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4.2.10.2: DBE PERFORMANCE PLAN

The following, together with any attachments, is submitted as the DBE Performance Plan ("Plan") to satisfy the applicable requirements of the Proposer's CDA Contract Documents in accordance with the regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26.

The Proposer is committed to meeting or exceeding the expected Disadvantaged Business Enterprise (DBE) participation goal of 12.44% for the Initial Scope of Work and the Update Work, respectively. The Proposer are committed to fulfilling the percentage goals reflected through the use of an extensive Good Faith Efforts (see attached Good Faith Documentation) throughout the course of the project execution. The following describes how this goal will be achieved.

Nondiscrimination

The Proposer 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 this Plan, the Proposer 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 Plan with respect to individuals of a particular race, color, sex or national origin.

DBE Solicitation

The Proposer will review the requirements for the Initial Scope of Work and evaluate where it is in the best interest of the Proposer and TxDOT to solicit additional team members to fulfill these requirements. Once these areas are identified, the Proposer will give preference to DBE firms in adding team members.

In developing a team to produce a quality product efficiently, all team members must be able to work well together. To that end, the Proposer will contact DBE firms that have good working relationships with the Proposal Team and are committed to producing quality products in the time frame given. The Proposer has identified the DBE firms that will be initially utilized in the Subprovider Monitoring System Commitment Worksheet (Form H-1). These firms will be primarily involved in the development of the facilities for the Master Development Plan and the development of the Master Financial plan.

On the occasion that there is not a firm that can fulfill a particular need, the Proposer will use the Texas Unified Certification Program to identify potential DBE firms. These firms will be evaluated based on their qualifications and references and added to the agreement.

DBE Financial Institutions

It is our policy to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage subcontractors on DOT-assisted CDA contracts to make use of these institutions.

Directory

The Proposer utilizes TxDOT's DBE directory ("the Directory"), which is published annually as a means of sourcing and identifying qualified/certified DBEs. The Directory is available on the Internet at www.dot.state.tx.us/insdtdot/orgchart/cmd/cserve/dbelst for all contractors, subcontractors, and suppliers for their information and use. The Proposer will ensure that all appropriate subcontractors are notified of this Internet site address.

Administration

The Proposer will follow all of the requirements as specified in Exhibit M of the CDA. These are to include but not limited to the following:

- Solicit and encourage additional DBE participation.
- Verify that the work tasks assigned to the DBE firm corresponds to the categories for which they are certified to perform.
- Verify that any subproviders to the DBE firm are certified DBEs.
- Prepare and submit Monthly Progress Assessment Reports.
- Maintain records for four (4) years.
- Prepare and submit Final Report at end of work.

Plan Administration

The following individual will administer the DBE Performance Plan:

NAME: Rita L. Phillip
Procurement Manger & Small Business Liaison Officer

ADDRESS: Zachry Construction Corporation
P.O. Box 240130
San Antonio, Texas 78224-0130

PHONE: 210/475-8281
FAX: 210-475-8796

Ms. Phillip has been serving in her current position for nearly two years. In this position, she is responsible for the coordinating, monitoring, and encouraging the use of small and disadvantaged businesses. Ms. Phillip has extensive experience in contract management and purchasing. Her complete resume is included in the appendix.

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For the Initial Scope of Work and the Update Work, the specific duties will include:

- General overall responsibility for the DBE plan.
- The development, preparation and execution of individual subcontracts.
- Preparing and submitting monthly the DBE Progress Assessment Report.
- Coordinating activities during any compliance reviews.
- Coordinating activities involving DBEs, as related to this plan.
- Monitoring attainment of proposed goals.