



DBE Post-Award Deviation Request

DBE Federal Program



The City of Houston, on behalf of the Office of Business Opportunity (OBO), has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. In conformity with this program, the Prime contractor shall comply with the approved participation plan, unless it has received approval from Office of Business Opportunity to deviate from the submitted plan.

Removal and Reduction in Participation

I) The Prime contractor must give notice of removal or substantial reduction (more than 50%) in participation to the affected DBE, with a copy sent to OBO stating the request to remove or reduce and the specific reason(s). The Prime contractor must demonstrate a good cause to justify the removal or reduction. Good cause includes, but is not limited to:

- The listed DBE subcontractor fails or refuses to execute a written contract.
- The listed DBE subcontractor fails or refuses to perform the work of its subcontract in a way consistent with normal industry standards. Provided however, that good cause does not exist if the failure or refusal of the DBE subcontractor to perform its work on the subcontract results from the bad faith or discriminatory action of the Prime contractor.
- The listed DBE subcontractor fails or refuses to meet the Prime contractor's reasonable, non-discriminatory bond requirements.
- The listed DBE subcontractor becomes bankrupt, insolvent, or exhibits credit unworthiness.
- The listed DBE subcontractor is ineligible to work on public works projects because of suspension and debarment proceedings pursuant to 2 CFR Parts 180, 215 and 1,200 or applicable state law.
- OBO determined that the listed DBE subcontractor is not a responsible contractor.
- The listed DBE subcontractor voluntarily withdraws from the project and provides OBO written notice of its withdrawal.
- The listed DBE is ineligible to receive DBE credit for the type of work required.
- A DBE owner dies or becomes disabled with the result that the listed DBE contractor is unable to complete its work on the contract.
- Other documented good cause that OBO has determined compels the termination of the DBE subcontractor, provided that good cause does not exist if the Prime contractor seeks to terminate a DBE it relied upon to obtain the contract so that the Prime contractor can self-perform the work for which the DBE contractor was engaged or so that the Prime contractor can substitute another DBE or non-DBE contractor after contract award.

II) The Prime contractor must give the affected DBE five (5) business days to respond to the written notice of removal. The affected DBE must provide a written response consenting to the removal or a detailed written response objecting to the removal.

III) The Prime contractor must provide OBO with a copy of the notice to the affected DBE along with any objections, a completed Deviation Request form, and an updated DBE Utilization Schedule.

OBO or its designee will contact the affected DBE to confirm their consent or objection to the removal or reduction.

Addition

The Prime contractor must submit a completed Deviation Request form when adding an DBE for goal credit to the approved DBE participation plan. The Prime contractor must also submit an updated Utilization Schedule upon request.

Notification of Final Determination

The Prime contractor will be notified of the final determination via a letter signed by the OBO Director or designee. If the determination is to approve the addition, removal, or substantial reduction of participation of a goal credit DBE firm, the appropriate adjustments will be made to the project in the contract management system.

Executed Subcontracting Agreement

Within 14 business days of the date of OBO's approval letter to add a DBE for goal credit, the Prime must provide OBO with a copy of an executed subcontracting agreement with the new DBE.



City of Houston
Office of Business Opportunity
DEVIATION REQUEST
DBE Federal Program



To: The Office of Business Opportunity (OBO) Director
Date:
Prime Contractor:
Project Description:
Contract Number:
OBO Compliance Officer:
City Of Houston Contract Project Manager:

Submitted By (Name and Title):		
Company Mailing Address:		
City:	State:	Zip code:
Contact Phone Number:		

The City of Houston’s Pay or Play (POP) program requires that City of Houston contractors either contribute prescribed amounts to the Contractors Responsibility Fund (CRF) for their uninsured employees (PAY) or provide their employees a minimum level of healthcare benefits (PLAY). The Office of Business Opportunity oversees the administration of POP in partnership with each department's POP Liaison. For more information or assistance please contact your contracting departments POP Liaison by clicking <https://www.houstontx.gov/obo/popforms.html>.

Name of Firm(s) Requested to Add*

Name of Firm Requested to Add	Certification	NAICS Code	POP Status	Start Date	Estimated Dollar Value
	Choose an item.		Choose an item.		
	Choose an item.		Choose an item.		
	Choose an item.		Choose an item.		

**A copy of the executed agreement must be provided to OBO within 14 days of approval of the deviation request.*

Name of Firm(s) Requested to Reduce/Remove

Name of Firm Requested to Remove	Certification	NAICS Code	Start Date	Estimated Dollar Value
	Choose an item.			
	Choose an item.			

If applicable, list subcontractors below that will be used as a supplier or manufacturer on this contract.

Name of Firm	Supplier or Manufacturer
	Choose an item.
	Choose an item.
	Choose an item.
	Choose an item.

Summarize why you are requesting a change to your DBE participation plan and whether it will affect other goal credit participants assigned on this project.

Please upload/attach the five-day removal or reduction notification to the affected DBE.

Signature: _____

Date: _____