DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

Fiscal Year 2020-2022 Goal Update

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

Introduction

DBE Program Overview/Goal Update

Procurement & Contracting Process

DBE Certification Process

Question & Answer
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
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
FY2020-2022 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
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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
### FY2020-2022 DBE Goal Update

#### Current DBE Goal (2017-2019)

<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>
</tbody>
</table>

**Total Weighted Summary**: 25.0%
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>Potential Awards (in $1,000s) FTA</th>
<th>Potential Awards (in $1,000s) FHWA</th>
<th>Potential Awards (in $1,000s) TOTAL</th>
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<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>
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<tr>
<td>Operational Administrative, Communications, Support Services</td>
<td>$2,476</td>
<td>$0</td>
<td>$2,476</td>
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<tr>
<td>Planning/Engineering</td>
<td>$6,830</td>
<td>$10,044</td>
<td>$16,874</td>
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<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>
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<tr>
<td>Vehicle Maintenance and Operations Support</td>
<td>$4,998</td>
<td>$0</td>
<td>$4,998</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$15,817</strong></td>
<td><strong>$16,299</strong></td>
<td><strong>$32,116</strong></td>
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</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>
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<tr>
<td>Marketing, Advertising, and Public Relations</td>
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<td>1734</td>
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<tr>
<td>Operational Administrative, Communications, Support Services</td>
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<td>8205</td>
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<tr>
<td>Planning/Engineering</td>
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<td>524</td>
<td>1673</td>
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<tr>
<td>Software and Ancillary Information Technology Professional Services</td>
<td>$817</td>
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<td>2635</td>
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<tr>
<td>Transportation Equipment</td>
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<td>8</td>
<td>104</td>
<td>7.7%</td>
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<tr>
<td>Vehicle Maintenance and Operations Support</td>
<td>$4,998</td>
<td>30</td>
<td>2569</td>
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<tr>
<td>TOTAL</td>
<td>$32,116</td>
<td>1,712</td>
<td>18,708</td>
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<td>19.4%</td>
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</tr>
<tr>
<td>---------------------------------------------------------</td>
<td>-------------------------------</td>
<td>-----------</td>
<td>-------------</td>
<td>----------</td>
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<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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<td>Office Supplies &amp; Equipment (Rental &amp; Purchase)</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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<tr>
<td>Total Weighted Summary</td>
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<td>21.3%</td>
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</tbody>
</table>
### FY2020-2022 DBE GOAL UPDATE

#### Proposed Goal

**NCTCOG and Subrecipients (FTA, FHWA Funds)**

<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%

^FHWA funds also include other federal and local sources.

*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
<table>
<thead>
<tr>
<th>Planning Services Selection Criteria</th>
<th>Engineering Services Selection Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Understanding (25%)</td>
<td>Project Understanding (30%)</td>
</tr>
<tr>
<td>Scope of Services (25%)</td>
<td>Scope of Services (25%)</td>
</tr>
<tr>
<td>Project Manager/Staff Qualifications (20%)</td>
<td>Project Manager/Staff Qualifications (20%)</td>
</tr>
<tr>
<td>Project Cost (15%)</td>
<td>Knowledge of the Dallas-Fort Worth Area (10%)</td>
</tr>
<tr>
<td>Firm Qualifications/Consultant References (10%)</td>
<td>Firm Qualifications/Consultant References (10%)</td>
</tr>
<tr>
<td>Project Schedule (5%)</td>
<td>Project Schedule (5%)</td>
</tr>
</tbody>
</table>

Selection Criteria for other procurement types:
- Determined project-by-project
- Detailed in RFP

Overview of the Procurement Process Continued
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)
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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

## FY2017-2019 DBE GOAL UPDATE

### Guidance & Tips on Standard Forms

![Image of table showing employee counts and percentages by gender and ethnicity](image-url)
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/
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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.mwdbce.com/?TN=nctrca](https://nctrca.mwdbce.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 (start 45-Day Public Comment Period)</td>
<td>July 10</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>
</table>
FY2020-2022 DBE GOAL UPDATE

Questions?

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