

HITS - Exhibit B

DBE CERTIFICATION

Houston Intelligent Transportation System (HITS)

**DISADVANTAGED BUSINESS ENTERPRISES
REQUIREMENTS**

The following goal for participation by Disadvantaged Business Enterprises is established for professional services and construction work under the Design-Build Agreement (“DBA”):

DBE

7%

DBE Certification

By signing the Proposal, Proposer certifies that (1) the above DBE goal will be met by obtaining commitments equal to or exceeding the DBE percentage or that Developer will provide a good faith effort to substantiate the attempt to meet the goal; and (2) if awarded the DBA, Developer will submit a DBE Performance Plan. Failure to submit the DBE Performance Plan will be considered a breach of the requirements of the RFP.

A Developer who cannot meet the contract goal, in whole or in part, shall document the “Good Faith Efforts” taken. The Developer shall refer to federal guidelines for types of actions that may be considered good faith efforts.

Failure to comply with Federal, State or City rules / guidelines to meet or exceed the DBE goal or to provide adequate “good faith efforts” shall constitute a material breach of contract. The City of Houston reserves the right to terminate the contract, to reduce the amount of DBE goal not accomplished by DBEs from the money due or to become due to the Developer, not as a penalty, but as liquidated damages to the City of Houston, or such other remedy or remedies as the City of Houston deems appropriate.

[name]

[title]