



FEDERAL TRANSIT ADMINISTRATION

***2014 National Advocacy
Organization Roundtable:***
A Discussion to Facilitate DBE
Participation in TVM
Contracting



U.S. Department of Transportation
Federal Transit Administration

Housekeeping

- ✓ Manually mute phones or enter *6 to mute phones
- ✓ Keep phones muted at all times—unless offering a comment or asking a question
- ✓ Type the term “question” or “comment” in the chat box and FTA will recognize you to speak
- ✓ Please be sure to log in with your current email address
- ✓ This presentation will be posted on the FTA website

Purpose

- ✓ Explain the role of national organizations in the TVM DBE goal-setting process
- ✓ Communicate DBE program objectives/requirements to national advocacy organizations
- ✓ Identify effective ways to communicate small business opportunities on TVM projects to national advocacy organizations and their members

Topics Covered

- ✓ DOT DBE Requirements for Vehicle Procurements
- ✓ Elements of DBE Goal Methodology
- ✓ TVM Goal Submissions and Approval/Disapproval Process
- ✓ Benefits to National Advocacy Organizations
- ✓ TVM-Led Discussion
- ✓ Public Participation
- ✓ Dialog: What Questions TVMs and National Advocacy Organizations Should Ask
- ✓ What is the Best Way to Communicate
- ✓ Next Steps and Reminders

FTA Vehicle Procurements: Federal Regulatory Requirements

49 C.F.R. § 26.49:

If you are an ***FTA recipient***, you must require that each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, certify that it has complied with the DBE regulatory requirements.

- A transit vehicle manufacturer may obtain this certification by submitting its DBE Goal and Program Plan to the FTA Office of Civil Rights

If you are a ***transit vehicle manufacturer***, you must establish and submit for FTA's approval an annual overall percentage goal. You should be guided, to the extent applicable, by the principles underlying § 26.45.

Consultation

49 C.F.R. § 26.45(g)(1):

In establishing an overall goal, you must provide for public participation. This public participation must include:

Consultation with minority, women's and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and your efforts to establish a level playing field for the participation of DBEs.

DBE Goal Methodology



What is a DBE

A for-profit small business concern that is at least 51 percent owned and operated by one or more individuals who are both socially and economically disadvantaged

What is a DBE Goal

The percentage of FTA funds a TVM anticipates awarding to ready, willing, and able DBEs who provide supplies or services during FTA-assisted vehicle procurements.

Elements of DBE Goal Methodology

1. Detailed list of contracting and subcontracting opportunities
2. Identification of the geographic market area(s)
3. Step 1 Base Figure
4. Step 2 Adjustment, if necessary
5. Race-conscious/race-neutral breakdown
6. List of all sources used to establish the goal

Elements of DBE Goal Methodology cont'd

7. Evidence of Meaningful Consultation

- ☐ Conduct outreach sessions with minority/women/small business advocacy organizations and general business groups and submit evidence of your outreach

8. Proof of Publication

- ☐ Publish goal in at least one general circulation media, one minority-focused media, and one trade publication

TVM Goal Submission Approval/Disapproval Process

- ☐ On August 1, 2014, TVMs submit the FY15 DBE goal methodology to FTA
- ☐ FTA will either approve the goal and issue a “TVM Certification letter” or identify deficiencies and issue an “In Review letter”
- ☐ TVMs will be given 60 days to correct all noted deficiencies
- ☐ TVMs that do not address all deficiencies within 60 days will receive a “Disapproval letter”
- ☐ FTA will post approved TVMs on the FTA TVM webpage

Benefits to National Advocacy Organizations

Exposure to Available Contracting Opportunities:

- ☐ Your members should be privy to TVM contracting opportunities
- ☐ Your members should consider becoming certified DBEs
- ☐ Your members should take affirmative steps to participate on these TVM contracts
- ☐ TVMs should contact your organization to help locate DBEs and small businesses that may be able to compete for subcontracts
- ☐ Your organization can assist TVMs in identifying appropriate NAICS codes for subcontracting opportunities

TVM-Led Discussion



Meaningful Public Participation (2 Components)



Public participation **must** include:

- ☐ **Consultation** with minority, women and general contractor groups with knowledge of availability of DBEs for feedback on your DBE goal methodology and implementation
 - ☐ Phone Calls
 - ☐ In-Person Meetings
 - ☐ Email Messages
- ☐ **Publication** of a notice announcing your proposed goal.
 - ☐ Must be published in ***general circulation media AND minority-focused AND trade-focused publications***
 - ☐ Must accept public comments for at least 45 days (i.e., the public comment period)

TVMs: What to Ask

After introducing your company and briefly explaining the purpose of the call, TVMs should consider the following questions:

- ☐ Do you believe your members could participate on any of the following contracting opportunities?
- ☐ Are any of your members certified DBEs?
- ☐ Did you know that each state has a Unified Certification Program (UCP) that will assist with DBE certification?

TVMs: What to Ask

National Organizations: How to Respond

- ☐ *TVM:* Are there other NAICS codes or work categories I should consider?
- ☐ *National Organization:* What is a NAIC Code? Is there a national listing or website I can visit to learn more?
- ☐ *TVM:* I perform a substantial majority of my contracting in [insert state/area]. Do any of your members work in these areas?
- ☐ *National Organization:* You should consider expanding your geographic market area because many manufacturing suppliers are located in [insert state/region].
- ☐ I used the following sources to locate DBEs and small businesses. Can you recommend any other sources?

TVMs: What to Ask

National Organizations: How to Respond

- ❑ *TVM*: Are your members listed in DBE or small business directories? If so, which ones?
 - ❑ *National Organization*: Please explain what you mean by a DBE or small business directory.
- ❑ *TVM*: I believe DBEs can provide supplies which would constitute [insert goal percentage] of the overall cost to build my vehicle. Do you think this goal is too low or too high? Why?
 - ❑ *National Organization*: I am not familiar with the technical aspects of the DBE program. Please provide a brief overview of what you are required to do and how I can assist you.

TVMs: What to Ask

National Organizations: How to Respond

- ❑ *TVM:* My annual goal percentage is [insert percentage]; but, after considering other information, I adjusted it downwards to [insert percentage]. Do you think my goal accurately reflects DBEs and small businesses' ability to work on vehicle manufacturing contracts?

- ❑ *National Organization:* You are a major transit vehicle manufacturer that has supplied vehicles to several urban transit systems. I see your name on the bus I ride each morning. Your DBE goal seems low. What groups have you contacted regarding your contracting opportunities? How often do you contact these groups? You should consider...

National Organizations: What to Ask

- ☐ In what geographic areas do you award most of your contracts?
- ☐ I have several members in the [insert area] who would be able to supply parts or services on your contracts. How should they contact you?
- ☐ I have several members located throughout the country that would be able to supply parts or services on your contracts. How should they contact you?
- ☐ Several of my members are listed in the [insert source]. Did you consider that source when determining your DBE goal?

National Organizations: What to Ask

- ☐ Did you decrease your goal for any reason? Why?
- ☐ Do you have a list of contracting opportunities I can disseminate to my membership? ***I will not charge a fee for you to inform my members of these opportunities***
- ☐ Do you have any upcoming projects with transit agencies?
- ☐ What evidence did you consider when determining your goal?

Communicating Effectively

Which methods work best for national organizations:

- ☐ Phone Calls
- ☐ In-Person Meetings
 - ☐ Would your members attend in-person meetings to discuss contracting opportunities?
- ☐ Email Messages



Next Steps

- ☐ How can we reach out to more national advocacy organizations?
 - ☐ Why aren't more groups interested in this opportunity?
 - ☐ Are forums like this helpful?
- ☐ Who from your organization can TVMs contact to get the word out regarding contracting opportunities?
 - ☐ Provide contact info today?
 - ☐ Can FTA list that info on its website?

Reminders

FY2015 DBE Goal/Goal Methodology

- Due on August 1, 2014
- Post the 3 required goal notices by June 15, 2014 to satisfy the 45-day public comment period

FTA DBE Training Notices and Materials

- All FTA training materials are located at
<http://www.fta.dot.gov/civilrights/12885.html>

TVMs Eligible to Bid on Federally Funded Transit Agency Contracts in Fiscal Year 2014

- FTA maintains a list of all TVMs that are eligible to bid on FTA-assisted contracts at <http://www.fta.dot.gov/civilrights/12891.html>