

**WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY
DISADVANTAGED BUSINESS ENTERPRISE (DBE)
TERMINATION/SUBSTITUTION/REDUCTION REQUEST (TSR) INSTRUCTIONS**

*Terms used on this form, *contractor* and *subcontractor* are synonymous with *consultant* and *sub consultant* respectively.

The contractor shall follow the DBE Special Provisions Section when determining to terminate/substitute or reduce the work of a DBE listed on the DBE Intended Participation Affidavit Summary. The contractor shall make all reasonable efforts to avoid termination, substitution or reduce the work of a DBE listed on the DBE Letter of Intent. All terminations, substitutions, and reduction in scope must be approved in writing by Chief Procurement Officer or designee.

The process for substitution is as follows:

- Submit a written notice on the attached form to the Contracting Officer (CO) and a copy to the DBE vendor;
- The DBE vendor has ten (10) days to respond to the CO and forward copy to the prime contractor;
- A copy of the substitution request and DBE vendor response is forwarded to the DBE Liaison (DBELO) or designee;
- Meeting with the CO and DBELO;
- Written approval of substitution or denial;
- If approved, Good Faith Effort (GFE) and other supporting documentation; and
- Prepare DBE Letter of Intent, if applicable.

The contractor must demonstrate GFE to replace a committed DBE firm, with another committed DBE firm. Reasonable methods to resolve performance disputes must be applied. If a DBE subcontractor is approved to be terminated or fails to complete its work on the contract for any reason, the prime contractor will make Good Faith Efforts to find another DBE subcontractor to replace the original DBE. The GFE will be directed at finding another DBE to perform at least the same amount of work under contract as the DBE that was terminated or replaced, to the extent needed to meet the contract goal established for the project.

GFE documentation must be submitted to WMATA within seven (7) calendar days from the date WMATA approves the request.

The contractor shall submit an amended DBE Letter of Intent and a copy of the new subcontract with the substitute DBE's name, description of work, NAICS code, Vendor Identification Number, and dollar value of work. Approval from WMATA must be obtained prior to the substituted DBE beginning work.

**Washington Metropolitan Area Transit Authority
Disadvantage Business Enterprise Program
Termination/Substitution/Reduction Request (TSR) Form**

Contract Number: _____ MOD: _____ Task Order: _____

Prime: _____ Vendor Identification No: _____

DBE Firm: _____ DBE Certification No: _____

Requestor: _____ Email: _____ Phone No: _____

Type of Request: ___ Termination ___ Substitution ___ Reduction

1. Is this request due to a WMATA Change Order/Scope?

___ Yes, explain the Change Order/Scope impact on DBE participation.

___ No, select below the fact(s) and the reason(s) for the request (see attached instructions)

- ___ Fails or refuses to execute written contract;
- ___ Fails or refuses to perform work in accordance with normal industry standards;
- ___ Becomes bankrupt, insolvent or exhibits credit unworthiness;
- ___ Is ineligible to work because of suspension or debarment proceedings;
- ___ Is not a responsible contractor;
- ___ Voluntarily withdraws from the project and provides to WMATA written notice of its withdrawal;
- ___ Is ineligible to receive DBE credit for the type of work required;
- ___ Owner dies or becomes disabled resulting in inability to complete work on the contract; or
- ___ Other documented good cause (Attach documentation).

Attach a brief statement of facts describing the situation and any documentation to substantiate selection above.

2. Date determined the DBE is unwilling, unable or ineligible to perform work.

3. Date of written notice to DBE: _____ (Attach a notice with this request, along with a copy of the DBE response.)

Attachment 2

4. Amount of DBE subcontract. \$ _____
5. Amount paid to DBE for work completed. \$ _____
6. DBE amount to be substituted. \$ _____
7. Proposed Sub Name (if applicable).

8. Projected date for replacement Sub to commence work. _____
9. Is the replacement a WMATA certified DBE?
_____ Yes, please provide new DBE Letter of Intent, Vendor ID No. or
DBE Certification No: _____.
_____ No, provide Good Faith Effort (GFE) documentation
10. Is this project scheduled to meet the assessed DBE goal? ____ Yes ____ No

Original DBE Sub Signature

Date

Prime Contractor Signature

Date

WMATA Contracting Officer Signature

Date

FOR WMATA USE ONLY

Request is: _____ Approved _____ Denied

WMATA DBELO: _____

Signature

Date