

# Eastern Contra Costa Transit Authority

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Disadvantaged Business Enterprise Triennial Goal

FFY26 through FFY28

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## Introduction

Eastern Contra Costa Transit Authority (ECCTA) implements a Disadvantaged Business Enterprise (DBE) Program in accordance with Title 49 of the Code of Federal Regulations, Part 26 (49 CFR Part 26). The DBE regulations require United States Department of Transportation (U.S. DOT) recipients to implement a DBE program and set triennial DBE participation goals.

The methodology to calculate the triennial DBE participation goal is a two-step process described in 49 CFR Part 26. Step-One of the methodology establishes a base figure for the anticipated U.S. DOT-assisted contracts to be awarded in the period. The base figure is derived from the relative availability of ready, willing and able DBEs in relationship to all comparable businesses that are ready, willing and able to participate in the anticipated U.S. DOT-assisted contracts. Step-Two relies on ECCTA's examination of evidence from its local market area to determine if an adjustment to the base figure is needed.

The DBE goal reflects ECCTA's determination of the level of DBE participation expected absent the effects of discrimination. As a recipient of federal money through the Federal Transit Administration (FTA), ECCTA has included a narrative description accompanied by tables and calculations in its goal setting and methodology to provide a clear explanation of how ECCTA developed its DBE Triennial Goal for FFY26-FFY28.

## Summary

In determining the DBE goal for the Federal fiscal period of October 1, 2025 through September 30, 2028 based on the Federal Fiscal Year of October 1 – September 30, ECCTA reviewed the anticipated FTA-assisted contracting opportunities over this period, exclusive of any FTA funds to be used for the purchase of transit vehicles as transit vehicle purchases are excluded from the goal setting process. It then determined a base figure that represented the percent of DBE participation that would be expected if there existed a level playing field between DBE firms and non-DBE firms. Evidence available from ECCTA's local market area was examined to determine if an adjustment to the base figure was warranted. This methodology was then brought before relevant stakeholders in the DBE and non-DBE community before the DBE goal was finally decided to be **X%** The goal is posted on ECCTA's website and available for review: <http://trideltatransit.com/business-dbe.aspx>

## FTA Funds

ECCTA is a recipient of funds from the Federal Transit Administration. The money includes Section 5307, Section 5310, Section 5311, and Section 5339 funding, among others. Due to the nature of how MTC determines its funding allocation, the amount of money that ECCTA receives from these funding sources can vary, and are often allocated for specific purposes, such as bus replacement. During FFY 2026-2028, ECCTA anticipates receiving \$1,021,735 in Americans with Disabilities Act (ADA) operating assistance. ECCTA currently contracts its fixed-route and paratransit services to a private contractor, Transdev, and applies the ADA operating assistance toward supplementing the cost of operating ADA paratransit

service. In addition, a Hydrogen Fueling Station Project which was scheduled to be awarded in FFY25 has not been awarded. This project, and its associated grant funding, shall carry-over into the FFY26-FFY28 triennial period. The FTA funds granted for this project are currently estimated to be \$4,000,000 during this triennial period and a review of the contract has been streamlined down to reflect the current state of the project, which has not yet begun preliminary design and is, functionally, the construction of a large fuel pumping and tank system. Other projects include installing electrical charging infrastructure and regular contracted maintenance of the existing diesel fuel system.

Table 1 reflects the anticipated FTA-assisted contracting opportunities subject to the overall triennial goal period of FFY26-FFY28. Of note is the Hydrogen Fuel Station

**Table 1- FTA-Assisted Contracting Opportunities**

<b>Description of Contract</b>	<b>FTA Dollars</b>
ADA & other operating assistance (5307/5310)	\$1,271,735
Fuel System Maintenance (5311)	\$125,349
Hydrogen Fuel Station (5339)	\$4,000,000
Install Zeb Electric Vehicle Chargers (5307)	\$535,000
<b>Total</b>	<b>\$ 5,932,084</b>

## Determining Local Market Area

The following areas were considered in determining ECCTA's local market area:

- 1) The area in which ECCTA spends the majority of its contracting dollars
- 2) The area in which most of the contractors and subcontractors with which ECCTA does business are located

ECCTA's service area includes 225 square miles in Eastern Contra Costa County, which is also where ECCTA's headquarters is located. ECCTA has determined that most contractors and subcontractors are and have historically been domiciled in the counties of Alameda, Contra Costa, Marin, Sacramento, San Francisco, San Mateo, San Joaquin, Santa Clara and Solano. ECCTA will use these counties to determine the number of DBEs and all firms in its local market area.

## Goal Methodology

### Step-One: Determining Base Figure

Base figures were calculated for contracts to be awarded during FFY26-FFY28 to determine the relative availability of DBEs in specific areas of expertise using the North American Industrial Classification System (NAICS) codes. ECCTA contracts with one transportation provider for these services. ECCTA has explored unbundling this contract and determined that the layout of ECCTA's facility in Antioch, California currently is only able to accommodate one contracted transportation provider. Limited facility space and parking space, as well as the current design and layout of ECCTA's facility, and additional costs associated with housing two transportation providers, reasonably allow for only one

contracted transportation provider. The NAICS code, description, and associated contracting opportunities are identified in column A, B and C of Table 2.

**Table 2-NAICS Code and Associated Contracting Opportunity**

<b>A. NAICS CODE</b>	<b>B. NAICS DESCRIPTION</b>	<b>C. CONTRACTING OPPORTUNITY</b>
485113	Bus and other Motor Vehicle Transit Systems	ADA operating assistance
237120	Oil & Gas Pipeline and Related Structures Construction	Construction, alteration and/or repair of fuel station
238210	Electrical Contractors and Other Wiring Installation Contractors	Furnish and Place Electric Vehicle Charging Stations
811310	Commercial and Industrial Machinery and Equipment	Diesel Fuel System Maintenance

Number of DBEs: To determine the number of DBEs in ECCTAs nine county market area, ECCTA searched the California Department of Transportation’s CUCP<sup>1</sup> database for DBEs that are certified in the identified NAICS code. The number of DBEs identified is displayed in column C of Table 3.

Number of All Firms (DBEs and non-DBEs): To determine the number of all firms (DBEs and non-DBEs) in ECCTAs nine county market area, ECCTA searched the United States Census Bureau’s most recent California Business Patterns (CBP)<sup>2</sup> database for all firms in the identified NAICS code. Numbers of all firms identified are displayed in column D of Table 3.

Relative Availability of DBE Firms: Relative availability is derived by dividing the number of DBEs available in a particular NAICS code by the number of all firms in that NAICS code. Column E in Table 3 displays the relative availability of DBE firms for the associated NAICS code.

**Table 3- DBE Availability by NAICS Code**

<b>A. NAICS CODE</b>	<b>B. NAICS DESCRIPTION</b>	<b>C. DBEs AVAILABLE TO PERFORM THIS WORK</b>	<b>D. ALL FIRMS AVAILABLE</b>	<b>E. RELATIVE DBE AVAILABILITY</b>
485113	Bus and other Motor Vehicle Transit Systems	<b>2</b>	<b>15</b>	13% (.13)
237120	Oil & Gas Pipeline and Related Structures Construction	<b>2</b>	<b>21</b>	9.5% (.095)
238210	Electrical Contractors and Other Wiring Installation Contractors	<b>37</b>	<b>2,245</b>	1.6% (.016)

<sup>1</sup> [Caltrans - Disadvantaged Business Enterprise System](#)

<sup>2</sup> As retrieved (2025) from [US Census County Business Patterns](#), CBP Tables 2023

811310	Commercial and Industrial Machinery and Equipment	2	353	.5% (.005)
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Calculating Weighted Base Figure: Contract dollars of each industry classification were divided by the total contract dollars resulting in percentage of total dollars per classification. This weighted percentage is displayed in column D of Table 4. DBE Availability was taken from Table 3 and transferred to column E in Table 4. This availability is multiplied by the column D weighted percentage then summed to arrive at the base figure. This work was also checked by calculating the base figure in dollars by multiplying DBE availability by the FTA dollars associated with each industry classification.

**Table 4- Calculating Weighted Base Figure**

A. NAICS CODE	B. CONTRACTING OPPORTUNITY	C. FTA DOLLARS	D. WEIGHTED % OF TOTAL FTA DOLLARS	E. DBE AVAILABILITY	F. BASE FIGURE TO DBEs
485113	ADA operating assistance	\$1,021,735	17.2%	13%	2.2%
237120	Fuel System Maintenance (5311)	\$125,349	2.1%	9.5%	.1%
238210	Hydrogen Fuel Station (5339)	\$4,000,000	67.4%	1.6%	1.1%
811310	Zeb Electric Vehicle Chargers (5307)	\$535,000	9%	.5%	N/A
	<b>Total</b>	<b>\$ 5,932,084</b>	<b>100%*</b>	<b>Base Figure</b>	<b>3.3%</b>
<b>*Totals do not equal 100% due to rounding</b>					

Overall Goal Base Figure: The base figure for the overall goal was calculated by multiplying the weighted percentage of funds to be expended for each NAICS code by DBE relative availability for each NAICS code. With only one contracting opportunity currently with zero DBEs available in ECCTA's local area market for this contracting opportunity, the result is a 3.3% weighted Base Figure.

## Step-Two: Adjusting Step-One Base Figure

49 C.F.R. Section 26.45 Part 26 requires an examination of available relevant evidence to determine what additional adjustment to the Base Figure is needed, if any, to narrowly tailor the Base Figure to ECCTA's marketplace and to establish the overall goal. To adjust the base figure, ECCTA reviewed and assessed other known evidence potentially impacting the relative availability of DBEs within ECCTA's local market area, in accordance with prescribed narrow tailoring provisions set forth in 49 CFR Part 26.45. Evidence considered in making an adjustment to the base figure included ECCTA's past DBE participation, disparity studies, and consultation/public participation information.

ECCTA reviewed disparity studies from relevant peers in its local market area and found a San Francisco Bay Area Rapid Transit District (BART) Disparity Study issued on January 12, 2017<sup>3</sup> and a California Department of Transportation (Caltrans) Disparity Study that was completed on August 6, 2021<sup>4</sup>. There are currently several studies ongoing or planned in 2025, but none from an agency that is relevant nor with substantially similar capital programs. Neither BART nor Caltrans' studies were determined to be relevant to ECCTA's contracting portfolio.

The BART Disparity Study documented a statistically significant disparity in construction procurements for African American owned firms, Asian American owned firms, Hispanic American owned firms and Caucasian female owned firms. The BART Disparity Study also documented a statistically significant disparity in professional services procurements for Asian American owned firms, Hispanic American owned firms and Caucasian female owned firms.

ECCTA did not find the BART Disparity Study to be relevant to ECCTA as BART's marketplace is significantly larger than ECCTA's marketplace, the nature of the service is different (bus versus heavy rail), and the types of contracts awarded by BART are not substantially similar to the contracts awarded by ECCTA.

The Caltrans Disparity study "examined disparity analysis results separately for construction and professional services work to assess whether contracting outcomes differ by industry.... minority- and woman-owned businesses considered together exhibited substantial disparities on both construction (disparity index of 73) and professional services (disparity index of 50) contracts. Results for individual groups indicate that:

- All groups except non-Hispanic white woman-owned businesses (disparity index of 133) and Native American-owned businesses (disparity index of 81) showed substantial disparities on construction contracts. A disparity index of 81 indicates a disparity, but it does not reach the threshold to be considered substantial.
- All groups except Subcontinent Asian American-owned businesses (disparity index of 110) showed substantial disparities on professional services contracts."

ECCTA did not find the Caltrans Disparity Study to be relevant to our contracting. The Caltrans Disparity Study is based on the statewide marketplace, which is substantially larger than the ECCTA market area. ECCTA's market area consists of the counties of Alameda, Contra Costa, Marin, Sacramento, San Francisco, San Mateo, San Joaquin, Santa Clara and Solano. ECCTA does not believe the general statewide statistical findings of the disparity study can be interpolated to ECCTA's market area given the demographic differences between the various regions in California. This is consistent with guidance from

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<sup>3</sup> As found in the January 12, 2017 San Francisco Bay Area Rapid Transit District Disparity Study Volume 1 [https://www.bart.gov/sites/default/files/docs/VI.BART%20Final%20Report.Volume%20I.1.12.2017\\_1.pdf](https://www.bart.gov/sites/default/files/docs/VI.BART%20Final%20Report.Volume%20I.1.12.2017_1.pdf)

<sup>4</sup> As found in the August 6, 2021 Caltrans Disparity Study <https://dot.ca.gov/-/media/dot-media/programs/civil-rights/documents/disparity-study/caltrans-disparity-study-2021-final-report.pdf>

both the USDOT and subject matter experts on narrowly tailoring DBE programs. In addition, the types of contracts awarded by Caltrans are not substantially similar to the contracts awarded by ECCTA.

Based on this information, ECCTA did not make any adjustments to its overall base figure.

## **Race-Neutral/Race-Conscious**

Consistent with the intent of leveling the competitive playing field for DBE firms, the U.S. DOT requires the maximum feasible portion of the DBE overall goal be achieved by race-neutral means. When a DBE firm wins a prime contract through normal competitive means, receives a subcontract from a prime that does not have a DBE goal attached, or receives a subcontract from a prime that did not consider its DBE status when making the award, it is considered to have done so through race-neutral means.

Race-conscious means, such as contract goals, take race into consideration. However, two complications arise in this area: one, California Proposition 209 requires that race-conscious means for contracts only apply to U.S. DOT-funded contracts; and two, the Ninth Circuit Court of Appeals ruled in *Western States Paving Co, Inc. v. Washington State Department of Transportation*, 407 F.3d 983 (9<sup>th</sup> Cir. 2005), that race-conscious means can only be used on U.S. DOT-funded contracts when there is evidence of discrimination against specific groups.

ECCTA strives to meet its goal through race-neutral means. However, if ECCTA identifies a disparity study relevant to its market area and contracting opportunities, ECCTA may consider requesting approval from the FTA to use race-conscious means if it determines the need in the future.

## **Public Participation/Publication**

ECCTA is a member of the Business Outreach Committee (BOC) in the San Francisco Bay Area. The BOC is a consortium of San Francisco Bay Area Transit and Transportation Agencies. BOC members include: Alameda-Contra Costa Transit District, Alameda County Transportation Commission, California Department of Transportation, California High Speed Rail Authority, Central Contra Costa Transit Authority, City of Rio Vista, City of Santa Rosa, Eastern Contra Costa Transit Authority, Golden Gate Bridge Highway and Transportation District, Livermore Amador Valley Transit Authority, Marin Transit, Metropolitan Transportation Commission, Napa Valley Transportation Authority, San Francisco Bay Ferry/WETA, San Francisco County Transportation Authority, San Francisco Bay Area Rapid Transit District, San Francisco Municipal Transportation Agency, San Mateo County Transit District/Peninsula Joint Power Authority, Santa Clara Valley Transportation Authority, Santa Cruz Metropolitan Transit District, Solano County Transit, Sonoma County Department of Transportation and Public Works, Sonoma-Marín Area Rail Transit District, Transbay Joint Powers Authority and Western Contra Costa Transit Authority.

The BOC actively engages in efforts to create a level playing field on which DBEs and small businesses can compete fairly, enhance outreach and communication efforts with these firms, and provide appropriate assistance and information for participation in DOT-assisted contracts. The BOC conducts



outreach to introduce procurement opportunities to construction firms, professional services firms, product suppliers and manufacturers.

The BOC, conducted a Consultation Meeting on **May 7, 2025**. The Consultation Meeting and Public Participation Meetings were held virtually, and the opportunity was provided for DBEs and other interested parties to provide comment and guidance to the agencies in the region. All interested parties were notified that member agencies were establishing triennial DBE goals for contracts and procurements that may be financed as a whole or in part by FTA funds for FFY26-FFY28.

In addition, ECCTA advertised and held its own, dedicated public hearing at its headquarters located at 801 Wilbur Avenue in Antioch, CA on July 16<sup>th</sup> (virtual) and July 17<sup>th</sup> 2025 (on-site). These meetings were advertised on the ECCTA website, inviting the public to join and participate. There was no registration required, and the meeting was held in both virtually and in-person. ECCTA believes that individual, scheduled meetings with access in-person and virtually, dedicated to our own DBE goal is the ideal way to receive direct, specific feedback about ECCTA's DBE Program and its efforts to create a level playing field in an open and direct way.

On July 1, 2025 ECCTA also mailed a letter to 35 NGOs, chambers of commerce, minority focused trade groups in the ECCTA market area, and other relevant stakeholders announcing the intent to establish our triennial DBE goal, the dates and locations of the two scheduled feedback hearings and inviting the recipient to give us comment on or any other info we might use in setting or adjusting our triennial DBE goal. A copy of this letter can be found the Appendix to this document.

In addition to this, ECCTA also posted a copy of the draft version of this document on the ECCTA website for review and comment. While 49 CFR Part 26 does not require a posting period prior to submittal to the FTA, ECCTA posted this document for comment for twenty-one (21) days. A summary of any comments received and the ECCTA hearings on the methodology used to set the goal and any comment on the goal, DBE Program or any related activity of the agency is below in the Appendix.

**ECCTA received no additional comments on its proposed DBE Triennial Goal before or after the Consultation or Public Participation Meetings.**

## Conclusion

ECCTA's DBE Triennial Goal for FTA-assisted contracts for FFY 2023-2025 is **3.3%** ECCTA will continue reviewing its contracting opportunities for any changes that may become necessary. A revised DBE goal will be set when new FTA-assisted contracting opportunities arise during the Federal fiscal period of October 1, 2025 through September 30, 2028.

If information is needed in another language, please contact 1-925-754-6622.

Si necesita información en otro idioma, contacte al 1- 925-754-6622.

如果需要其他語言的信息，請聯繫 1-925-754-6622.

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