Disadvantaged Business Enterprise (DBE) Open House

North Central Texas Council of Government staff will present on the Transportation Department's procurement process, upcoming contract awards, and provide guidance for completing standard forms in response to request for proposals. Staff will also cover updates to NCTCOG's Disadvantaged Business Enterprise goals for Fiscal Years 2020-2022.

August 13, 2019
6:00 - 7:30 pm

City of Grand Prairie - Briefing Room
317 College Street  •  City of Grand Prairie, Texas 75050
AGENDA

Disadvantaged Business Enterprise Open House
USDOT Contracting Opportunities with
North Central Texas Council of Governments’ (NCTCOG)
Transportation Department

Tuesday, August 13, 2019
6:00 p.m. – 7:30 p.m.
City of Grand Prairie – Briefing Room
317 College Street
Grand Prairie, TX 75050

1. Welcome and Introduction  Ken Kirkpatrick, NCTCOG

2. Disadvantaged Business Enterprise Program Overview  Ken Kirkpatrick, NCTCOG

3. Overview of Transportation Procurement Process  Emily Beckham, NCTCOG

4. Questions and Answers  All
DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

*Fiscal Year 2020-2022 Goal Update*

*Open House Meeting*
*August 13, 2019*
FY2020-2022 DBE GOAL UPDATE

DBE Program Guidance and Thresholds

Requirement: 49 Code of Federal Regulations Part 26

Who is required to have a DBE Program:
- Certain Recipients of Federal Funds (FTA, FHWA, FAA)

What are the Requirements:
- Updated DBE Goal Every Three Years (new goal due August 1, 2019)
- Current Goal of 25% Active through September 30, 2019, covered FY2017-2019
- Publication of DBE goal as part of RFP
- Certification of DBE Eligibility
FY2020-2022 DBE GOAL UPDATE

DBE Program Overview

- Ensure Non-discrimination
- Create a Level Playing Field/Fair Competition
- Narrowly Tailor Program to Meet Federal Law
- Ensure DBE Firms Meet Required Eligibility Standards
- Help Remove Barriers to DBE Participation
- Assist in Development of Firms to Compete Outside
FY2020-2022 DBE GOAL UPDATE

U.S. DOT Definition

Disadvantaged Business Enterprises (DBE):
At Least 51 Percent Ownership by Socially and Economically Disadvantaged Individuals
Management and Daily Operations Controlled by Socially and Economically Disadvantaged Individuals (Owners)
Small Business Concern (Less than $22.51 Million Gross Receipts)

Socially and Economically Disadvantaged:
Must be US Citizen or Lawful Permanent Resident
Women
African Americans
Hispanic Americans
Native Americans
Asian Americans
Asian-Indian Americans
Others as determined by Small Business Administration
FY2020-2022 DBE GOAL UPDATE

DBE Certifications Accepted

Texas Uniform Certification Program

- North Central Texas Regional Certification Agency
- City of Austin
- City of Houston
- City of Corpus Christi
- TxDOT
- South Central Texas Certification Agency

US DOT

Interstate Certification Program

Certification Based on Same Definition of Ownership and Control as US DOT
FY 2020-2022 DBE GOAL UPDATE

Process to Update DBE Goal

- Initiate Public Input/Stakeholder Involvement
- Project Potential Contract Awards (FY 20-22)
- DBE Goal Development
- Publish Goal for Public Comment/Review

Committee Review/Consideration

Implement New DBE Goal – October 1, 2019
FY2020-2022 DBE GOAL UPDATE

Development of DBE Goal

2 Step Process:

Step 1:
Determine Relative Availability of Ready, Willing & Able DBE Firms

Step 2:
Consideration of Other DBE Data
<table>
<thead>
<tr>
<th>Procurement Type</th>
<th>DBE Goal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban Planning/Engineering Services</td>
<td>31.92%</td>
</tr>
<tr>
<td>Advertising/Public Relations</td>
<td>21.62%</td>
</tr>
<tr>
<td>Software Development/Computer Services</td>
<td>8.17%</td>
</tr>
<tr>
<td>Equipment</td>
<td>5.88%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>25.0%</strong></td>
</tr>
<tr>
<td>Total Weighted Summary</td>
<td></td>
</tr>
</tbody>
</table>
FY2020-2022 DBE GOAL UPDATE

Preliminary DBE Availability Analysis Continued

- Identified contract awards 20-22 (NCTCOG & Subs)
- Categorized Purchases & Assigned NAICS Code
- Reviewed 2016 County Business Pattern Data by Market Areas (DFW MSA & Rural Counties)
- Searched TUCP by Market Areas (DFW MSA & Rural Counties)
- Calculated Proposed DBE Goals
<table>
<thead>
<tr>
<th>Procurement Type</th>
<th>FTA</th>
<th>FHWA</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Construction</td>
<td>$275</td>
<td>$0</td>
<td>$275</td>
</tr>
<tr>
<td>Marketing, Advertising, and Public Relations</td>
<td>$268</td>
<td>$1,805</td>
<td>$2,073</td>
</tr>
<tr>
<td>Office Supplies &amp; Equipment (Rental &amp; Purchase)</td>
<td>$587</td>
<td>$430</td>
<td>$1,017</td>
</tr>
<tr>
<td>Operational Administrative, Communications, Support Services</td>
<td>$2,476</td>
<td>$0</td>
<td>$2,476</td>
</tr>
<tr>
<td>Planning/Engineering</td>
<td>$6,830</td>
<td>$10,044</td>
<td>$16,874</td>
</tr>
<tr>
<td>Software and Ancillary Information Technology Professional Services</td>
<td>$383</td>
<td>$434</td>
<td>$817</td>
</tr>
<tr>
<td>Transportation Equipment</td>
<td>$0</td>
<td>$3,586</td>
<td>$3,586</td>
</tr>
<tr>
<td>Vehicle Maintenance and Operations Support</td>
<td>$4,998</td>
<td>$0</td>
<td>$4,998</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>$15,817</td>
<td>$16,299</td>
<td>$32,116</td>
</tr>
</tbody>
</table>
FY2020-2022 DBE GOAL UPDATE

Service Area Map
<table>
<thead>
<tr>
<th>Procurement Type</th>
<th>Potential Awards (in $1,000s)</th>
<th>DBE Firms</th>
<th>Total Firms</th>
<th>DBE Goal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Construction</td>
<td>$275</td>
<td>235</td>
<td>791</td>
<td>29.7%</td>
</tr>
<tr>
<td>Marketing, Advertising, and Public Relations</td>
<td>$2,073</td>
<td>261</td>
<td>1734</td>
<td>15.1%</td>
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<tr>
<td>Office Supplies &amp; Equipment (Rental &amp; Purchase)</td>
<td>$1,017</td>
<td>29</td>
<td>997</td>
<td>2.9%</td>
</tr>
<tr>
<td>Operational Administrative, Communications, Support Services</td>
<td>$2,476</td>
<td>406</td>
<td>8205</td>
<td>4.9%</td>
</tr>
<tr>
<td>Planning/Engineering</td>
<td>$16,874</td>
<td>524</td>
<td>1673</td>
<td>31.3%</td>
</tr>
<tr>
<td>Software and Ancillary Information Technology Professional Services</td>
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<td>2635</td>
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<td>8</td>
<td>104</td>
<td>7.7%</td>
</tr>
<tr>
<td>Vehicle Maintenance and Operations Support</td>
<td>$4,998</td>
<td>30</td>
<td>2569</td>
<td>1.2%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$32,116</td>
<td>1,712</td>
<td>18,708</td>
<td>9.2%</td>
</tr>
<tr>
<td><strong>Total Weighted Summary</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>19.4%</strong></td>
</tr>
</tbody>
</table>

**FY2020-2022 DBE GOAL UPDATE**

Preliminary *DBE Availability Analysis*

*NCTCOG and Subrecipients*
## FY2020-2022 DBE Goal Update

### Preliminary DBE Availability Analysis

**NCTCOG and Subrecipients**

**FTA**

<table>
<thead>
<tr>
<th>Procurement Type</th>
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</tr>
<tr>
<td><strong>Total Weighted Summary</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>15.8%</strong></td>
</tr>
<tr>
<td>Procurement Type</td>
<td>Potential Awards (in $1,000s)</td>
<td>DBE Firms</td>
<td>Total Firms</td>
<td>DBE Goal</td>
</tr>
<tr>
<td>------------------------------------------------------</td>
<td>-------------------------------</td>
<td>-----------</td>
<td>-------------</td>
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</tr>
<tr>
<td>Marketing, Advertising, and Public Relations</td>
<td>$1,805</td>
<td>246</td>
<td>1580</td>
<td>15.6%</td>
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<tr>
<td>Office Supplies &amp; Equipment (Rental &amp; Purchase)</td>
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<td>29</td>
<td>997</td>
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</tr>
<tr>
<td>Planning/Engineering</td>
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<td>8</td>
<td>104</td>
<td>7.7%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$16,299</td>
<td>1,018</td>
<td>6885</td>
<td>14.8%</td>
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<td>Total Weighted Summary</td>
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<td></td>
<td><strong>21.3%</strong></td>
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</table>
## FY2020-2022 DBE Goal Update

### Proposed Goal

<table>
<thead>
<tr>
<th>CONTRACTING ENTITY</th>
<th>FTA</th>
<th>FHWA(^)</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>NCTCOG</td>
<td>30.4%</td>
<td>27.3%</td>
<td>28.4%</td>
</tr>
<tr>
<td>SUBRECIPIENTS</td>
<td>3.2%</td>
<td>7.7%</td>
<td>5.0%</td>
</tr>
<tr>
<td>TOTAL WEIGHTED GOAL*</td>
<td>15.8%</td>
<td>21.3%</td>
<td>19.4%</td>
</tr>
</tbody>
</table>

Race Conscious 10.67%, Race Neutral 8.73%

\(^{\text{FHWA funds also include other federal and local sources.}}\)

\(\ast\)Weighted by Contract Service Type, Contract Award Amount, and Market Area
FY2020-2022 DBE GOAL UPDATE

Overview of the Procurement Process

Guiding Principle:
Open, Fair and Competitive Process

RFP Issuance & Advertisement
• All procurement documents posted on www.nctcog.org/rfp
• Consultants registered in our database received notifications of procurements matching their expertise
• Advertisements issued in the Texas Register and newspapers:
  • Dallas Morning News, Fort-Worth Star Telegram
  • Dallas Examiner or Dallas Weekly, Al Dia or La Estrella, Tre Magazine
• Posted on Facebook or Twitter

Opportunities for Questions
• Pre-proposal Conference: determined project-by-project
• Written questions & answers
### Planning Services Selection Criteria

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Weightage</th>
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</thead>
<tbody>
<tr>
<td>Project Understanding</td>
<td>25%</td>
</tr>
<tr>
<td>Scope of Services</td>
<td>25%</td>
</tr>
<tr>
<td>Project Manager/Staff Qualifications</td>
<td>20%</td>
</tr>
<tr>
<td>Project Cost</td>
<td>15%</td>
</tr>
<tr>
<td>Firm Qualifications/Consultant References</td>
<td>10%</td>
</tr>
<tr>
<td>Project Schedule</td>
<td>5%</td>
</tr>
</tbody>
</table>

### Engineering Services Selection Criteria

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Weightage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Understanding</td>
<td>30%</td>
</tr>
<tr>
<td>Scope of Services</td>
<td>25%</td>
</tr>
<tr>
<td>Project Manager/Staff Qualifications</td>
<td>20%</td>
</tr>
<tr>
<td>Knowledge of the Dallas-Fort Worth Area</td>
<td>10%</td>
</tr>
<tr>
<td>Firm Qualifications/Consultant References</td>
<td>10%</td>
</tr>
<tr>
<td>Project Schedule</td>
<td>5%</td>
</tr>
</tbody>
</table>

Selection Criteria for other procurement types:
- Determined project-by-project
- Detailed in RFP
Proposal Submittal
  • Formatting, number of printed or electronic copy requirements detailed in RFP
  • Proposals typically include:
    • Project Understanding
    • Scope of Services & Schedule
    • Consultant Qualifications
    • Compliance Requirements
  • Proposers are requested to include comments/edits on the sample contract as part of their proposal response.

Consultant Selection Committee & Interviews
  • Comprised of NCTCOG & Non-NCTCOG members
  • Interview dates, if needed, are published at the time RFP is published

Selection Criteria
  • Published in RFP
  • Typical Criteria:
    • Planning Services
    • Engineering Services (qualifications based selection)
    • Other- Equipment, Vehicles, etc.
Contract Award
- Selection Committee makes recommendation to NCTCOG Executive Board
- Executive Board approval is required,
- Selection process is complete, Contract Execution can proceed

Contract Development
- Often occurs simultaneous to NCTCOG Executive Board approval
- Scope
- Budget (prime & subs)
- Additional compliance documents:
  - Disadvantaged Business Enterprise Participation
  - Debarment Certification (prime & subs)
  - Lobbying Certification (prime & subs)
  - Affirmative Action (if applicable)
- Requirement: Form 1295 (prime)
FY2020-2022 DBE GOAL UPDATE

Resources to Monitor Anticipated Procurements

Committee Agendas

• Surface Transportation Technical Committee
• Regional Transportation Council
• Executive Board
• Available online at: https://www.nctcog.org/trans/about/committees

Department Work Activities

• Development of Unified Planning Work Program (every 2 years)
• Modifications to the Work Program (approximately every quarter)
• Available online at: https://www.nctcog.org/trans/study/unified-planning-work-program
Affirmative Action

- Applicable for firms with more than 50 employees
- Required for Prime proposer
- Should include:
  - Policy Statement & Utilization analysis of workforce
  - Summary of the number AND percent of employees classified as minorities, including both women and ethnic minorities
  - Indication of employees by professional v. non-professional -OR- administrative v. clerical positions

Guidance & Tips on Standard Forms

### FY2017-2019 DBE GOAL UPDATE

#### Guidance & Tips on Standard Forms

<table>
<thead>
<tr>
<th>Count of Employee Identifier</th>
<th>Female</th>
<th>Male</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Support Workers</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Craft Workers</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Executive/Senior Level Officials and Managers</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>First/Mid Level Officials and Managers</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Laborers and Helpers</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Operatives</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Professionals</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Technicians</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brand Total</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percent</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Female</th>
<th>White</th>
<th>Asian</th>
<th>Black or African American</th>
<th>Hispanic or Latino</th>
<th>Native Hawaiian/Other Pacific Islander</th>
<th>Two or More Races</th>
<th>Unknowns</th>
<th>White Total</th>
</tr>
</thead>
<tbody>
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</tr>
</tbody>
</table>

22
Form 60 (Budget Development)

- Typically one form for Prime and each sub-consultant
- Primary cost elements completed: 3, 4, 7, 8, 9, 13 and 14
- Common questions & revisions:
  - Cost Element 3- Position v. Person
  - Cost Element 4- Audited Overhead Rate
  - Cost Element 7(a) & 7(b)- Travel . . . on over to page 2!
  - Cost Element 8- consultants on Prime’s = individual subs Form 60’s
  - Cost Element 9- known direct cost, no line items for miscellaneous
  - Cost Element 13- Profit
  - Cost Element 14- Prime’s = Total Contract Amount
Debarment Certification (49 CFR Part 29)
- Excluded from obtaining federal assistance funds if debarred/suspended by Federal Government
- Applies to agreements/contracts exceeding $25,000
- Required for Prime and all sub-consultants
- Notification required if Prime or sub-consultant becomes debarred or suspended

Lobbying Certification (Public Law 101-102, Section 319)
- Federal funds cannot be used to participate in lobbying activities
- Applies to any firm/individual receiving more than $100,000 in federal funds
- Required for Prime and all sub-consultants
- If a firm/individual can complete the certification (H.1), completion of the disclosure is not needed
- If a firm/individual cannot complete H.1, they must disclose lobbying activities on H.2
Disadvantaged Business Enterprise Forms

- DBE Program Compliance
  - Good Faith Efforts documentation

- Affidavit of DBE Participation
  - Details DBE contractors, scope/work activities, & percent of work
Form 1295 (House Bill 1295)
- Required on a project-by-project basis, NCTCOG will provide a contract number
- Consultant submits a Disclosure of Interested Parties
- Disclosure is completed electronically at: https://www.ethics.state.tx.us/whatsnew/elf_info_form1295.htm
- Request consultant to provide PDF copy of completed disclosure to NCTCOG via email
- NCTCOG will complete acknowledgement electronically
- Execution cannot occur until the Form 1295 has been submitted & acknowledged

FAQ on process available at: https://www.ethics.state.tx.us/filinginfo/1295/
FY2020-2022 DBE GOAL UPDATE

Upcoming Procurement Opportunities

- DFW Core Express HSR
- 2020 Transit Travel Survey
- Sketch Planning Tool
- Harry Hines Corridor Analysis & Development of a Master Plan
- Transit Planning & Implementation Studies for Collin, Dallas, Tarrant and Rockwall Counties
- Conduct a Regional Veloweb Feasibility & Alignment Study in South Dallas
- Preparation of a Design Development Schematic & Environmental Summary for the Bomber Spur Regional Veloweb Trail
- Planning Assistance for Implementation of Automated Vehicles
- McKinney Avenue M-Line Extension from Uptown

Equipment Purchases:
- Commercial Vehicle Enforcement
- Vehicle Tracking/Locating
- Vehicle Donation
North Central Texas Regional Certification Agency:
- Aids through education and counseling to applicants throughout the certification process
- Follows a standard set of qualification requirements to certify firms

To Apply Online: [https://nctrca.mwdbbe.com/?TN=nctrca](https://nctrca.mwdbbe.com/?TN=nctrca)

Website: [http://www.nctrca.org/](http://www.nctrca.org/)
## FY2020-2022 DBE GOAL UPDATE

### Schedule

<table>
<thead>
<tr>
<th>TASK</th>
<th>DATE</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Meeting to Kickoff DBE Goal Update Process</td>
<td>June 10</td>
<td>✔️</td>
</tr>
<tr>
<td>STTC Meeting: Information Item</td>
<td>June 28</td>
<td>✔️</td>
</tr>
<tr>
<td>Consultation Meeting with Stakeholders</td>
<td>July 2</td>
<td>✔️</td>
</tr>
<tr>
<td>Notice to Public of Proposed Goal</td>
<td>July 10</td>
<td>✔️</td>
</tr>
<tr>
<td>(start 45-Day Public Comment Period)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>RTC Meeting: Information Item</td>
<td>July 11</td>
<td>✔️</td>
</tr>
<tr>
<td>Submit draft Electronically to FTA</td>
<td>August 1</td>
<td>✔️</td>
</tr>
<tr>
<td>STTC: Action Item</td>
<td>August 23</td>
<td>✔️</td>
</tr>
<tr>
<td>End of 45-day Public Comment Period</td>
<td>August 30</td>
<td></td>
</tr>
<tr>
<td>RTC: Action Item</td>
<td>Sept. 12</td>
<td></td>
</tr>
<tr>
<td>Executive Board: Action Item</td>
<td>Sept. 26</td>
<td></td>
</tr>
<tr>
<td>Submit Final Electronically to FTA</td>
<td>Sept. 27</td>
<td></td>
</tr>
<tr>
<td>DBE Program Update and Goal Effective</td>
<td>October 1</td>
<td></td>
</tr>
</tbody>
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Ken Kirkpatrick
Counsel for Transportation
DBE Liaison Officer
Phone: 817-695-9278
Email: kkirkpatrick@nctcog.org

Emily Beckham
Grants and Contracts Manager
Phone: 817-608-2308
Email: ebeckham@nctcog.org

FY2020-2022 DBE GOAL UPDATE

Questions?