

To: Administration & Finance Committee

Date: June 15, 2022

From: Kristina Martinez, Director of Recruitment & EE Development

Reviewed by: WC.

SUBJECT: Disadvantaged Business Enterprise (DBE) Goal for FFY 2023-2025

Background:

The Board of Directors adopted the revised County Connection Disadvantaged Business Enterprise (DBE) Program on February 15, 2018, pursuant to U.S. Department of Transportation directives and guidelines in the regulations, 49 CFR Part 26. The program was submitted to the Federal Transit Administration (FTA) on March 14, 2018, and it received concurrence on May 23, 2019. As part of the DBE Program, the regulations require grantees to establish a three-year overall goal for DBE participation in FTA-assisted contracts.

County Connection's next goal submission is due to FTA on August 1, 2022, covering FFY2023 through FFY2025. To that end, staff completed the DBE Overall Goal and Goal Setting Methodology and recommends a goal of 5.9% for FTA-assisted contracts. Calculation of this goal was based on a percentage of all FTA-assisted contracting funds (FTA Section 5307 and COVID-19 relief funds) anticipated to be expended during FFYs 2023-2025.

Prior to submission to the FTA, Federal regulations require that County Connection publish a notice on its official web site announcing the proposed goal. At its May 4, 2022 meeting, the A&F Committee authorized staff to post the proposed DBE overall goal on the County Connection website. The notice also informed the public that information on the proposed goal and methodology was available for inspection at the County Connection offices or electronically for thirty (30) days from the date of publication. Comments could also be submitted within that time frame.

At the conclusion of the review and comment period on June 4, 2022, County Connection received no comments or requests for information regarding the proposed goal and goal setting methodology.

Financial Implications:

An approved DBE Program, which includes a three-year DBE overall goal, will enable County Connection to continue to be eligible for federal financial assistance.

Recommendation:

Staff recommends that the A&F Committee forward a recommendation to the Board of Directors to adopt a DBE overall goal of 5.9% for FFY 2023-2025.

Action Requested:

Staff requests that the A&F Committee forward a recommendation to the Board of Directors to adopt a DBE overall goal of 5.9% for FFY 2023-2025 and authorize staff to forward the overall goal and goal setting methodology to the FTA.

Attachments:

DBE Overall Goal and Goal Setting Methodology, FFY 2023-2025

Central Contra Costa Transit Authority

Disadvantaged Business Enterprise (DBE) Overall Goal and Goal Setting Methodology FFY 2023-2025

Adopted by the
CCCTA Board of Directors
Date:
Resolution No.

Submitted to the
U.S. Department of Transportation
Federal Transit Administration
Date:

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EXECUTIVE SUMMARY

The U.S. Department of Transportation (U.S. DOT) revised its Disadvantaged Business Enterprise (DBE) Program by issuing a rule to help ensure fair competition for U.S. DOT-assisted contracts. Based on a provision in the Moving Ahead for Progress in the 21st Century Act (MAP-21) that reauthorized the U.S. DOT DBE Program, the rule ensures a level playing field on which minority, women and other disadvantaged small businesses can compete for federally assisted contracts. The rule, 49 CFR Part 26 (Regulations) titled, "Participation by Disadvantaged Business Enterprises in Department of Transportation Programs," was published in the *Federal Register* on February 2, 1999 and became effective March 4, 1999. The DBE Regulations were amended at various times and now require recipients to establish and submit overall goals for review every three years. The DBE Regulations are intended by U.S. DOT to pass the strict scrutiny required in the 1995 U.S. Supreme Court ruling in *Adarand v. Peña*. Many of the changes respond to the Court's requirement that affirmative action programs must be narrowly tailored to remedy past discrimination that could not otherwise be remedied through race-neutral means.

Key provisions of 49 CFR Part 26 applicable to the goal-setting methodology include:

- Establishment of DBE goals based on evidence of relative availability of DBEs as a percentage of firms in the relevant contracting markets.
- Use of race-neutral means to meet overall agency DBE goals to the maximum extent feasible. For contracts with subcontracting opportunities, contract-specific goals should only be used if race-neutral methods are insufficient to achieve the annual DBE goal.
- Increased reporting and monitoring during contract performance to ensure actual expenditure of contract funds with DBEs listed in the bid/proposal and contract.

The Central Contra Costa Transit Authority (CCCTA) has had a *DBE Program* in place since October 20, 1983. Pursuant to changes in the Regulations, CCCTA has revised its *DBE Program* at various times. The most recent revision was submitted to the FTA on March 14, 2018 and CCCTA received FTA's concurrence on the revised *DBE Program* on May 23, 2019.

CCCTA established a 4.65% overall DBE goal for federal fiscal years (FFYs) 2020-2022 and it was submitted to the Federal Transit Administration (FTA) on July 30, 2019. The DBE goal was approved on September 19, 2019. CCCTA is now required to establish an overall DBE goal for FFYs 2023-2025 and to submit it to FTA by August 1, 2022. To that end, CCCTA developed a three-year overall goal for the participation of small, disadvantaged business enterprises in FTA-assisted contracts.

The recommended overall goal for DBE participation is 5.9%, which is expected to be met through race-neutral measures applicable to FTA-assisted contracts. Calculation of this goal was based on a percentage of all FTA-assisted contracting funds anticipated to be expended between October 1, 2022 and September 30, 2025. CCCTA anticipates receiving FTA Section 5307 grants for preventive maintenance, which will be used for operating assistance in the paratransit division. CCCTA also anticipates receiving Section 5307 capital grants in FY2023 for revenue fleet replacement. The capital grants will be used for contracting opportunities covered by the DBE program for transit vehicle manufacturers and are not included in the calculation of the DBE goal of 5.9%.

In addition to 5307 grants, CCCTA has received funding for transit operations in support of capital, operating, and other expenses eligible to prevent, prepare for, and respond to the COVID-19 pandemic. This funding was made available to transit operators through three (3) federal COVID-19 relief bills passed by the federal government: the Coronavirus Aid, Relief, and Economic Security

(CARES) Act, Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSAA) and the American Rescue Plan Act (ARP). CCCTA anticipates receiving ARP funds for eligible operating, capital, and other expenses in FY 2023 and FY 2024.

When establishing this three-year overall goal, CCCTA reviewed its operating and capital budget for FY2023 for its fixed-route and paratransit divisions. The operating budgets have not been developed for the two outlying fiscal years; however, it is anticipated the contracting opportunities will be similar to those identified for FY2023. Thus, the goal is based on CCCTA's operating budget for FY2023.

The 5.9% overall goal identifies the relative availability of DBEs based on evidence of ready, willing and able DBEs in relationship to comparable businesses known to be available to compete for CCCTA's FTA-assisted contracts. The goal reflects staff's determination of the level of DBE participation expected to be achieved absent the effects of discrimination.

CCCTA intends to meet this three-year goal to the maximum extent feasible through race-neutral measures. To ensure public participation in the goal-setting process, CCCTA staff participated in outreach efforts with the DBE and contracting communities. The proposed overall goal was advertised on the CCCTA website and the public was advised of a review and comment period.

METHODOLOGY FOR SETTING OVERALL DBE GOAL

The proposed three-year overall goal of 5.9% DBE participation is based on current and prior-year contracting opportunities in grants received or anticipated to be received from FTA that CCCTA will expend in FY2023 through FY2025. While the amounts of FTA assistance and budgeted items will differ each year, it is anticipated the types and percentages of contracting opportunities will be similar to those projected for FY2023. The total adjusted FTA-assisted funds for FY2023 are \$28,633,630, with \$1,569,749 in contracting opportunities and \$27,063,881 in non-contracting opportunities (see Attachment 1(a)).

This methodology includes an assessment of (1) the number, type and total dollar value of FTA-assisted contracting opportunities; (2) a two-step process prescribed in the U.S. DOT Regulations consisting of an analysis of the availability of DBE contractors/subcontractors relative to all businesses that are ready, willing and able to participate (referred to as "relative availability of DBEs"); and (3) the use of race-neutral methods to achieve the three-year goal.

A. Contracting Opportunities in FTA-Assisted Contracts

Construction, professional and other services, and procurement of supplies and equipment (except transit revenue vehicles) constitute CCCTA contracting opportunities. To determine FTA-funded contracting opportunities, budgets and current grants expected to be expended for the three-year term of FY2023 through FY2025 were reviewed. For the federal COVID-19 relief funds and Section 5307 preventive maintenance grants, the dollar value of the contracting opportunities equal to FTA's share of the total budget in the corresponding fixed-route and paratransit divisions was calculated. In this case, the total FY2023 operating budget is \$47,315,493 and the FTA-funded grants equate to \$7,675,630. Thus, FTA's share of the total operating budget is 16.2%.

The total projected operating budget in FY2024 is \$48,537,000 and the corresponding FTA funds equate to \$5,717,000 (11.8%). For FY2025, CCCTA does not anticipate expending any

federal COVID-19 relief funds in its fixed-route division. Thus, only the FTA-funded contracting opportunities for the paratransit division were reviewed for FY2024. The projected operating budget in FY2025 is \$10,462,000 and FTA's share is \$1,800,000 (17.2%).

B. Consideration of Data Sources for Establishing the Base Figure of DBE Availability

CCCTA developed its three-year overall DBE goal based on the two-step process outlined in the Regulations. In Step 1, a base figure was calculated to determine the relative availability of DBEs in specific areas of expertise applicable to CCCTA's contracting activities. This data was gathered from the California Unified Certification Program (CUCP) DBE Database and the U.S. Census Bureau, County Business Patterns. In Step 2, an assessment of relevant evidence available to CCCTA was analyzed to determine what adjustments, if any, were needed to narrowly tailor the base figure to CCCTA's contracting markets. The following is a review of data sources considered when establishing the base figure in Step 1.

1. U.S. Census Bureau Data

The Regulations suggest that one method of establishing the DBE base figure is to develop a percentage of DBE availability based upon the number of DBE's in the DBE directory firms relevant to CCCTA's contracting activities as the numerator. Data from the U.S. Census Bureau's County Business Patterns (CBP) is then used for all businesses relevant to CCCTA's market within the North American Industrial Classification System (NAICS) code as the denominator.

2. California UCP DBE Database

CCCTA analyzed the number of DBE firms using data from the CUCP DBE database per major NAICS categories. As of March 2022, the California Unified Certification Program (UCP) database consists of approximately 5,500 DBE firms. This database was used in Step 1 to establish ready, willing, and able DBEs relative to CCCTA's contracting opportunities. The CUCP only lists firms that are currently certified as DBEs. Any firm that does not continue to meet criteria established within the DBE program is decertified and removed from the database.

3. U. S. Small Business Administration Certified Firms

A business currently certified under the U.S. Small Business Administration (SBA) 8(a) Program or the Small Disadvantaged Business (SDB) Program is considered eligible for certification as a DBE in the California UCP, providing it meets the business size standard and other eligibility criteria established by U.S. DOT. Several SBA 8(a) and SDB certified firms are included in the California UCP DBE Database.

Information from the U.S. Small Business Administration was not used to determine the availability of DBE firms because (a) some firms may not meet the U.S. DOT business size standard and/or other eligibility criteria within the DBE Program and (2) the firms listed in the U.S. Small Business Administration Programs may also be listed the CUCP DBE Database, which could result in double-counting.

4. Bidders List

CCCTA has compiled a bidders list, as required by the Regulations, for use as an analytical tool. At this time, however, CCCTA does not have a comprehensive bidders list to identify the relative availability of DBEs in its local market area for specific upcoming contracting opportunities.

5. DBE Disparity Studies

DBE disparity studies that comply with the U.S. Supreme Court's ruling in *City of Richmond v. J. A. Croson Co.* are frequently the basis for establishing race conscious DBE programs. In *Croson*, the local goals program for contracts with minority-owned businesses was challenged. The Court found that race-based preference programs would be constitutionally valid only if there is evidence that discrimination in the marketplace caused the underutilization of minority-owned firms and that race-based preferences are necessary to remedy such discrimination. In addition, the Court ruled that any race-based remedies must be narrowly tailored.

CCCTA has not recently participated in a disparity study for use in the DBE three-year overall goal for FFYs 2023-2025. Other U.S. DOT recipients in the region have commissioned new studies that are currently underway, completed, or anticipated to begin. However, these studies measure services for contracting opportunities that are not similar to those of CCCTA. Should CCCTA's goals not be met through race-neutral measures, a local disparity study may be considered in the future.

6. Another U.S. DOT Recipient's Goal

CCCTA will not use the DBE goal of another U.S. DOT recipient for the goal-setting process because CCCTA's contracting opportunities do not closely mirror those of another agency.

C. Step 1: Establishing a Base Figure

A base figure was developed for FY2023 contracting opportunities to express the relative availability of DBEs as a percentage of all firms in the relevant contracting markets, as delineated by NAICS Codes.

1. Analyzing Available Businesses in the Relevant Contracting Markets

CCCTA's vendor listing indicates several contracts are awarded to vendors/contractors located within Contra Costa County, and many of these firms are located within CCCTA's service area. A review of projected contracts revealed there are fifteen NAICS Codes with contracting and potential subcontracting opportunities. While several of these contracts are expected to be awarded to local firms, the remainder may be awarded to regional or statewide firms.

Due to limited information for specific NAICS Codes solely in Contra Costa County, it was decided to broaden the geographical data and use information from the U.S. Census Bureau, County Business Patterns (CBP) in nine surrounding Bay Area counties to represent firms that may be interested to participate on CCCTA's projected contracts.

Due to the size and dollar amount dedicated to the contracting opportunity assigned to NAICS codes 485991 and 485999, the data was broadened statewide to represent all firms that may be interested in participating on this contract. This approach complies with a requirement in the Regulations to use as close as possible the same NAICS Codes and geographical base when determining the base figure for the overall goal. When calculating the total number of firms, CCCTA used the number of firms from the CBP as delineated by NAICS codes (refer to Attachment 2, Step 1).

CCCTA anticipates receiving \$1,800,000 of FTA Section 5307 grants for preventive maintenance, which will be used for operating assistance in its paratransit division. CCCTA also anticipates expending a total of \$5,875,630 in federal COVID-19 relief funds, which will be used for expenses eligible to in response to the COVID-19 pandemic for both fixed-route and paratransit divisions. Anticipated contracting opportunities for include the following:

NAICS Code	Major Industry Group
323111	Commercial Printing
424120	Office Supplies
444180	Building Repair Supplies
459999	Other Miscellaneous Supplies
488410	Motor Vehicle Towing
485991	Purchased Transportation
485999	Other Transportation Services
561320	Temporary Help
561612	Security Services
561621	Fire Monitoring
5617	Services to Buildings & Dwellings
562112	Hazardous Waste Collection Services
611430	Professional Development Training
8111	Automotive Repair & Maintenance
811210	Electronic & Equipment Repair & Maintenance

2. Analyzing Available DBEs in the Relevant Contracting Markets

A similar analysis was conducted to determine the number of ready, willing and able DBEs available to participate as prime contractors or subcontractors on CCCTA's projected contracts. The California Unified Certification Program (CUCP) provides data on firms owned by Disadvantaged Business Enterprises (DBEs). The CUCP only lists firms that are currently certified as DBEs. Any firm that does not continue to meet criteria established within the DBE program is removed from the database. When calculating the total number of DBE's, CCCTA used the number of firms as delineated by NAICS codes (refer to Attachment 2(a), Step 1).

3. Calculating the Base Figure

CCCTA compared the available DBE firms and all businesses in the relevant contracting markets. The percentage of DBE availability was determined for each NAICS Code by

dividing the total number of DBE firms by the number of all businesses in that major NAICS Code.

Base Figure = Ready, willing, and able DBEs
All firms ready, willing, and able
(including DBEs and non-DBEs)

To determine the base figure of DBE availability, the calculation includes a weighting factor according to the FTA-assisted contracting expenditure patterns. The budgeted contract amounts were then determined, and a percentage of the total contracts was calculated for each NAICS Code to give a higher weight to areas where more dollars will be expended. The percentage of the total contracts was then multiplied by the percentage of availability for each NAICS Code.

Attachment 2(b), Step 1, delineates the contracting opportunities for each NAICS Code. The total weighted base figure for total availability was calculated to be 1.1%.

D. Step 2: Adjusting the Base Figure

CCCTA adjusted the base figure based on evidence that indicates the availability of DBEs for FTA-assisted contracts will be higher than the calculated availability figure of 1.1%. To determine an adjusted base figure, staff reviewed information related to the proven capacity of DBEs to perform similar contracts. This included information from the U.S. Census Bureau, DBE disparity studies, DBE achievements on CCCTA's prior and current contracting opportunities, and public comments received from representatives of DBE firms, resource agencies and other organizations.

1. U.S. Census Bureau Data

It is noted that there are shortcomings in using data from the U.S. Census Bureau. These limitations include: (a) the data is not current; (b) CCCTA's projected contracts with three- or four-digit major industry group NAICS Codes do not refine the classifications enough; and (c) the data includes firms that are not interested in or are unable to perform CCCTA's contracts.

2. Previous Experience in Meeting the DBE Goal with FTA-Assisted Contracts

The CCCTA Board of Directors adopted the FFY2020 through FFY2022 DBE overall goal of 4.65% on July 18, 2019 for FTA-assisted contracting opportunities. CCCTA achieved the following DBE participation: 13.4% in FFY2019, 5.4% in FFY2020, and 10.7% in FFY2021. Calculations for DBE achievement in FFY2022 are currently underway.

CCCTA will be using federal grants in its fixed-route and paratransit division for operating assistance. Procurement opportunities for operating funds are similar to FY2023 through FY2025 and prior years. As a result, CCCTA adjusted its base figure using past participation. CCCTA averaged the median past participation (10.7%) of this project using the last three fiscal years and the step one base figure (1.1%) to arrive at the overall goal.

Adjustment = Step One Base Figure + Median Past Participation

Based on these factors, CCCTA changed its DBE availability from 1.1% to 5.9% to reflect more accurately the DBE opportunities available. (Please refer to Attachment 2, Step 2.)

3. DBE Participation in Contracts Currently Underway

a. Paratransit Services (NAICS Code 485991)

On June 16, 2022, the CCCTA Board of Directors awarded a contract to Transdev Services, Inc., for maintenance and operation of paratransit services for a four-year base term, commencing July 1, 2019. No DBE goal was set on this project; however, the contractor indicated it would partner with a regional Transportation Network Company, Big Star Transit, LLC (a certified DBE), to assist in the achievement of County Connection's overall DBE goal. CCCTA has also previously utilized a DBE to perform the repair/body work on its vehicles.

4. DBE Participation in New Contracts

No adjustments were made on new contracts because the amounts in each NAICS code are not heavily weighted relative to the total contracting opportunities for the paratransit division. It is anticipated some of these contracts may be awarded to DBE firms.

5. Consultation with DBE Firms, Resource Agencies and Other Organizations

In an effort to provide public participation in the goal-setting process, CCCTA worked in concert with other U.S. DOT recipients in the region as members of the Business Outreach Committee (BOC) in order to solicit and receive public comments.

Agency staff members held virtual consultation and public participation sessions on April 11, 2022, and April 26, 2022. Notices of these BOC public participation sessions were mailed and emailed in early March 2022. The purpose of these sessions was to provide the public with a forum for commenting on the three-year goal setting process for participating agencies. The BOC distributed an electronic invitation and event flyer to approximately 9,300 businesses. The flyer was advertised in the Small Business Exchange and was promoted on Norcal PTAC's event calendar and website at: <https://www.norcalptac.org/events/business-outreach-committee-boc-public-participation-meeting>. Of the 68 firms that registered, 31 representatives attended the session(s). Agency staff members announced their proposed goals, briefly described their contracting opportunities for FFYs 2023-2025, and requested specific information on the availability of ready, willing, and able DBEs for projects. Copies of the invitations for public participation sessions are included in Attachment 3.

The first public participation session on April 11, 2022, included a consultation meeting with various trade groups, minority, women and general contractor groups and community organizations seeking input and/or consultation in establishing three-year overall goals. Notices of the sessions were distributed to approximately 90 groups and organizations by mail and email, which included Chambers of Commerce, members of the Builders Exchange, the U.S. Small Business Administration, Small/Minority/Women Business Development agencies, and Veteran Outreach organizations throughout the

Bay Area. They are knowledgeable about the availability of disadvantaged and non-disadvantaged businesses and the effects of discrimination in contracting opportunities for DBEs.

Of the 4 organizations that registered, two were present, including representation from the NorCal Procurement Technical Assistance Center (PTAC) and the U.S. Small Business Administration. Topics for discussion included DBE participation challenges, how to increase DBE participation, suggestions for resources, the goal setting process, any comments on the proposed goals, and how the BOC could assist firms in their mission. Some of the specific questions between the BOC member agencies and the representatives included:

1. How could the BOC better reach contractors?
2. What are the major barriers for your members in competing for contracting opportunities?
3. What trades are there a lack/plethora of DBE participation?
4. What are some recommended strategies to attract and increase DBE participation?
5. Do you have suggestions for resources and references that the BOC should develop, maintain, and disseminate to your members?
6. How can the Small Business Administration (SBA) provide support to current outreach activities?

Additionally, comments received from the two representatives during the input/dialogue portion of the meeting included:

1. DBE firms have noted how cumbersome the certification process can be.
2. Prime contractors may be reluctant to use DBEs for several reasons, including a competitive market area and lack of previous work experience/years established as a business.
3. Pre-proposal conferences are good for DBE firms to meet the primes and see what requirements are for projects.
4. SBA does liaison work with federal agencies and would like to support outreach efforts and information sharing to help reach the small business community.
5. Most of the agencies that are federally funded do not have a procurement feature for vendors to “opt in” or post a vendor ad to reach a prime for a construction or professional services contract.
6. Let DBEs know of the resources available to them, such as the no-cost services provided by the SBA or Norcal PTAC.
7. Connect with the SBA. There is potential for current small businesses who may qualify for DBE certification.

A presentation on the DBE goal-setting process was led by the Golden Gate Bridge, Highway, and Transportation District (GGBHTD), which provided the opportunity for representatives to understand and to share information regarding the availability of certified and potential DBEs who are ready, able, and willing to compete for DOT-assisted contracts. Questions and comments included:

1. How can Diversity/Outreach Inclusion Programs provide the necessary training on estimating, bidding, and project management? This is the help that DBE firms need!
2. How do you determine the percentage DBE per project solicitation?
3. How do you address when goals are not met?
4. Many businesses are not government procurement sound and benefit from business development programs.
5. A participant who works with DBEs in the Central Valley stated that he wanted to offer similar public participation outreach as the BOC to the Central Valley and was interested in attending future BOC outreach events.
6. After the goal setting is done, do any agencies follow up with resource availability for the DBE contractor?
7. An RFP for professional services is oftentimes less likely to be shown on the transit agencies websites versus capital projects and it is more challenging to find out who will be a prime when you are trying to get on a team.
 - o There are financial burdens in professional services. Are there trainings that can be offered to DBEs to get past some of the professional services challenges for developing bids?
 - o There are some agencies that have very high goals and many of the agency goals seem low.
8. The mentoring and protégé program at Caltrans is a great place to network with primes and get educational opportunities. It was suggested that money needs to be set aside at each agency for DBE education programs on how to maneuver in the government contracting arena. Many DBEs do not understand how to do estimating and how to get a contract with a prime.
9. Emerging A&E firms have a difficult time forming relationships with primes because teams are formed in advance. Many primes are hesitant to work with a smaller DBE firm.
10. I appreciate all of you setting goals for us DBE's. Very often we would not otherwise have an opportunity to participate on these projects. These requirements open the doors for us.
11. I encourage all agencies to continue to focus on supportive services to bolster tradespersons starting business, residential contractors moving into the public works arena, and firms seeking to grow. Working in the public works arena requires a unique skill set and we need to continue to support the DBE firms that are working for your agencies.
12. Thank you for the opportunity to learn about the process.
13. Focus on your Technical Support Service Program to build DBE Success!
14. Work with the Ethic Chambers and Trade Associations on a Training/Education & Development Accelerator Partnering Program
15. Networking with the Primes is the key!

Through this forum, BOC member agencies had the opportunity to respond to questions. Additionally, agencies were able to provide information on resources, training programs, upcoming events, etc. that may be offered through the BOC or with other respective organizations.

No comments or questions were received during the public participation sessions regarding CCCTA's specific contracts or DBE goal-setting process for FFYs 2023-2025. As such, no additional adjustments were made to the base figure derived in Step 1 or the adjustments made in Step 2.

PROJECTION OF PERCENTAGE OF THREE-YEAR OVERALL DBE GOAL TO BE ACHIEVED THROUGH RACE-NEUTRAL MEASURES

The U.S. DOT Regulations require that the maximum feasible portion of the DBE overall goal be met by using race-neutral methods. Race-neutral methods include efforts made to assure that bidding and contracting requirements facilitate participation by DBEs and other small businesses, such as unbundling large contracts to make them more accessible, encouraging prime contractors to subcontract portions of the work, and providing technical assistance, outreach and communications programs. Race-neutral DBE participation includes any time a DBE wins a prime contract through customary competitive procurement procedures, a DBE is awarded a subcontract on a prime contract that does not carry a DBE goal, or a DBE wins a subcontract, even if there is a DBE goal, from a prime contractor that did not consider its DBE status in making the award.

Because of the small dollar amounts of projected new formal contracts with subcontracting opportunities, CCCTA anticipates setting no contract-specific DBE goals on new contracts to be awarded in FY2023-2025. In conjunction with the Small Business Element in its DBE Program, CCCTA may consider setting an SBE goal on any new contracts with subcontracting opportunities when it is determined that CCCTA will not be able to achieve its DBE overall goal.

In addition, CCCTA will focus on developing, refining and implementing race-neutral methods for facilitating DBE participation by advising prospective contractors of the areas for possible subcontracting and of the availability of ready, willing and able subcontractors, including DBE firms, to perform such work. CCCTA will continue to solicit DBE participation on an ongoing basis, use DBE firms that have successfully completed prior projects, encourage eligible firms to become certified as DBEs, encourage DBE certified firms to maintain their certifications, assist with access and distribution of the California UCP DBE Database, and provide requested technical assistance and related services when feasible.

As a member of the Business Outreach Committee (BOC), CCCTA is assisting with annual projects that include a quarterly newsletter and outreach/networking events. The newsletter highlights agency contracting opportunities and provides information on resource agencies, contracting issues and upcoming outreach events held both in-person or virtually. The BOC plans to host outreach/networking events and certification workshops each year in addition to the public participation meetings focused on contracting and DBE availability for the goal-setting process. The outreach/networking events bring together agency buyers and project managers as well as prime contractors and subcontractors that may be interested in submitting bids or proposals for agency contracts. These events and the certification workshops have provided certification information to interested firms and encouraged them to apply and/or to maintain their current certification status.

Race-neutral measures will comprise 100% of the total contracting opportunities through various types of contracts, including construction, professional services, procurement of materials, supplies and equipment, and other services. CCCTA will monitor carefully its progress during the course of each year and will consider whether it will establish appropriate contract-specific SBE goals if other race-neutral methods do not appear sufficient to achieve the three-year overall DBE participation goal. All contracts that have DBE commitments will be monitored for compliance.

NOTICE OF PROPOSED THREE-YEAR OVERALL DBE GOAL

Federal Regulations require that CCCTA publish a notice on its official Web site announcing the proposed goal for FY2023-2025 contracts assisted by U.S. DOT. On May 5, 2022, the proposed goal

was posted on the CCCTA website at <https://countyconnection.com/notice-of-proposed-dbe-goal/>. A copy of the published notice is also included in Attachment 4.

The notice also informed the public that information on the proposed goal and methodology was available for inspection at CCCTA's office or electronically for thirty (30) days from the date of publication. Comments could also be submitted to CCCTA within that time frame. At the conclusion of the public review and comment period on June 4, 2022, CCCTA received no requests from the public for information regarding development of the proposed goal and no comments about the goal-setting methodology.

CALIFORNIA UNIFIED CERTIFICATION PROGRAM

The Regulations require all U.S. DOT recipients in their state to participate in a Unified Certification Program (UCP). U.S. DOT designated the California Department of Transportation (Caltrans) as the lead agency for development and implementation of the California UCP. To accomplish that task, statewide meetings were held, and a Memorandum of Agreement (MOA) was developed outlining California's plan for implementation of the UCP. Caltrans submitted the California UCP MOA on May 1, 2001, to U.S. DOT, and the U.S. DOT Secretary approved the MOA on March 13, 2002. Initial implementation of the California UCP began on January 1, 2002, and full implementation was accomplished within 18 months of the U.S. DOT approval date. The most recent amendment to the MOA was made on February 12, 2020.

As required by the California UCP MOA, CCCTA submitted a Declaration Letter to Caltrans advising it is a U.S. DOT recipient with an approved DBE Program in place, acknowledging it is in agreement with the MOA and declaring it will be participating as a non-certifying agency.

CCCTA is impacted by the California UCP as follows: (a) the MOA may propose an annual membership fee; (b) Certifying agencies within the CUCP certify firms as DBEs or ACDBEs; (c) all certified firms are included in the UCP DBE Database; and (d) CCCTA staff may participate as a non-certifying member of the UCP Executive Committee.

Attachment 1 (a)

Budgeted Capital Grants and Operating Funds
With FTA-Assisted Contracting Opportunities, FY2023

Type of Grant/ Budgeted Line Item		Professional Services	Equipment/ Supplies	Other Services	Construction	Non- Contracting	Contracting Total	
Operating Grants								
	Federal COVID-19 Relief Funds, Fixed-Route						5,875,630	
	Total Federal COVID-19 Relief Funds						5,875,630	
	Total Operating Budget, Fixed-Route Division	173,000	104,500	685,100		36,754,199	37,716,799	
	Section 5307, Preventive Maintenance, Paratransit						1,800,000	
	Total FTA Operating Funds						1,800,000	
	Total Operating Budget, Paratransit Division	8,708,425	4,000	1,500		884,770	9,598,694	
	Total FTA Grants, Fixed-Route & Paratransit						7,675,630	
	Total Operating Budget, Fixed-Route & Paratransit						47,315,493	
	FTA % of Total Operating Budgets							16.2%
NAICS	Contracting Opportunities, Operating Budgets	Professional Services	Equipment/ Supplies	Other Services	Construction	Non- Contracting	Contracting	16.2%
323111	Commercial Printing	100,000					100,000	16,222
424120	Office Supplies		23,500				23,500	3,812
444180	Building Repair Supplies		50,000				50,000	8,111
459999	Other Miscellaneous Supplies		35,000				35,000	5,678
488410	Motor Vehicle Towing			10,000			10,000	1,622
485991	Purchased Transportation	5,973,734					5,973,734	969,073
485999	Other Transportation Services	2,724,691					2,724,691	442,006
561320	Temporary Help	25,000					25,000	4,056
561612	Security Services			115,000			115,000	18,656
561621	Fire Monitoring			3,000			3,000	487
5617	Services to Buildings & Dwellings			185,600			185,600	30,108
562112	Hazardous Waste Collection Services			115,000			115,000	18,656
611430	Professional Development Training	30,000					30,000	4,867
8111	Automotive Repair & Maintenance			258,000			258,000	41,853
811210	Electronic & Equipment Repair & Maintenance	28,000					28,000	4,542
	Total Operating Budget	8,881,425	108,500	686,600	-	37,638,968	9,676,525	1,569,749
	@16.3%	1,440,766	17,601	111,382	0	6,105,881	1,569,749	
Total FTA Assisted Contracting & Noncontracting Opportunities, Operating Budgets								7,675,630
Capital Grants		Professional Services	Equipment/ Supplies	Other Services	Construction	Non- Contracting	Contracting	Total
	FTA Section 5307 Capital Grant, Revenue Fleet Replacement, Fixed-Route Vehicles and Paratransit Vehicles					20,958,000		20,958,000
	Total Capital Grants					20,958,000		20,958,000
Total FTA Contracting & Noncontracting Opportunities						27,063,881	1,569,749	28,633,630
Proof								28,633,630

Attachment 1 (b)

Budgeted Capital Grants and Operating Funds
With FTA-Assisted Contracting Opportunities, FY2024

Type of Grant/ Budgeted Line Item		Professional Services	Equipment/ Supplies	Other Services	Construction	Non- Contracting	Contracting Total	
Operating Grants								
	Federal COVID-19 Relief Funds, Fixed-Route						3,917,000	
	Total Federal COVID-19 Funds						3,917,000	
	Total Operating Budget, Fixed-Route Division						38,506,000	
	Section 5307, Preventive Maintenance, Paratransit						1,800,000	
	Total FTA Operating Funds						1,800,000	
	Total Operating Budget, Paratransit Division						10,031,000	
	Paratransit Division							
	Total FTA Grants, Fixed-Route & Paratransit						5,717,000	
	Total Operating Budget, Fixed-Route & Paratransit						48,537,000	
	FTA % of Total Operating Budgets						11.8%	
NAICS	Contracting Opportunities, Operating Budgets	Professional Services	Equipment/ Supplies	Other Services	Construction	Non- Contracting	Contracting	11.8%
323111	Commercial Printing							
424120	Office Supplies							
444180	Building Repair Supplies							
459999	Other Miscellaneous Supplies							
488410	Motor Vehicle Towing							
485991	Purchased Transportation							
485999	Other Transportation Services							
561320	Temporary Help							
561612	Security Services							
561621	Fire Monitoring							
5617	Services to Buildings & Dwellings							
562112	Hazardous Waste Collection Services							
611430	Professional Development Training							
8111	Automotive Repair & Maintenance							
811210	Electronic & Equipment Repair & Maintenance							
	Total Operating Budget							
	@11.8%							
Total FTA Assisted Contracting & Noncontracting Opportunities, Operating Budget								
	Capital Grants	Professional Services	Equipment/ Supplies	Other Services	Construction	Non- Contracting	Contracting	Total
	Total Capital Grants							
	Total Contracting & Noncontracting Opportunities							
	Proof							

Attachment 1 (c)

Budgeted Capital Grants and Paratransit Operating Funds
With FTA-Assisted Contracting Opportunities, FY2025

Type of Grant/ Budgeted Line Item		Professional Services	Equipment/ Supplies	Other Services	Construction	Non- Contracting	Contracting Total	
Operating Grants								
	Section 5307, Preventive Maintenance, Paratransit						1,800,000	
	Total FTA Operating Grants						1,800,000	
	Total Operating Budget							
	Paratransit Division						10,462,000	
	FTA % of Total Operating Budgets						17.2%	
NAICS	Contracting Opportunities, Operating Budgets	Professional	Equipment	Services	Construction	NonContract	Contracting	17.2%
424120	Office Supplies							
485991	Purchased Transportation							
485999	Other Transportation Services							
5617	Services to Buildings & Dwellings							
611430	Professional Development Training							
	Total Paratransit Operating Budget							
	@17.9%							
Total FTA Assisted Contracting & Noncontracting Opportunities, Paratransit Operating Budget								
	Capital Grants	Professional	Equipment	Services	Construction	NonContract	Contracting	Total
	Total Capital Grants							
	Total Contracting & Noncontracting Opportunities							
	Proof							

ATTACHMENT 2 (a)

DBE AVAILABILITY, OVERALL GOAL FOR FFY 2023-2025

Step 1: Base Figure for DBE Availability by NAICS Codes

NAICS Code	Major Industry Group	Number of Certified DBEs	Number of All Firms	DBE Availability	Budget (@ 16.2%)	Weight	Goal
323111	Commercial Printing	8	476	1.68%	16,222	1.03%	0.02%
424120	Office Supplies	0	95	0.00%	3,812	0.24%	0.00%
444180	Building Repair Supplies	4	751	0.53%	8,111	0.52%	0.00%
459999	Other Miscellaneous Supplies	2	440	0.45%	5,678	0.36%	0.00%
488410	Motor Vehicle Towing	0	249	0.00%	1,622	0.10%	0.00%
485991	Purchased Transportation	1	416	0.24%	969,073	61.73%	0.15%
485999	Other Purchased Transportation	2	299	0.67%	442,006	28.16%	0.19%
561320	Temporary Help	23	1,141	2.02%	4,056	0.26%	0.01%
561612	Security Services	13	424	3.07%	18,656	1.19%	0.04%
561621	Fire Monitoring	4	178	2.25%	487	0.03%	0.00%
5617	Services to Buildings & Dwellings	38	5,031	0.76%	30,108	1.92%	0.01%
562112	Hazardous Waste Collection Services	7	13	53.85%	18,656	1.19%	0.64%
611430	Professional Development Training	27	300	9.00%	4,867	0.31%	0.03%
8111	Automotive Repair & Maintenance	3	4,580	0.07%	41,853	2.67%	0.00%
811210	Electronic & Equipment Repair & Maintenance	7	157	4.46%	4,542	0.29%	0.01%
						100.00%	
	Total Budget, Contracting Opportunities				\$ 1,569,749		
	Total Base Figure						1.1%

Source: U.S. Census Bureau, 2019 Economic Census, County Business Patterns

Bay Area Counties: Alameda, Contra Costa, Marin, Napa, Sacramento, San Francisco, San Mateo, Santa Clara, Solano, Sonoma

State of California (485991 & 485999)

Source: California Unified Certification Program (DBE Database)

www.calucp.com

<https://caltrans.dbesystem.com/>

ATTACHMENT 2 (b)

DBE AVAILABILITY, OVERALL DBE GOAL FOR FFY 2023-2025

Step 2: Adjusted Base Figure, Past Participation

FFY	Participation Rate
2021	10.7%
2020	5.4%
2019	13.4%
Median	10.7%

Adjusted Goal =	Step 1 Base Figure + Median Past Participation				
	2				
Adjusted Goal =	1.1% + 10.7%				
	2				
Total Adjusted Goal = 5.9 %					



THE BUSINESS OUTREACH COMMITTEE (BOC)
A CONSORTIUM OF BAY AREA TRANSPORTATION AGENCIES



Public Participation Meeting

Virtual Events – Cisco Webex Platform

Registration Required

The BOC hereby notifies all interested parties that member agencies are beginning the process of establishing Triennial Overall Disadvantaged Business Enterprise (DBE) goals for contracts and procurements that may be financed in whole or in part with Federal Transit Administration funds for Federal Fiscal Year 2023-2025. Two sessions offered:

Monday, April 11, 2022
11:30 a.m. – 1:00 p.m. (PST)
[Register Here](#)

Tuesday, April 26, 2022
10:00 a.m. – 11:30 p.m. (PST)
[Register Here](#)

MEETINGS WILL INCLUDE:

- OVERVIEW OF DBE PROGRAM
- DBE GOAL SETTING PROCESS & EXERCISE
- COMMENT PERIOD FOR INPUT ON PROPOSED DBE GOALS
- NOTICE OF UPCOMING CONTRACTING OPPORTUNITIES

WHO SHOULD ATTEND?
Disadvantaged and Small Business Enterprises | Community Based Organizations | Prime Contractors
For questions, contact Artemisé Davenport at adavenport@goldengate.org or 415-257-4581



Participating Agencies:

AC Transit ♦ BART ♦ Caltrain/SamTrans ♦ City of Santa Rosa ♦ County Connection ♦ GGBHTD
Marin Transit ♦ MTC ♦ NVTA ♦ Santa Cruz Metro ♦ SFCTA ♦ SFMTA ♦ SMART ♦ SolTrans ♦ Tri Delta Transit
VTA ♦ WestCat ♦ WETA

The BOC serves the disadvantaged and small business communities. It is the policy of the member agencies participating in the Business Outreach Committee that small businesses owned and controlled by socially and economically disadvantaged individuals are provided equal opportunity to participate in the construction, professional service and procurement activities of their agencies.



March 8, 2022

Dear Business Partner:

The Business Outreach Committee (BOC) invites you to participate in a virtual consultation meeting with Bay Area transit and transportation agencies to share information on the availability of Disadvantaged Business Enterprises (DBEs) and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and agency efforts to establish a level playing field in procurement and contracting activities. The BOC seeks your input on the methodology agencies use to determine their overall DBE goals for Federal Transit Administration (FTA) assisted contracts for Federal Fiscal Year (FFY) 2023 - 2025.

Members of trade associations, chambers of commerce, builders exchanges, and technical resource groups are invited to join in this discussion. We have included a list of proposed discussion topics and contact information for the BOC agency representatives that are participating in this meeting.

Immediately following the consultation session, BOC member agencies will conduct a virtual meeting for the public. The Public Participation meeting will include information on the role of recipients, the DBE goal-setting process, a DBE goal-setting exercise, agencies' proposed overall DBE goals, and an open forum to receive comments and/or suggestions on agencies' proposed DBE goals for the upcoming FFY. We are interested in hearing from you and the disadvantaged and small business community on how agencies can improve their DBE Programs. Please share the attached flyer with your clients.

Here are the details of the Consultation Meeting:

Consultation Session

Monday, April 11, 2022, 9:30 AM – 10:30 AM (PST)

Cisco Webex:

<https://goldengate.webex.com/goldengate/j.php?MTID=m2e2e1e06db3f21038644aabb97939b05>

The goal of the BOC is to assist small, disadvantaged and local firms in doing business with Bay Area transportation agencies. We strive to provide opportunities for small, disadvantaged, and/or local companies to expand their capacity by developing relationships with transit agency staff and the contracting community of the San Francisco Bay Area.

For questions, please contact me at adavenport@goldengate.org or 415-257-4581.

Please join us and provide your input on our efforts.

Respectfully,

Artemisé Davenport

Artemisé Davenport
Chair, Business Outreach Committee

Attachments: Public Participation Flyer

- Alameda-Contra Costa Transit District (AC Transit)
- Alameda County Transportation Commission (Alameda CTC)
- Bay Area Rapid Transit (BART)
- California Department of Transportation (CALTRANS)
- California High Speed Rail Authority (HSR)
- Central Contra Costa Transit Authority (County Connection)
- City of Rio Vista (Delta Breeze)
- City of Santa Rosa
- Golden Gate Bridge, Highway and Transportation District (GGBHTD)
- Marin Transit
- Metropolitan Transportation Commission (MTC)
- Napa Valley Transportation Authority (NVTA)
- Peninsula Corridor Joint Powers Board (Caltrain)
- San Francisco Bay Area Water Emergency Transportation Authority (WETA)
- San Francisco County Transportation Authority (SFCTA)
- San Francisco Municipal Transportation Agency (SFMTA)
- San Mateo County Transit District (SamTrans)
- Santa Clara Valley Transportation Authority (VTA)
- Santa Cruz Metropolitan Transit District (SCMTD)
- Solano County Transit (SolTrans)
- Sonoma County Department of Transportation & Public Works
- Sonoma-Marín Area Rail Transit District (SMART)
- Transbay Joint Powers Authority (TJPA)
- Tri Delta Transit (ECCTA)
- Western Contra Costa Transit Authority (WestCAT)

**Business Outreach Committee
c/o GGBHTD, 1011 Andersen Drive, San Rafael, CA 94901**

Proposed Discussion Topics

1. What are the major barriers for your members in competing for contracting opportunities?
2. What trades are there a lack/plthora of DBE participation?
3. What are some recommended strategies to attract and increase DBE participation?
4. Do you have suggestions for resources and references that the BOC should develop, maintain, and disseminate to your members?
5. How can the Business Outreach Committee assist you in your mission?

The Business Outreach Committee includes Civil Rights Officers and Contract Administrators from:



ATTACHMENT 4

NOTICE OF PROPOSED OVERALL THREE-YEAR DBE GOAL



Service Bulletin: Masks no longer required but strongly recommended

Notice of Proposed DBE Goal

May 5, 2022

NOTICE OF PROPOSED THREE-YEAR OVERALL DBE GOAL

The Central Contra Costa Transit Authority (CCCTA) announces a 5.9% proposed overall goal for participation by Disadvantaged Business Enterprises (DBEs) in CCCTA contracting opportunities that are budgeted to receive financial assistance from the U.S. Department of Transportation (DOT), Federal Transit Administration (FTA) during federal fiscal years (FFYs) 2023 through 2025.

Information on the development of the proposed goal and rationale is available for inspection at the CCCTA office, 2477 Arnold Industrial Way, Concord, CA 94520 for thirty (30) days following the date of this notice. Any person may also submit comments regarding the proposed goal to the DBE Officer for thirty (30) days from the date of this notice. Please contact Kristina Martinez, DBE Officer at (925) 680-2031 or kmartinez@cccta.org to schedule an appointment for inspection of the proposed goal or to request inspection of the proposed goal electronically.

Bill Churchill, General Manager
May 5, 2022

[Notice-of-Proposed-DBE-Goal](#)

Service Changes Effective February 20, 2022

County Connection LINK receives award from CalACT

Contact Us

Mon-Fri 6:30AM - 6:30PM
925-676-7500
help@countyconnection.com
Administrative Offices are closed until further notice.

Information on this website is available in accessible formats (such as CD, audio tape, braille, or large print) by contacting Customer Service at 925-676-7500.

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Procurements
Business and Advertising

County Connection

County Connection provides fixed-route and paratransit bus service for communities in Central Contra Costa County.

More About Us

Select Language

County Connection

2477 Arnold Industrial Way Concord, CA 94520-5326 (925) 676-7500 countyconnection.com

NOTICE OF PROPOSED THREE-YEAR OVERALL DBE GOAL

The Central Contra Costa Transit Authority (CCCTA) announces a 5.9% proposed overall goal for participation by Disadvantaged Business Enterprises (DBEs) in CCCTA contracting opportunities that are budgeted to receive financial assistance from the U.S. Department of Transportation (DOT), Federal Transit Administration (FTA) during federal fiscal years (FFYs) 2023 through 2025.

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Bill Churchill, General Manager
May 5, 2022

Clayton • Concord • Contra Costa County • Danville • Lafayette • Martinez
Moraga • Orinda • Pleasant Hill • San Ramon • Walnut Creek

