organization chart displaying the DBELO's position in the organization is found in SECTION 4 to this document.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. Duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Insures the review of third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments receiving federal funds to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Insures that DBE goals are included in contract and procurement solicitations (both race-neutral methods and contract specific goals) and monitors results.
6. Analyzes LRGVDC's progress toward goal attainment and identifies ways to improve progress.
7. Advises the Executive Director / Board of Directors on DBE matters and achievement.
8. Participates with the legal counsel and project director to determine contractor compliance with good faith efforts.
9. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
10. Insures certification of DBEs according to the criteria set by DOT and acts as liaison to the Uniform Certification Process in Texas.
11. Provides outreach to DBEs and community organizations to advise them of opportunities.
12. Reports annual goals and attainments.

The Lower Rio Grande Valley Development Council (LRGVDC) Procurement Department will be responsible for:

1. Ensuring contracts comply with this program.
2. Analyses progress towards goal attainment.
3. Participates in pre-bid meetings.
4. Advises the DBELO on DBE matters and achievements.
5. Participates with DBELO to determine contract compliance.
6. Coordinates with DBELO in providing DBEs with information and assistance in preparing bids, obtaining bonding and insurance.

Federal Financial Assistance Agreement Assurance (26.13)

LRGVDC has signed the following assurance, applicable to all DOT-assisted contracts and their administration:

LRGVDC 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 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. The recipient's DBE Program, as required by 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 LRGVDC of its failure to carry out its approved program, the Department may impose sanctions as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

DBE Financial Institutions (26.27)

It is the policy of the LRGVDC to encourage prime contractors on DOT-assisted contracts to make use of financial institutions which qualify as disadvantaged business enterprises. The LRGVDC has identified two DBE financial institutions:

International Bank of Commerce	Lone Star Bank
1 South Broadway St.	274 W. Ferguson Ave
McAllen, TX 78501	Pharr, TX 78577
(956) 682-6344	(956) 781-4321

The LRGVDC will include this information in all procurement efforts that are funded in whole or in part by USDOT funds. We have attached information on business services from these two banks in SECTION 8.

Directory (26.31)

The LRGVDC has joined the Texas Unified Certification Program (TUCP) to develop and maintain a directory of those firms which are certified as DBE vendors. This directory is available to the City both in hard copy and via the internet through the Texas Department of Transportation. The Directory lists the firm's name, address, telephone number, date of most recent certification, and the type of work the firm has been certified to perform as a DBE.

The Directory is constantly updated and is available either through the internet at

<http://www.dot.state.tx.us/insdot/deodist/ohricserve/dbelst/dbecaphr.htm>

or through a hard copy of the information held by the DBE Program Coordinator. An example of the information available through the Directory is shown in SECTION 5 of this document.

#### Overconcentration (26.33) /

The LRGVDC will take all necessary and appropriate steps to ensure that overconcentration does not occur in any area of procurement that will unduly overburden non-DBE vendors from participation. In the event that an overconcentration is noted, the LRGVDC will remove any incentive for participation and will encourage the participation of non-DBE vendors in the process.

#### Prompt Payment (26.29)

We 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 30 days from the receipt of each payment the prime contractor receives from LRGVDC. The prime contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the LRGVDC. This clause applies to both DBE and non-DBE subcontracts."



## Noncompliance Sanctions

The LRGVDC will notify the Surety of any circumstances of non-payment and instruct compliance through payment and performance bonds.

## Monitoring and Enforcement Mechanisms (26.37)

We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that 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 26.109. We also will consider similar action under our own legal authorities, including responsibility determinations in future contracts, as contained in state statutes and/or local ordinances.

## Overall Goals (26.45)

The LRGVDC shall establish an annual goal in accordance with 49 CFR Part 26 and as outlined below. This goal shall be submitted to the FTA on an annual basis.

Attachment 2 outlines the LRGVDC's DBE Goals for the current Fiscal Year along with the process used in developing the current goal.

## Data Sources

The LRGVDC will use the following sources of information in the development of DBE Goals:

U.S. Bureau of the Census, 2010 Economic Census for Hidalgo, Starr, Willacy and Cameron Counties (2010) (See Attachment 3)

Texas Unified Certification Program Directory of DBE Businesses in the Pharr District of the Texas Department of Transportation

## Method

The LRGVDC DBE Program Coordinator will use the information available from these two sources in determining the annual DBE Goal. The first step will be to identify those LRGVDC (Rio Transit & Rio Metro) projects and procurements which are funded, either in whole or in part by the US DOT.

For the total funding available under this program, the DBE Program Coordinator will determine the percentage of funding by multiplying the DOT apportionment by the DBE goal percentage.

The DBE goal percentage will be a percentage based upon dividing the total number of DBE Firms within the Pharr District TUCP Directory ready, willing and able work on LRGVDC Contracts by the total number of Establishments within the Pharr District (Comprised of Hidalgo, Willacy, Starr, and Cameron Counties) ready, willing, and able, and multiplying by 100 to obtain the percentage. See table below for the formula breakdown.

Total Number of DBE Firms within

The Pharr District TUCP Directory

Total Number of Establishments within the Pharr District (Comprising of Hidalgo, Willacy, Starr, and Cameron counties)

DBE Goal

cy.

X 100 =

The LRGVDC will endeavor to ensure that sufficient DBE vendors are available in each category by making sure the Total DBE Vendors available through the TUCP directory is comparable to the information available through the US Census bureau on DBE firms in the Pharr District TUCP directory.

Transit Vehicle Manufacturers (26.49)

The LRGVDC will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of this section:

1. Transit vehicle manufacturers (TVMs) will certify that they have complied with FTA regulations for transit vehicle manufactures. Each manufacturer will establish and submit for the FTA Administrator's approval an annual percentage overall goal. The base from which the goal is calculated shall be the amount of FTA financial assistance participating in transit vehicle contracts to be performed outside the United States and its territories, possessions, and commonwealths shall be excluded from this base. The requirements and procedures of 49 CFR parts 23 and 26, section 26.45 of this rule shall apply to transit vehicle manufactures as they apply to recipients. The manufacturer may make the certification called for if it has submitted the goals required and the FTA Administrator has either approved it or not disapproved it.
2. Quarterly reports on contracting with DBEs are required from TVMs to assess their progress toward meeting the projected DBE goal.

## Goal Development Process

The LRGVDC will submit its overall goal to DOT on August 1 of each year. The LRGVDC will work with the following agencies to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the LRGVDC efforts to establish a level playing field for the participation of DBEs:

Minority Business Enterprise Division of the Small Business Administration Small Business Development Center

Texas Department of Transportation

Local Chamber of Commerce and Hispanic Chamber of Commerce Lower Rio Grande Valley Development Council

Other FTA and DOT Recipients

We have published a notice of the proposed overall goal, informing the public that the proposed goal and its rationale were available for inspection during normal business hours at LRGVDC Main Offices and Rio Transit Center for 30 days following the date of the notice, and informed the public that the LRGVDC and DOT accepted comments on the goals for 45 days from the date of the notice. The LRGVDC published a notice announcing these goals, a description of how they were selected in the local newspaper, and available minority-focus media.

Normally, the LRGVDC will issue this notice by February of each year. The notice included addresses to which comments could be sent and addresses (including offices and websites) where the proposal could be reviewed. Our overall goal submission to DOT will include a summary of information and comments received during this public participation process and our responses.

We will begin using our overall goal on October 1 of each year, unless we have received other instructions from DOT.

## Small Business Participation (26.39)

The LRGVDC has incorporated the following non-discriminatory element to its DBE program, in order to facilitate competition on DOT –assisted public works projects by small business concerns both DBEs and non-DBE small businesses.

The LRGVDC has developed a provision to allow full participation of DBEs and minority groups by removing unnecessary contract requirements; requiring bidders on large contracts to identify and/or promote small business participation; allowing acquisition strategies to structure procurements to facilitate awards to small businesses or joint ventures.

## Breakout of Estimated Participation

The LRGVDC will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. 100% of the LRGVDC's DBE Goal will be reached through race-neutral measures.

For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry a DBE goal; DBE participation on a prime contract exceeding a contract goal; and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

## Contract Goals 26.51 (a-c)(d-g)

The LRGVDC will use contract goals to meet any portion of the overall goal the LRGVDC 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 our overall goal that is not projected to be met through the use of race-neutral means.

We will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. We need not establish a contract goal on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work).

We will express our contract goals as a percentage of the total amount of a DOT-assisted contract.

## Good Faith Efforts (26.53)

### Information to be submitted

LRGVDC treats bidders/offerors' compliance with good faith efforts requirements as a matter of responsiveness and responsibility, by determining that they have completed the following:

1. The bidder/offeror has submitted the following information prior to contract award:
  - a. The names and addresses of DBE firms that will participate in the contract;
  - b. A description of the work that each DBE will perform;
  - c. The dollar amount of the participation of each DBE firm participating in the work
  - d. Written and signed documentation of commitment to use a DBE subcontractor to meet a contract goal.
2. The bidder/offeror has documented that it has obtained enough DBE participation to meet the goal; or
3. Documented that it made adequate good faith efforts to meet the goal, even though it did not succeed in obtaining enough DBE participation to do so. If the bidder/offeror does document adequate good faith efforts, we will not deny award of the contract on the basis that the bidder/offeror failed to meet the goal.
4. The bidder/offeror has written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment.
5. If the contract goal is not met, the bidder/offeror will supply evidence of good faith efforts.

Demonstration of good faith efforts 26.53 (a) (c)

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to 49 CFR part 26. (See SECTION 2)

The following personnel are responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive:

DBE Advisory Committee, consisting of the DBELO and the director of the departments participating in the project.

We will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before we commit to the performance of the contract by the bidder/offeror.

Administrative Reconsideration 26.53 (d)

Within two working days of being informed by LRGVDC that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/Offerors should make this request in writing to the following reconsideration officials:

Procurement Director  
Victor Morales  
301 West Railroad  
Weslaco, Texas 78596  
(956) 682-3481 x 163

Transit Director  
Tom Logan  
510 South Pleasantview Dr  
Weslaco, Texas 78596  
(956) 682-3481 x 301

Executive Director  
Kenneth N. Jones, Jr.  
301 West Railroad  
Weslaco, Texas 78596  
(956) 682-3481 x 101

The reconsideration officials will not have played any role in the original determination that the bidder/offeror did not make sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the 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/offeror will have the opportunity to meet in person with our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. We will send the bidder/offeror 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 Department of Transportation.

#### Good Faith Efforts when a DBE is replaced on a contract 26.53 (f)

The LRGVDC will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. We will require the prime contractor to notify the DBE Liaison Officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, we will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts. If the contractor fails or refuses to comply in the time specified, our contracting office 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 determination for default proceeding.

#### Counting DBE Participation (26.55)

We will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55. The LRGVDC will count only those funds expended by certified DBE vendors in the provision of goods and/or services, whether the DBE vendor is a prime or subcontractor, on any project that is funded in whole or in part by US DOT funds.

#### Certification (26.61 - 26.73)

The LRGVDC will participate in the Texas Unified Certification Program (TUCP) which shall be the agency tasked with certification of DBE vendors in the State of Texas. The TUCP shall certify those firms as DBE vendors following the certification standards of Subpart D of part 26 (See SECTION 2) and the certification procedures of Subpart E of part 26 (See SECTION 2) to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards.

#### Certification Appeals 26.89

Any firm or complainant may appeal the TUCP decision in a certification matter to DOT. Such appeals may be sent to:

Department of Transportation Office of Civil Rights

Certification Appeals Branch 400 7th St., SW, Room 2104 Washington, DC 20590

We will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for our DOT-assisted contracting (e.g., certify a firm if DOT has determined that our denial of its application was erroneous).

An individual who is interested in appealing the certification steps must appeal to the DBE Advisory Committee. If the applicant is still unsatisfied with the decision of the advisory committee, the applicant may appeal to the reconsideration committee. The appeal of last resort will be the Department of Transportation.

Under the TUCP, DBEs shall be certified every three years. Each year during the three year certification period, DBEs will be contacted to ascertain any changes.

#### No Change Affidavits and Notices of Change

We require all DBEs to inform us, in a written affidavit, of any change in its circumstances affecting its ability to meet size, disadvantaged status, ownership or control criteria of 49 CFR part 26 (See SECTION 2) or of any material changes in the information provided to the application for TUCP certification.

The TUCP also requires all owners of all certified DBEs to submit, on the anniversary date of their certification, a "no change" affidavit meeting the requirements of 26.83(j).

The TUCP will notify all currently certified DBE firms of these obligations. This notification will inform DBEs that to submit the "no change" affidavit, their owners must swear or affirm that they meet all regulatory requirements of part 26, including personal net worth. Likewise, if a firm's owner knows or should know that he or she, or the firm, fails to meet part of 49 CFR Part 26 eligibility requirements (e.g., personal net worth), the obligation to submit a notice of change applies.

## Personal Net Worth

The Texas Unified Certification Program (TUCP) will meet all requirements under 49 CFR part 26 with respect to the identification of DBE net worth using the forms attached in SECTION 6.

## INFORMATION COLLECTION AND REPORTING 26.109

### Bidders List

The LRGVDC will develop a bidders list for all solicitations that are funded in whole or in part by the US DOT. This list shall be developed through use of the TUCP database as well as historical information on bidders for similar solicitations.

This bidders list shall be reviewed by the DBE Program Coordinator to ensure that DBE vendors are informed of the available opportunities.

### Monitoring Payments to DBEs

We 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 LRGVDC or DOT. This reporting requirement also extends to any certified DBE subcontractor.

We will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award. See copy of vendor payment form, SECTION 7.

We will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

### Reporting to DOT

The Lower Rio Grande Valley Development Council (LRGVDC) Department will report DBE participation on a quarterly basis, using DOT Form 4630. These reports will reflect payments actually made to DBEs on DOT assisted contracts as well as provide a narrative report of participation by DBE vendors, regardless of award.

### Confidentiality

We will safeguard from disclosure to third parties, information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. Notwithstanding any contrary provisions of state or local law, we will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submitter.

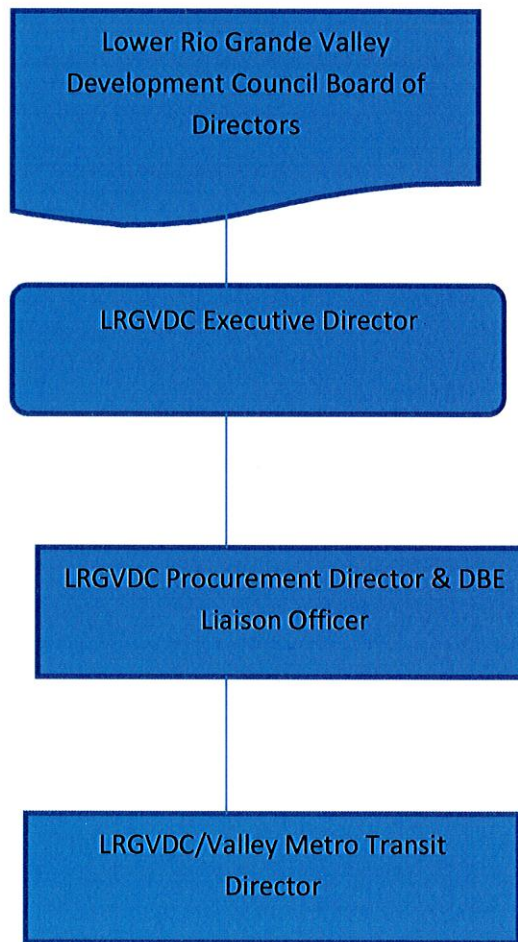


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SECTION 2-49 CFR Part 26

# Disadvantage Business Enterprise Program

## LRGVDC ORGANIZATIONAL CHART



## Public Notice

The LRGVDC Transit Department/Valley Metro

### Disadvantaged Business Enterprise Goals

The LRGVDC is publishing this notice to announce in accordance with the Department of Transportation (CFR 49 Sec. 26) the LRGVDC's Disadvantaged Business Enterprise (DBE) Goal for the Fiscal Year 2013 to 2016. The DBE Goal for the stated year is 12%. The LRGVDC will demonstrate a "good faith effort" to obtain the stated goal.

A description of how the goal was constructed and how DBE firms were selected is available for inspection during normal business hours at The LRGVDC Administrative Office for Forty-Five (45) Days after the posting of this notice. Public Comments about the goal can be sent or phoned to:

The LRGVDC Transit Department

301 West Railroad, Weslaco Texas 78596

Phone: (956)-682-3481

E-mail [vmorales@lrgvdc.org](mailto:vmorales@lrgvdc.org)

**Public Notice  
of  
The LRGVDC Transit Department  
Disadvantaged Business Enterprise Goals**

The LRGVDC is publishing this notice to announce in accordance with the Department of Transportation (CFR 49 Sec. 26) the LRGVDC's Disadvantaged Business Enterprise (DBE) Goal for the Fiscal Year 2011 - 2013. The DBE Goal for the stated year is 8%. The LRGVDC will demonstrate a "good faith effort" to obtain the stated goal.

A description of how the goal was constructed and how DBE firms were selected is available for inspection during normal business hours at The LRGVDC Administrative Office for Forty-Five (45) Days after the posting of this notice. Public Comments about the goal can be sent or phoned to:

The LRGVDC Transit Department  
311 North 15th Street, Texas 78501  
Phone: (956)-682-3481  
Fax: (956)-682-3295

## ATTACHMENT # 1

### CONTACT INFORMATION

Lower Rio Grande Valley Development Council

301 West Railroad

Weslaco, Texas 78596

Phone- 956-682-3481

Cell – 956-330-7797

E-mail- [vmorales@lrgvdc.org](mailto:vmorales@lrgvdc.org)

Mr. Kenneth N. Jones., Jr. Executive Director, E-mail [kjones@lrgvdc.org](mailto:kjones@lrgvdc.org)

Mr. Victor Morales, Procurement Director and DBELO, E-mail [vmorales@lrgvdc.org](mailto:vmorales@lrgvdc.org)

Mr. Thomas Logan, Valley Metro Director, E-mail [tlogan@lrgvdctransit.org](mailto:tlogan@lrgvdctransit.org)

## ATTACHMENT # 2

### Goal Setting Methodology (Submitted for 3-Year Goal FY 2013-16)

The process by which LRGVDC established its DBE goal for FY 2013 - 2016 is summarized below. In accordance with **49 CFR Part 26 Section 26.45** LRGVDC followed a two-step process based on evidence of the availability of ready, willing and able DBEs relative to all businesses ready, willing and able to participate in its DOT-assisted contracts. The goal reflects LRGVDC's determination of the level of participation expected absent the effects of discrimination. In setting the overall goal for FY 2013 - 2016, LRGVDC could not simply rely upon the 10 percent national goal, a previous overall goal or past DBE participation rates in the program without reference to the relative availability of DBEs in its market. While LRGVDC's "market" is difficult to define because it solicits firms nationally, attempts to identify the relative availability of firms were made to the extent possible.

**Step 1: Base Figure.** To establish a base figure, LRGVDC first looked at the DOT-funded projects budgeted for award in FY2013-2016 and their corresponding NAICS Codes.

- In Column 3 LRGVDC identified the percentage of dollars budgeted for each NAICS Code.
- Next, LRGVDC analyzed its internal vendor database to determine where the majority of its contractors are based and concluded that slightly more than 69% of its contractors have offices in Hidalgo and Cameron Counties. Therefore, LRGVDC selected these Counties as its market area and analyzed United States Census Data- County Business Patterns. Column 5 lists the total number of firms in each NAICS Code.
- LRGVDC then analyzed the DBE Directory of the South Central Texas Regional Certification Agency (SCTRCA) to calculate the number of certified DBEs for each of those NAICS Codes. These totals are listed in Column 6.
- LRGVDC then divided the number of DBEs by the total firms and derived a base figure for the relative availability of DBEs for each NAICS Code. See Column 7.
- LRGVDC then applied that relative availability (Column 7) to the dollars budgeted in each NAICS Code area (Column 3) to derive actual dollar amounts for DBE achievement for each NAICS Code (Column 8).

1	2	3	4	5	6	7	8
NAICS Code	Industry	Budgeted/ FY201-2016	% of Budget	Total Firms	DBEs	Base	DBE Dollars to Expect
81119 561720 221310 237110	Maintenance & Operations	\$ 2,171,040	19.80%	153	13	3%	\$1,085.52
23 238130 238330 238110 238910	General Construction	\$ 7,896,154	71.98%	210	17	63%	\$3,715.83
541310 541330	Professional Services (General)	\$ 901,816	8.22%	160	20	12%	\$541.08
<b>TOTAL DOLLARS</b>	<b>BUDGET</b>	\$10,969,010	100%	523	50	28%	\$5,592.93

**Step 2: Adjustment.** The process for establishing a Base Figure proposed in Example 1 of 49 CFR Part 26 Section 26.45 recommended an analysis of County Business Patterns obtained from the 2010 U.S. Census Bureau. However, because the types of projects LRGVDC plans to solicit and award in the coming fiscal year are specific to transit and will draw vendors from all over the United States, it is difficult to perform an analysis of this kind. In addition, not all ready, willing and able DBE firms are certified by our local Unified Certification Agency-South Central Texas Regional Certification Agency (SCTRCA), though they may be certified with other direct Recipients or Unified Certification Agencies in other states. Additionally, LRGVDC does not currently have a Bidder's List (consisting of all prime contractors and all subcontractors that propose or bid on any LRGVDC project) for establishing a Base Figure. Nor, can LRGVDC rely upon data from the Cameron, Hidalgo, Starr and Willacy Counties Disparity Study.

LRGVDC expects this level of "Race Neutral" achievement to increase in the coming fiscal year. Additional increases in "Race Neutral" achievement may also come from the implementation of the rule change in the DBE program for the Small Business Element mandated by 49 CFR §26.39 which is intended to increase small business participation regardless of certification status.

**LRGVDC is convinced that based on the previous three-year average, a DBE goal of 30% is hereby established for FY 2013 - 2016. LRGVDC is confident that this is an ambitious yet achievable and realistic goal.**

To estimate the part of that goal that will be met through "race neutral" means, LRGVDC reviewed available data from previous (3) fiscal year DBE Bi-annual Uniform Reports, which is summarized below. The updated 2011-2013 (3) year DBE goal was exceeded by 3% Race Neutral awards as demonstrated in 2012 fiscal year achievement of 27%. Given that LRGVDC demonstrated an additional 3% to its Race Neutral goal commitment of 9% in fiscal year 2012 resulting in a projection of 12 % Race Neutral Participation for DOT grant-assisted projects, it has been projected that for fiscal year 2013-2016 LRGVDC can expect to demonstrate Race Neutral participation of 17%.

In addition, LRGVDC is forecasting that the amount of "Race Neutral" achievement will increase and that this also needs to be taken into consideration in the setting of its overall goal.

Therefore, with the projection of an estimated additional 5% Small Business participation, LRGVDC estimates that approximately 8% of its overall goal will continue to come from "race neutral" efforts. LRGVDC will monitor the level of participation through "race neutral" means and if this level is exceeding or not meeting goal, LRGVDC will adjust efforts accordingly.

In conclusion, LRGVDC proposes the following:

LRGVDC's overall goal for FY 2013 - 2016 should be: 12% of the Federal financial assistance expended in DOT-assisted contracts, exclusive of FTA funds to be used for the purchase of transit vehicles.

LRGVDC estimates that, in meeting its overall goal of 12 %, it will obtain 8% from race-neutral participation.

### **Weighting**

LRGVDC does not do "weighting" in its goal setting process due to the fact that our region is not overly saturated with DBEs nor is there a shortage of available DBEs. LRGVDC has been able to meet the agency DBE 3 year goal during the past fiscal year 2012, and we expect to do the same for fiscal year 2013 which will close out the initial 2011-2013 (3) year goal ruling adopted by the Department of Transportation.



ATTACHMENT # 3

2010 Census Data

:

**Table 2. Cumulative Estimates of Resident Population Change for Counties of Texas and County Rankings: April 1, 2010 to July 1, 2011**

Geographic Area	Population Estimates		Change, 2010 to 2011		State Ranking of Counties			
	April 1, 2010 Estimates Base	July 1, 2011	Number	Percent	Population Estimates		Change, 2010 to 2011	
					April 1, 2010 Estimates Base	July 1, 2011	Number	Percent
Glasscock County	1,226	1,251	25	2.0	244	244	154	34
Goliad County	7,210	7,243	33	0.5	186	186	150	144
Gonzales County	19,807	19,904	97	0.5	120	119	122	140
Gray County	22,535	22,755	220	1.0	109	109	92	98
Grayson County	120,877	121,419	542	0.4	34	35	56	145
Gregg County	121,730	123,081	1,351	1.1	32	33	36	83
Grimes County	26,572	26,887	315	1.2	97	97	72	77
Guadalupe County	131,533	135,757	4,224	3.2	29	29	20	16
Hale County	36,273	36,498	225	0.6	82	82	90	128
Hall County	3,353	3,377	24	0.7	224	222	157	121
Hamilton County	8,517	8,472	-45	-0.5	177	177	215	209
Hansford County	5,613	5,577	-36	-0.6	200	200	207	216
Hardeman County	4,139	4,176	37	0.9	208	208	147	104
Hardin County	54,635	55,246	611	1.1	57	58	53	82
Harris County	4,092,442	4,180,894	88,452	2.2	1	1	1	30
Harrison County	65,631	66,296	665	1.0	51	51	50	92
Hartley County	6,062	5,971	-91	-1.5	196	198	236	237
Haskell County	5,899	5,989	90	1.5	199	197	124	52
Hays County	157,103	164,050	6,947	4.4	24	24	14	5
Hemphill County	3,807	3,970	163	4.3	213	212	102	6
Henderson County	78,531	78,826	295	0.4	45	46	76	150
Hidalgo County	774,769	797,810	23,041	3.0	8	8	8	18
Hill County	35,089	35,392	303	0.9	86	85	75	107
Hockley County	22,935	22,892	-43	-0.2	108	108	213	190
Hood County	51,182	51,670	488	1.0	61	61	60	100
Hopkins County	35,161	35,371	210	0.6	84	86	94	131
Houston County	23,732	23,484	-248	-1.0	105	106	253	232
Howard County	35,012	35,122	110	0.3	87	87	118	158
Hudspeth County	3,476	3,423	-53	-1.5	219	220	217	239

Table 2. Cumulative Estimates of Resident Population Change for Counties of Texas and County Rankings: April 1, 2010 to July 1, 2011

Geographic Area	Population Estimates		Change, 2010 to 2011		State Ranking of Counties			
	April 1, 2010 Estimates Base	July 1, 2011	Number	Percent	Population Estimates		Change, 2010 to 2011	
					April 1, 2010 Estimates Base	July 1, 2011	Number	Percent
San Augustine County	8,865	8,874	9	0.1	176	174	172	174
San Jacinto County	26,384	26,801	417	1.6	99	98	64	49
San Patricio County	64,806	64,726	-80	-0.1	52	53	229	187
San Saba County	6,131	6,023	-108	-1.8	195	196	240	241
Schleicher County	3,461	3,309	-152	-4.4	220	226	249	252
Scurry County	16,921	16,919	-2	-	133	133	182	181
Shackelford County	3,378	3,318	-60	-1.8	221	225	226	242
Shelby County	25,448	25,772	324	1.3	100	100	70	69
Sherman County	3,034	3,040	6	0.2	230	230	176	170
Smith County	209,714	213,381	3,667	1.7	22	22	21	42
Somervell County	8,490	8,451	-39	-0.5	178	178	209	206
<del>Starr County</del>	<del>60,968</del>	<del>61,715</del>	<del>747</del>	<del>1.2</del>	<del>54</del>	<del>54</del>	<del>47</del>	<del>72</del>
Stephens County	9,630	9,548	-82	-0.9	170	170	230	228
Sterling County	1,143	1,158	15	1.3	246	246	168	65
Stonewall County	1,490	1,472	-18	-1.2	242	242	192	233
Sutton County	4,128	4,007	-121	-2.9	209	210	244	251
Swisher County	7,854	7,801	-53	-0.7	182	182	217	220
Tarrant County	1,809,039	1,849,815	40,776	2.3	3	3	4	26
Taylor County	131,506	132,755	1,249	0.9	30	30	37	101
Terrell County	984	960	-24	-2.4	247	247	196	250
Terry County	12,651	12,675	24	0.2	154	154	157	171
Throckmorton County	1,641	1,609	-32	-2.0	238	240	205	245
Titus County	32,334	32,596	262	0.8	91	91	81	112
Tom Green County	110,224	111,823	1,599	1.5	37	38	33	58
Travis County	1,024,272	1,063,130	38,858	3.8	5	5	5	9
Trinity County	14,585	14,659	74	0.5	141	141	132	138
Tyler County	21,766	21,666	-100	-0.5	113	113	239	207
Upshur County	39,318	39,826	508	1.3	76	76	58	67
Upton County	3,355	3,346	-9	-0.3	223	223	185	195

**Table 2. Cumulative Estimates of Resident Population Change for Counties of Texas and County Rankings: April 1, 2010 to July 1, 2011**

Geographic Area	Population Estimates		Change, 2010 to 2011		State Ranking of Counties			
	April 1, 2010 Estimates Base	July 1, 2011	Number	Percent	Population Estimates		Change, 2010 to 2011	
					April 1, 2010 Estimates Base	July 1, 2011	Number	Percent
Uvalde County	26,405	26,535	130	0.5	98	99	110	139
Val Verde County	48,879	49,106	227	0.5	65	65	88	143
Van Zandt County	52,579	52,776	197	0.4	60	60	97	151
Victoria County	86,793	87,545	752	0.9	41	42	46	106
Walker County	67,861	68,087	226	0.3	50	50	89	155
Waller County	43,237	44,013	776	1.8	70	70	45	41
Ward County	10,658	10,716	58	0.5	162	162	137	135
Washington County	33,711	33,791	80	0.2	89	90	128	165
Webb County	250,304	256,496	6,192	2.5	20	19	16	23
Wharton County	41,280	41,314	34	0.1	74	75	149	176
Wheeler County	5,410	5,465	55	1.0	201	201	138	91
Wichita County	131,500	130,698	-802	-0.6	31	31	254	213
Wilbarger County	13,535	13,404	-131	-1.0	151	151	245	231
Willacy County	22,134	22,095	-39	-0.2	111	111	209	189
Williamson County	422,679	442,782	20,103	4.8	12	12	11	3
Wilson County	42,914	43,789	875	2.0	71	71	44	35
Winkler County	7,110	7,178	68	1.0	188	188	133	99
Wise County	59,122	59,833	711	1.2	55	55	48	75
Wood County	41,964	42,164	200	0.5	73	73	96	141
Yoakum County	7,879	8,005	126	1.6	181	181	111	47
Young County	18,550	18,484	-66	-0.4	127	127	228	201
Zapata County	14,018	14,282	264	1.9	144	143	80	39
Zavala County	11,677	11,849	172	1.5	157	156	101	55

Dash (-) represents zero or rounds to zero. (X) Not applicable.

Note: The April 1, 2010 Population Estimates base reflects changes to the Census 2010 population from the Boundary and Annexation Survey (BAS) and other geographic program revisions. It does not reflect changes from the Count Question Resolution program. All geographic boundaries for the 2011 population estimates series are defined as of January 1, 2011.

**Suggested Citation:**

Table 2. Cumulative Estimates of Resident Population Change for Counties of Texas and County Rankings: April 1, 2010 to July 1, 2011 (CO-EST2011-02-48)

Source: U.S. Census Bureau, Population Division

Release Date: April 2012