

Community Connector Goal for DBE Participation
FFY 16-FFY17-FFY18
DBE Goal: 1.4%

Title 49: Transportation, of the Code of Federal Regulations, §26.45 requires that Community Connector set an overall goal for DBE participation.

Determining a Base Figure

Excerpts from §26.45

“§26.45. How do recipients set overall goals?”

(a)(1) Except as provided in paragraph (a)(2) of this section, you must set an overall goal for DBE participation in your DOT-assisted contracts.

(2) if you are a FTA or FAA recipient who reasonably anticipates awarding (excluding transit vehicle purchases) \$250,000 or less in FTA or FAA funds in prime contracts in a Federal fiscal year, you are not required to develop overall goals for FTA or FAA respectively for that fiscal year. However, if you have an existing DBE program, it must remain in effect and you must seek to fulfill the objectives outlined in §26.1.

(b) Your overall goal must be based on demonstrable evidence of the availability of ready, willing and able DBEs relative to all businesses ready, willing and able to participate on your DOT-assisted contracts (hereafter, the “relative availability of DBEs”). The goal must reflect your determination of the level of DBE participation you would expect absent the effects of discrimination. You cannot simply rely on either the 10 percent national goal, your previous overall goal or past DBE participation rates in your program without reference to the relative availability of DBEs in your market.

(c) Step 1. You must begin your goal setting process by determining a base figure for the relative availability of DBEs. ...

(1) Use DBE Directories and Census Bureau data. Determine the number of ready, willing and able DBEs in your market from your DBE directory. Using the Census Bureau’s County Business Pattern (CBP) data base, determine the number of all ready, willing and able businesses available in your market that perform work in the same NAICS codes...Divide the number of DBEs by the number of all businesses to derive a base figure for the relative availability of DBEs in your market.”

Methodology for Determining a Base Figure

The market was determined to be statewide, since the substantial majority of contractors and subcontractors that Community Connector could use are located in Maine and their services are not restricted to any particular subdivisions of the state.

Based on a review of the 2014 County Business Patterns – Maine, and MaineDOT’s DBE list, there are no DBE firms in Maine that specialize in bus transit services or that provide the full range of services needed by Community Connector. However, there are firms that offer support services that can be used by Community Connector.

The table on the following page provides a description of services which the City is likely to procure in the next three years by NAICS Code, and it includes the total number of firms in that category included in the 2014

County Business Patterns - Maine. The fourth column in the table includes MaineDOT's DBE list according to the selected NAICS codes.

**DBE Firms for Transit Support Services
By NAICS Code**

NAICS Code	Description	Total Firms	DBE Firms on MaineDOT List
485991	ADA Service	17	None
541850	Advertising	1	ATA Outdoor Media
424690	Antifreeze	18	American Green Building Services, Inc.
			Heritage Construction & Supply
			U S Eco Products Corporation
541211	Auditing Services	212	Bronner Group, LLC
			Securance LLC
441310	Automotive Parts	282	None
561710	Bird Removal Services	27	None
517210	Cell Phone Service	38	None
423850	Cleaning Supplies	19	Heritage Construction & Supply
			U S Eco Products Corporation
			Workplace Essentials, Inc.
621999	Drug and Alcohol Testing	21	None
541990	Employee Assistance Program	41	Berkshire Industrial Services, LLC
			Brockington And Associates, Inc.
			Cay Kendrick Design
			City Point Partners, LLC
			Hrv Conformance Verification Associates, Inc.
			Marpro Associates International
			North Woods Ecological Consulting, LLC
			Toole Design Group, LLC
			Trs & I Group, Inc.
			522110
561621	Fire Alarms Service	27	None
423990	Fire Extinguishers	46	Annseal, Inc.
			Kt & T Distributors, Inc.
			Longhouse Inventory Solutions, LLC
			Valley Illuminators
423450	First Aid and Safety Supplies	33	Central Maine Paper LLC
454310	Fuel	285	None
238220	Furnace Maintenance	591	Dean & Allyn, Inc.

			Raks Fire Sprinkler, LLC			
			Trinity Technology Services, Inc.			
			Water Energy Distributors, Inc.			
811122	Glass Repair/Replacement	44	Quality Glass, Inc.			
562112	Hazardous Waste Service	1	KB Environmental Sciences, Inc.			
524210	Liability and Workers Comp Insurance	472	Leslie Saunders Insurance Agency, Inc.			
			Market International Insurance Agency			
			Swanson & Associates, Inc.			
561431	Mailing Service	18	None			
811192	Mobile Bus Cleaning Service	58	None			
453210	Office Supplies	21	None			
424720	Oils & Grease	11	None			
532420	Photocopier Lease	0	None			
811213	Radio Maintenance	5	Trafinfo Communications, Inc.			
			Trinity Technology Services, Inc.			
811111	Rehabilitation of Buses	587	None			
517110	Telephone Service	192	None			
423130	Tires	15	Transit Auto Parts, LLC			
541614	Transit Consultant	20	Cushman Transportation Consulting, LLC			
			E-Squared Consulting Corporation			
			Elite Professionals, LLC			
			Fitzgerald & Halliday, Inc.			
			Kfh Group Incorporated			
			Lazaro & Noel, LLC			
			M. Mchatten Consulting, LLC			
			Mld Services, Inc.			
			Savant Consulting, Inc.			
			Trafinfo Communications, Inc.			
			Trinity Technology Services, Inc.			
			Pierson Computing Connection, Inc.			
			Solid Network Solutions, LLC			
			812331	Uniforms	7	None
			312112	Water	6	None

Total		3447	48
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The DBE goal is derived by dividing the total number of firms shown in the table (3447) into the total number of DBE firms (48) to arrive at a DBE goal of 1.4%.

Adjustments to Base Figure

Excerpts from §26.45

“(d) Step 2. Once you have calculated a base figure, you must examine all of the evidence available in your jurisdiction to determine what adjustment, if any, is needed to the base figure in order to arrive at your overall goal. If the evidence does not suggest an adjustment is necessary, then no adjustment shall be made.

(1) There are many types of evidence that must be considered when adjusting the base figure. These include:

- (i) The current capacity of DBE’s to perform work in your DOT-assisted contracting program, as measured by the volume of work DBEs have performed in past years;*
- (ii) Evidence from disparity studies conducted anywhere within your jurisdiction, to the extent it is not already accounted for in your base figure; and*
- (iii) If your base figure is the goal of another recipient, you must adjust it for differences in your local market and your contracting program.*

(2) If available, you must consider evidence from related fields that affect the opportunities for DBEs to form, grow and compete. These include, but are not limited to:

- (i) Statistical disparities in the ability of DBEs to get the financing, bonding and insurance required to participate in your program;*
- (ii) Data on employment, self-employment, education, training and union apprenticeship programs, to the extent you can relate it to the opportunities for DBEs to perform in your program.*

(3) If you attempt to make an adjustment to your base figure to account for the continuing effects of past discrimination (often called the “but for” factor) or the effects of an ongoing DBE program, the adjustment must be based on demonstrable evidence that is logically and directly related to the effect for which the adjustment is sought.”

Adjustments

Based on a review of the requirements of §26.45, above, there are no adjustments to be made to the base figure of 1.4%.

1. The volume of DBE work in past years for Community Connector was not tracked until recently. The Community Connector did not have its own DBE program until less than two years ago. Further evidence of DBE work volume is necessary before any adjustments should be made;
2. There have been no disparity studies in Community Connector’s jurisdiction;
3. There is no rational basis for utilizing the DBE goal of another transit agency;
4. There have been no disparity studies in Maine on the ability of DBEs to get transit contracts;

5. There is no data on self-employment, education, training and union apprenticeship programs relative to transit contracts;
6. There is no data available in Maine relative to past discrimination in transit contracts.

Historical Data on Community Connector bids. The following are bidders that submitted either prime or subcontract bids for services provided by Community Connector-funded in federal fiscal years FY15 and FY16:

<u>Contract</u>	<u>Bidder</u>
Transit Bus Advertising	ATA Outdoor
Overhead Door Maintenance	P.D.Q. Door Company, Inc.
Radio Maintenance	Whitten's 2-Way Service, Inc.
Transit Consultant	Merwin Vehicle Consulting Vehicle Technical Consultants, Inc.
Rehab Buses	Maine Military Authority
Fire Alarm Monitoring	Maine Fire Protection Systems Norris, Inc. Eagle Security
Group Health Insurance	Cigna Aetna, Inc. Harvard Pilgrim Health Care Maine Municipal Employees Health Trust Anthem

The City typically bids contracts for three-year terms, with an option to extend for another 2-one year terms. Any contracts that are limited to five-year terms by the FTA, such as those for rolling stock and replacement parts, will be so limited by the City.

Expression of Overall Goal

Excerpts from §26.45

“(e). Once you have determined a percentage figure in accordance with paragraphs (c) and (d) of this section, you should express your overall goal as follows:

- (1) If you are an FHWA recipient, as a percentage of all Federal-aid highway funds you will expend in FHWA-assisted contracts in the three forthcoming fiscal years.*
- (2) If you are an FTA or FAA recipient, as a percentage of all FTA or FAA funds (exclusive of FTA funds to be used for the purchase of transit vehicles) that you will expend in FTA or FAA-assisted contracts in the three forthcoming fiscal years.”*

Expression of DBE Goal

The DBE goal for Community Connector is expressed as a percentage of all FTA funds (exclusive of FTA funds to be used for the purchase of transit vehicles) the agency will spend in FTA assisted contracts over the three forthcoming fiscal years.

Public Participation

Excerpts from §26.45

“(g)(1) In establishing an overall goal, you must provide for consultation and publication. This includes:

- (i) 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. The consultation must include a scheduled, direct, interactive exchange (e.g., a face-to-face meeting, video conference, teleconference) with as many interested stakeholders as possible focused on obtaining information relevant to the goal setting process, and it must occur before you are required to submit your methodology to the operating administration for review pursuant to paragraph (f) of this section. You must document in your goal submission the consultation process you engaged in. Notwithstanding paragraph (f)(4) of this section, you may not implement your proposed goal until you have complied with this requirement.*
 - (ii) A published notice announcing your proposed overall goal before submission to the operating administration on August 1st. The notice must be posted on your official Internet Web site and may be posted in any other sources (e.g., minority-focused media, trade association publications). If the proposed goal changes following review by the operating administration, the revised goal must be posted on your official Internet Web site.*
- (2) At your discretion, you may inform the public that the proposed overall goal and its rationale are available for inspection during normal business hours at your principal office and for a 30-day comment period. Notice of the comment period must include addresses to which comments may be sent. The public comment period will not extend the August 1st deadline set in paragraph (f) of this section.*

Public Participation Plan

Stakeholder Meeting. Several interested stakeholders were notified directly by email of the draft goal publication, including current service providers. A meeting was held on July 15, 2016 at 3pm to receive comments on the methodology from stakeholders. Two interested persons or organizations attended the meeting. The City's DBE plan was discussed, along with strategies for assisting DBE firms in applying and ways in which to get notice of bids out to DBE firms.

Public Notice. The public was notified by publication on July 1 and 2, 2016 in the local newspaper, the Bangor Daily News. Additionally, the public notice was posted on Community Connector's

website. The DBELO also telephoned a number of potentially interested organizations to inform them of the meeting and take any comments they might have. Additional information was received during these calls regarding who can assist the City in getting word out about DBE contracting opportunities. Public comment was accepted for 45 days following the last date of publication. Apart from those comments received at the advertised meeting, no other public comments were received. The notice referred to a goal of 1.1%; after communication with Margaret Griffin of the FTA, the Community Connector adjusted its methodology, resulting in a revised goal of 1.4%. The notice was as follows:

CITY OF BANGOR PUBLIC NOTICE

DBE Goal for Federal Fiscal Years 2016-2017-2018

In accordance with 49 CFR Part 26, Community Connector's overall goal for FFY 2016 through FFY 2018 for Disadvantaged Business Enterprise (DBE) participation will be 1.4% for participation in U. S. Department of Transportation, Federal Transit Administrative (FTA) assisted contracts. The proposed goal and its rationale are available for public inspection during administrative hours at Community Connector's headquarters, located at 481 Maine Avenue, Bangor, Maine or on the City of Bangor's website <http://www.bangormaine.gov> for 30 days following the date of this notice. Community Connector will accept public comments on the proposed goal for a period of 45 days from the date of this notice. There will be a meeting in the City Hall Council Chambers on July 15, 2016 at 3pm.

Comments may be directed to:

Laurie Linscott, Bus Superintendent
Community Connector
481 Maine Ave
Bangor, Maine 04401
207-992-4672
Laurie.linscott@bangormaine.gov

And/or

Margaret Griffin
Civil Rights Officer
Federal Transit Administrative
Transportation Systems Center
55 Broadway, Suite 920
Cambridge, MA 02142-1093
617-494-2397

July 1 & 2, 2016

Agency Actions to Encourage DBE Participation. Community Connector plans to provide notice of bidding opportunities in the categories listed in the table on pages 2-3 to the DBE firms listed on pages 2-3 as well as any DBE firms added to MaineDOT's DBE list during the period FFY 2016 through FFY2018. This goal is posted on the City of Bangor website and will continue to be posted on the website.