

To: A&F Committee

Date: June 13, 2019

From: Kristina Martinez, Dir of Recruitment & EE Development/
DBE Officer

Reviewed by: *WC.*

SUBJECT: Disadvantaged Business Enterprise (DBE) Goal for Federal Fiscal Years (FFYs) 2020-2022

Summary:

The Board of Directors adopted the revised CCCTA 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. As part of the DBE Program, the regulations require grantees to establish a three-year overall goal for DBE participation in Federal Transit Administration (FTA) assisted contracts.

CCCTA's next goal submission is due to the FTA on August 1, 2019 covering federal fiscal years (FFYs) 2020-2022. To that end, staff completed the DBE Overall Goal and Goal Setting Methodology and recommends a goal of 4.65% for FTA-assisted contracts.

Prior to submission to the FTA, Federal Regulations require that CCCTA publish a notice on its official web site announcing the proposed goal. At the May 8, 2019 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 during normal business hours at the CCCTA offices 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 8, 2019, CCCTA received no comments or requests for information regarding the proposed goal or goal setting methodology.

Financial Implications:

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

Staff Recommendation:

Staff requests that the A&F Committee forward a recommendation to the Board of Directors to adopt a DBE overall goal of 4.65% for FFYs 2020-2022 and authorize staff to forward the overall goal and goal setting methodology to the FTA.

Attachments:

DBE Overall Goal and Goal Setting Methodology, Federal Fiscal Years (FFYs) 2020-2022

County Connection

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Central Contra Costa Transit Authority

Disadvantaged Business Enterprise (DBE) Overall Goal and Goal Setting Methodology Federal Fiscal Years (FFYs) 2020-2022

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.

CCCTA established a 5% overall DBE goal for federal fiscal years (FFYs) 2017-2019 and it was submitted to the Federal Transit Administration (FTA) on July 21, 2016. The DBE goal was approved on November 21, 2016. CCCTA is now required to establish an overall DBE goal for FFYs 2020-2022 and to submit it to FTA by August 1, 2019. 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 4.65%, 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 July 1, 2019 and June 30, 2022. 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 FY2022 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 4.65%.

When establishing this three-year overall goal, CCCTA reviewed its operating and capital budget for FY2020 for the paratransit division. 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 FY2020. Thus, the goal is based on CCCTA's paratransit operating budget for FY2020.

The 4.65% 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 4.65% 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 FY2020 through FY2022. 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 FY2020. The total adjusted FTA-assisted funds for FY2020 are \$1,380,000, with \$1,309,812 in contracting opportunities and \$70,188 in non-contracting opportunities (see Attachment 1).

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. The total dollar value of each contracting opportunity has the following major components--the bid or proposal items that are performed by prime contractors and the specific bid or proposal items that could be accomplished by available subcontractors.

To determine FTA-funded contracting opportunities, budgets and current grants expected to be expended for the three-year term of FY2020 through FY2022 were reviewed. For the Section 5307 preventive maintenance grants to be used for paratransit operations, only the dollar value was calculated of the contracting opportunities equal to FTA's share of the total budget in the paratransit division. In this case, the total FY2020 paratransit operating budget is \$6,526,506 and the FTA-funded grant is \$1,380,000. Thus, FTA's share of the total paratransit operating budget equates to 21.1%. The total projected paratransit operating budgets in FY2021 and FY2022 are \$6,845,000 and \$7,180,000 respectively. The corresponding projected FTA Section 5307 preventive maintenance grants are \$1,380,000 (20.2%) in FY2021 and \$1,380,000 (19.2%) in FY2022.

The specific contracting categories (construction, professional and other services, and supplies/equipment) were then determined for the total paratransit operating funds available

during FY2020. These FTA-assisted contracting opportunities of \$1,309,812 are anticipated to be used for paratransit operating services.

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 2019, the California Unified Certification Program (UCP) database consists of 5,073 DBE firms. This database was used in Step 1 to establish ready, willing, and able DBE's relative to CCCTA's contracting opportunities. The CUCP only lists firms that are currently certified as DBE's. 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 DBE's in its local market area.

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 regional disparity study for use in the DBE three-year overall goal for FFYs 2020-2022. Recently, several agencies have commissioned new studies that are currently underway or completed. 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 FY2020 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 ten major 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, statewide and national 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 code 48599, the data was broadened to the State of California 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 \$1,380,000 of FTA Section 5307 grants for preventive maintenance, which will be used for operating assistance in its paratransit division. Anticipated contracting opportunities within this division for FFYs 2020-2022 include the following:

NAICS Code	Major Industry Group	Contract Type
424120	Office Supplies	Prime
485310	Other Transportation Services	Prime
48599	Transit & Other Ground Passenger Transportation	Prime
541110	Legal Services	Prime
541930	Translation & Interpretation Services	Prime
5617	Services to Buildings & Dwellings	Prime
6114	Training/Subscriptions	Prime
811111	General Automotive Maintenance	Prime

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 (DBE's). The CUCP only lists firms that are currently certified as DBE's. 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, 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.

$$\text{Base Figure} = \frac{\text{Ready, willing, and able DBEs}}{\text{All firms ready, willing, and able (including DBEs and non-DBEs)}}$$

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, Step 1, delineates the contracting opportunities for each NAICS Code. The total weighted base figure for total availability was calculated to be 1.70%.

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 1.70%. 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 FFY2017 through 2019 DBE overall goal of 5% on July 18, 2013 for FTA-assisted contracting opportunities. CCCTA achieved the following DBE participation: 15.9% in FFY2018, 7.4% in FFY2017, and 7.6% in FFY2016. Calculations for DBE achievement in FFY2019 are currently underway.

CCCTA will be using federal grants in its paratransit division for operating assistance. Procurement opportunities for operating funds are similar to FY2017 through FY2019 and prior years. As a result, CCCTA adjusted its base figure using past participation. CCCTA averaged the median past participation (7.6%) of this project using the last three fiscal years and the step one base figure (1.70%) to arrive at the overall goal.

$$\text{Adjustment} = \frac{\text{Step One Base Figure} + \text{Median Past Participation}}{2}$$

Based on these factors, CCCTA changed its DBE availability from 1.70% to 4.65% 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 48599)

On April 17, 2014, the CCCTA Board of Directors awarded a contract to its previous contractor, First Transit, Inc., for maintenance and operation of paratransit services for a three-year term effective July 1, 2014. CCCTA's General Manager is

authorized to extend the contract for up to two additional one-year terms. No DBE goal was set on this project; however, the contractor indicated it would work closely with CCCTA to make efforts in meeting CCCTA's overall DBE goal since federal funds are used for paratransit services. In the past, the contractor has utilized two DBE subcontractors.

On April 18, 2019, the CCCTA Board of Directors awarded a contract to Transdev Services, Inc., for maintenance and operation of paratransit services for a two-year base term effective July 1, 2019. CCCTA's General Manager is authorized to extend the contract for up to three additional one-year terms. 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.

b. Legal Services (NAICS Code 541110)

On May 20, 1996, the CCCTA Board of Directors approved a resolution awarding a contract for legal services to Hanson Bridgett LLP. When the RFP was issued, no DBE goal was established and there has been no known DBE participation on this contract.

CCCTA determined that NAICS Code 541110: Legal Services, as it relates to this contract, required no additional adjustment due to the total DBE availability, the level of funds committed to this project, and lack of DBE subcontracting opportunities.

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.

Notices of the public participation sessions were mailed and emailed in February and March 2019. Agency staff members held two public participation sessions on April 2, 2019 at the Alameda-Contra Costa Transit District (AC Transit) in Oakland, CA. 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. Agency staff members announced their proposed goals, briefly described their contracting opportunities for FFYs 2020-2022, and requested specific information on the availability of ready, willing and able DBEs for projects. Copies of the invitations for both public participation sessions are included in Attachment 3.

The first participation session was dedicated to various trade groups, minority, women and general contractor groups and community organizations seeking input and/or consultation in establishing CCCTA's three-year overall goals. Notices of the sessions were distributed to over one hundred groups and organizations, 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 organizations invited, only two representatives attended the meeting, both representing a DBE certified construction/program management and public relations firm. 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. How does your firm get in front of job opportunities before a bid is out?
3. What types of financial requirements do you have of firms you work with?
4. How busy is your firm right now? What types of work are you getting?
5. What is the difference between these two sessions?

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

1. It would be helpful to contractors to have one main website (at least at the regional level) of all agency contracting opportunities instead of having to register through each individual website.
2. DBEs need assistance with financial forms in the procurement process if they have not completed them before. All involved departments should be included.
3. The BOC should provide more outreach and consider partnerships with outside organizations such as the Conference of Minority Transportation Officials (COMTO).
4. Each agency could improve on their methods for contacting potential DBE/SBE vendors. Typical comments from these firms are that they didn't know about upcoming opportunities.

The second portion of the participation process was open to the public to provide input on the goal setting process, provide questions and concerns, and to learn about upcoming contracting opportunities from various transportation agencies. Of the 60 firms that registered, approximately 31 representatives attended the meeting.

A presentation on the DBE goal-setting process was led by the Santa Clara Valley Transportation Authority (VTA), 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. One question was directed to the goal setting process, but a majority of questions related to the DBE program as a whole. Questions and comments included:

1. Are race-neutral goals being phased out? Are you finding more success in race-conscious goals?
2. How do agencies propose a 0% goal?
3. Is there anywhere on your website(s) where we can see past DBE participation/goal attainment?
4. All agencies should make a coordinated effort in creating one major report that captures cumulative data related to the DBE program. This may include progress, challenges, participation, payments, etc. There are challenges with DBEs and SBEs being paid on time. The program should help small businesses grow and profit in the State of California.
5. What level of tier are DBEs participating on contracts? How can DBEs move from the 5th or 6th tier to the 1st or 2nd tier?
6. I am not a DBE, but a SBE. What resources are available to SBEs?
7. How do you start looking at teams before a RFP is put out?
8. What can contractors do when they begin the process of reaching out to DBEs but get no response?
9. Would like to see information beyond getting DBE certification; helping DBEs succeed by having workshops in getting insurance, strategic planning.
10. Can you explain which agencies require that firms be located in their respective geographical areas to be awarded contracts?

An additional presentation was given by a member of the Norcal Procurement Technical Assistance Center (PTAC). Representatives had the opportunity to learn about the no-cost services available to DBEs, which included bid matching, strategic planning, procurement counseling, and assistance with bid proposals/submittals.

No comments or questions were received during the public participation sessions regarding CCCTA's specific contracts or DBE goal-setting process for FFYs 2020-2022. Based on the lack of comments, 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 FY2020-2022. 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. 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 FY2020-2022 contracts assisted by U.S. DOT. On May 9, 2019, the proposed goal was posted on the CCCTA website at <https://countyconnection.com/notice-of-proposed-three-year-overall-dbe-goal-2/>. A copy of the 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 during normal business hours at CCCTA's office 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 8, 2019, 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.

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. The MOA is currently under review and is in progress of being updated by the UCP Executive Committee.

DRAFT

ATTACHMENT 1(A)

**BUDGETED PARATRANSIT OPERATING FUNDS AND CAPITAL GRANTS
WITH FTA-ASSISTED CONTRACTING OPPORTUNITIES, FY 2020**

Type of Grant/ Budgeted Line Item		Professional Services	Equipment/ Supplies	Other Services	Construction	Non- Contracting	Contracting Total	
Operating Grants								
	Section 5307, Preventive Maintenance, Paratransit						1,380,000	
	Total FTA Operating Grants						1,380,000	
	Total Operating Budget							
	Paratransit Division	6,175,061	2,000	17,500		331,945	6,526,506	
	FTA % of Total Operating Budgets						21.1%	
NAICS	Contracting Opportunities, Operating Budgets	Professional	Equipment	Services	Construction	NonContract	Contracting	21.1%
424120	Office Supplies		2,000				2,000	423
485310	Other Transportation Services	1,281					1,281	271
48599	Transit & Other Ground Passenger Transportation	6,155,280					6,155,280	1,301,506
541110	Legal Services	15,000					15,000	3,172
541930	Translation & Interpretation Services	1,000					1,000	211
5617	Services to Buildings & Dwellings			1,500			1,500	317
6114	Training/Subscriptions	2,500					2,500	529
811111	General Automotive Maintenance			16,000			16,000	3,383
	Total Paratransit Operating Budget	6,175,061	2,000	17,500	0	331,945	6,194,561	1,309,812
	@21.1%	1,305,689	423	3,700	0	70,188	1,309,812	
Total FTA Assisted Contracting & Noncontracting Opportunities, Operating Budget								1,380,000
Capital Grants		Professional	Equipment	Services	Construction	NonContract	Contracting	Total
								0
Total Capital Grants						-		0
Total Contracting & Noncontracting Opportunities						70,188	1,309,812	1,380,000
Proof								1,380,000

ATTACHMENT 1(B)

**BUDGETED PARATRANSIT OPERATING FUNDS AND CAPITAL GRANTS
WITH FTA-ASSISTED CONTRACTING OPPORTUNITIES, FY 2021**

Type of Grant/ Budgeted Line Item		Professional Services	Equipment/ Supplies	Other Services	Construction	Non- Contracting	Contracting Total	
	Operating Grants							
	Section 5307, Preventive Maintenance, Paratransit						1,380,000	
	Total FTA Operating Grants						1,380,000	
	Total Operating Budget							
	Paratransit Division						6,845,000	
	FTA % of Total Operating Budgets						20.2%	
NAICS	Contracting Opportunities, Operating Budgets	Professional	Equipment	Services	Construction	NonContract	Contracting	20.2%
424120	Office Supplies							
485310	Other Transportation Services							
48599	Transit & Other Ground Passenger Transportation							
541110	Legal Services							
541930	Translation & Interpretation Services							
5617	Services to Buildings & Dwellings							
6114	Training/Subscriptions							
811111	General Automotive Maintenance							
	Total Paratransit Operating Budget @20.2%							
	Total FTA Assisted Contracting & Noncontracting Opportunities, Operating Budget							
	Capital Grants	Professional	Equipment	Services	Construction	NonContract	Contracting	Total
	Total Capital Grants							
	Total Contracting & Noncontracting Opportunities							
	Proof							

ATTACHMENT 1(C)

**BUDGETED PARATRANSIT OPERATING FUNDS AND CAPITAL GRANTS
WITH FTA-ASSISTED CONTRACTING OPPORTUNITIES, FY 2022**

Type of Grant/ Budgeted Line Item		Professional Services	Equipment/ Supplies	Other Services	Construction	Non- Contracting	Contracting Total	
	Operating Grants							
	Section 5307, Preventive Maintenance, Paratransit						1,380,000	
	Total FTA Operating Grants						1,380,000	
	Total Operating Budget Paratransit Division						7,180,000	
	FTA % of Total Operating Budgets						19.2%	
NAICS	Contracting Opportunities, Operating Budgets	Professional	Equipment	Services	Construction	NonContract	Contracting	19.2%
424120	Office Supplies							
485310	Other Transportation Services							
48599	Transit & Other Ground Passenger Transportation							
541110	Legal Services							
541930	Translation & Interpretation Services							
5617	Services to Buildings & Dwellings							
6114	Training/Subscriptions							
811111	General Automotive Maintenance							
	Total Paratransit Operating Budget @19.2%							
Total FTA Assisted Contracting & Noncontracting Opportunities, Operating Budget								0
	Capital Grants	Professional	Equipment	Services	Construction	NonContract	Contracting	Total
	FTA Section 5307 Capital Grant							0
	Revenue Fleet, 21 Paratransit Vehicles					989,000		989,000
	Total Capital Grants					989,000		989,000
	Total Contracting & Noncontracting Opportunities					989,000		989,000
	Proof							989,000

ATTACHMENT 2(A)

DBE AVAILABILITY, OVERALL GOAL FOR FFY 2020 – 2022

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 (@ 21.1%)	Weight	Goal
424120	Office Supplies	11	91	12.09%	\$ 423.00	0.03%	0.00%
485310	Other Transportation Services	0	77	0.00%	\$ 271.00	0.02%	0.00%
48599	Transit & Ground Passenger Transportation	11	654	1.68%	\$ 1,301,506.00	99.37%	1.67%
541110	Legal Services	19	4,556	0.42%	\$ 3,172.00	0.24%	0.00%
541930	Translation & Interpretation Services	25	96	26.04%	\$ 211.00	0.02%	0.00%
5617	Services to Buildings & Dwellings	50	4,046	1.24%	\$ 317.00	0.02%	0.00%
6114	Training/Subscriptions	135	342	39.47%	\$ 529.00	0.04%	0.02%
81111	General Automotive Maintenance	4	1,996	0.20%	\$ 3,383.00	0.26%	0.00%
						100.00%	
	Total Budget, Contracting Opportunities	—————→			\$ 1,309,812.00		
	Total Base Figure	—————→					1.70%
Source: U.S. Census Bureau, 2016 Economic Census, County Business Patterns							
Bay Area Counties: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, Sonoma							
State of California							
Source: California Unified Certification Program (DBE Database)							
www.calucp.com							

ATTACHMENT 2(B)

DBE AVAILABILITY, OVERALL DBE GOAL FOR FFY 2020 – 2022

Step 2: Adjusted Base Figure, Past Participation

FFY	Participation Rate
2018	15.9%
2017	7.4%
2016	7.6%
Median	7.6%

Adjusted Goal =	Step 1 Base Figure + Median Past Participation				
	2				
Adjusted Goal =	1.70% + 7.6%				
	2				

Total Adjusted Goal = 4.65%

ATTACHMENT 3

PUBLIC PARTICIPATION

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



PUBLIC PARTICIPATION MEETING

**TUESDAY, APRIL 2, 2019
2:00 PM - 3:00 PM**

AC Transit 1600 Franklin Street (Board Room), Oakland, CA 94612

The BOC hereby notifies all interested parties that member agencies are beginning the process of establishing triennial overall DBE goals for contracts and procurements that may be financed in whole or in part by the Department of Transportation for Federal Fiscal Year 2020/2022.

**Get advance notice on upcoming contracting opportunities
Review goal setting process | Provide input on proposed goals**

Please RSVP for this free event [HERE](#)

PARTICIPATING BOC MEMBER AGENCIES:



It is the policy of the BOC members 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.

Please contact meeting coordinator Artemise Davenport at (415) 257-4581 if you have questions or want additional information about the meeting. If you cannot attend, but wish to submit your comments and/or suggestions, please complete the comment card and send to Artemise Davenport, DBE Program Administrator, Golden Gate Bridge, Highway and Transportation District, 1011 Andersen Drive, San Rafael, CA 94901, or via facsimile to (415) 257-4555, or via electronic mail to adavenport@goldengate.org.

**BOC PUBLIC PARTICIPATION MEETING –
TRIENNIAL OVERALL DBE GOAL FFY 2020-2022**
April 2, 2019 2:00PM-3:00PM

COMMENT CARD

Please use this form for comments or suggestions. Indicate general comment or for a specific agency(ies).

Firm Name: _____

Contact Name: _____

E-mail: _____

Phone No. _____

Agency: _____

General Comment:

Comment/Suggestions

Please submit your comments/suggestions to Artemise Davenport, GGBHTD, DBE Program Administrator, at adavenport@goldengate.org or via facsimile at 415-257-4555.



March 11, 2019

Dear Business Partner:

The Business Outreach Committee (BOC) invites you to participate in a roundtable discussion with Bay Area transit and transportation agencies to share information on the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and agency efforts to establish a level playing field. We are also seeking your input on the methodology agencies use to determine their DBE goals for federally-assisted contracts for Federal Fiscal Year (FFY) 2020 - 2022.

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 will be participating in this meeting.

The BOC works hard to promote small business inclusion in agency contracting and procurement activities. Immediately following the consultation session, BOC member agencies will conduct a meeting for small businesses. In addition to information on contracting opportunities, the BOC will request comments and/or suggestions on proposed DBE goals for the upcoming FFY. We will also seek input from small businesses on how agencies can improve their DBE programs.

Here are the details of the consultation meeting:

Consultation Session

Tuesday, April 2, 2019, 12:00 PM – 1:00 PM (Light lunch provided)

Alameda Contra Costa Transit District (AC Transit)

1600 Franklin Street, Board Room, Oakland, CA 94612

RSVP: <https://goo.gl/forms/EZW0AxOLnithAbPA2>

For questions, please contact Artemise Davenport at adavenport@goldengate.org or 415-257-4581. ***Please RSVP by March 25, 2019.***

The goal of the BOC is to assist small disadvantaged and local firms in doing business with Bay Area transportation agencies. The BOC seeks to provide meaningful 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.

Please join us and provide your input on our efforts.

Respectfully,

Artemise Davenport

Artemise Davenport

Chair, Business Outreach Committee

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

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 (NVTAA)

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)

Proposed Roundtable Discussion Topics

1. What are the major barriers for your members in competing for contracting opportunities?
2. What trades are there a lack/plethora of DBE participation?
3. What types of technical assistance do your members need most?
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:



Business Outreach Committee Contact List

Alameda Contra Costa Transit District (AC Transit) www.actransit.org

Contracts Compliance Administrator: Phillip Halley; pshalley@actransit.org; 510-891-7164; Management Compliance Analyst
Contracts Compliance: Brooklyn Moore-Green; bpmgreen@actransit.org; 510-891-7231

Bay Area Rapid Transit District (BART) www.bart.gov

Principal Administrative Analyst: Alma Basurto; abasurto@bart.gov; 510-464-6388

Central Contra Costa Transit Authority (County Connection) www.countyconnection.com

Director of Recruitment & Employee Development: Kristina Martinez; kmartinez@countyconnection.com; 925-680-2031

Golden Gate Bridge, Highway & Transportation District (GGBHTD) www.goldengate.org

DBE Program Administrator: Artemise Davenport; adavenport@goldengate.org; 415-257-4581

Livermore Amador Valley Transit Authority (LAVTA)

www.wheelsbus.com Director of Finance: Tamara Edwards; tedwards@lavta.org; 925-455-7566

Marin Transit www.marintransit.org Director of Policy & Legislative Programs: Amy Van Doren; avandoren@marintransit.org;
415-226-0859

Metropolitan Transportation Commission (MTC) www.mtc.ca.gov Contract Compliance Manager: Denise Rodrigues;
d Rodrigues@bayareametro.gov 510-778-5297; Purchasing: Luz Campos; lc campos@bayareametro.gov; 510-778-5390

Napa Valley Transportation Authority (NVTA) www.nvta.ca.gov Manager of Finance: Antonio Onorato; onorato@nvta.ca.gov;
707-259-8779

San Francisco Bay Ferry, a service of the Water Emergency Transportation Authority (WETA) www.watertransit.org

Program Manager/Analyst: Lauren Duran Gularte; gularte@watertransit.org; 415-364-3188

San Francisco Municipal Transportation Agency (SFMTA) www.sfmta.gov Senior Contract Compliance Office: Sheila Evans-
Peguese; Sheila.Evans-Peguese@sfmta.com; 415-701-4436

San Mateo County Transit District (SamTrans) and Peninsula Joint Powers Board (Caltrain) www.smctd.com/bidscontracts

DBE Administrator: Kellie Irving; irvingk@samtrans.com; 650-508-7939

Santa Clara Valley Transportation Authority (VTA) www.vta.org Office of Business Diversity Programs Manager: Liz Brazil,
Liz.Brazil@vta.org; Business Services Division: 408-321-5962

Solano County Transit (SolTrans) www.soltransride.com DBE Liaison Officer: Dennis Ybarra; dennis@soltransride.com;
707-736-6986

Tri Delta Transit (ECCTA) www.trideltatransit.com

DBE Liaison Officer: Tania Babcock; tbabcock@eccta.org; 925-754-6622 ext. 223

Western Contra Costa Transit Authority (WestCAT) www.westcat.org Assistant General Manager: Rob Thompson; rob@westcat.org;
510-724-3331

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

ATTACHMENT 4

NOTICE OF PROPOSED OVERALL THREE-YEAR DBE GOAL

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 4.65% 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 fiscal years (FYs) 2020 through 2022.

Information on the development of the proposed goal and rationale is available for inspection from 9:00 a.m. to 4:00 p.m., Monday through Friday, 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 at the above address for thirty (30) days from the date of this notice.



Rick Ramacier, General Manager
May 9, 2019

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

CENTRAL CONTRA COSTA TRANSIT AUTHORITY