



The Eastern Contra Costa Transit Authority

Disadvantaged Business Enterprise Goals FY 2011 Through FY 2013

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Submitted to:

U.S. Department of Transportation
Federal Transit Administration
San Francisco, California

BACKGROUND

ECCTA submitted a Disadvantaged Business Enterprise (DBE) program to the FTA in FY 2000 in compliance with 49 CFR Part 26 titled, "Participation by Disadvantaged Business Enterprises in Department of Transportation Programs".

For all fiscal periods since, ECCTA has submitted an annual DBE goal for new project that it was planning on applying for federal assistance to fund that included contract opportunities. Calculation of this goal has been based on a percentage of all FTA-assisted contracting funds anticipated to be expended during that fiscal year. The calculation is the overall ratio of available DBEs for each project to all available contractors for that project. ECCTA intends to meet each of these goals to the maximum extent feasible through race-neutral measures. And, where race-neutral measures are inadequate to meet DBE goals, ECCTA's FTA approved DBE Program stated that it would establish specific contract goals for those projects with subcontracting opportunities.

Annual Overall DBE Goal to be Achieved Through Race-Neutral and Race-Conscious Measures

The U.S. DOT Regulations require that the maximum feasible portion of the DBE overall annual 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.

ECCTA has focused on developing 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.

Compliance with California Proposition 209

ECCTA's DBE goals comply with California Proposition 209, the California Civil Rights Initiative, in that any continuing race-conscious measures for new contracts or contracts in progress apply only to U.S. DOT-assisted contracts. The annual DBE goal does not apply to non-federally assisted contracts as these contracts are subject to Proposition 209 requirements. The race-neutral elements of ECCTA's DBE Program are applicable to all third-party contracts, regardless of funding source, in a manner that is consistent with Proposition 209. By this means, the administration of ECCTA's contracts to include the participation of DBEs on a non-discriminatory basis is preserved.

FISCAL YEAR 2011 – 2013 DBE GOALS

The following federally funded projects were included in ECCTA's capital and operating planning for fiscal years 2011, 2012 & 2013:

Planned Federally Assisted Projects	FTA Amount	Local Match	Total Project
ADA Operating Set-aside	1,655,209	413,802	2,069,011
Capitalized Preventive Maintenance	820,972	205,243	1,026,215
Bus Replacements	8,175,198	2,043,800	10,218,998
Security Project	71,860	17,965	89,825
Land Purchase	641,250	160,313	801,563
TOTAL:	11,364,489	2,841,123	14,205,612

The first two projects listed are funds for general operating assistance and apply to all operating expenditures within their respective categories. There are no direct FTA-funded contract opportunities where these funds are to be applied. There are a few contracted services in general operations and all, except for the purchased transportation contract, are below DBE requirement thresholds. For existing contracts that may expire during the period covered by this DBE goal and any new contracts to be issued, ECCTA will determine race-neutral DBE goals based on such methodologies outlined in ECCTA's FTA approved, DBE program. Such goals will be included in the request for proposal that is issued. ECCTA will use outreach communications to make potential DBE contractors aware of any prime or sub-contract opportunities as well as encourage non-DBE bidders to include DBE subcontractors in their proposals to assist in achieving these goals.

For bus replacement projects, ECCTA requires that each transit vehicle manufacturer certifies that it has complied with the requirements of CFR Title 49, §26.49 as a condition of being authorized to bid on FTA-assisted transit vehicle procurements.

Although the security projects is below the DBE threshold of \$250,000, ECCTA will set a 4% DBE goal. That rate was determined based on available DBE contractors from recent similar opportunities that ECCTA has issued contracts for.

There are no contacting opportunities in the land purchase project as the funding is solely for the purchase of a parcel of land for future development into a park and ride lot.