



CITY OF BANGOR

**Community Connector
DBE Goal for Participation
FFY 2022 – FFY 2023 - FFY 2024**

October 1, 2021 through September 30, 2024

DBE Goal: 2.82%

INTRODUCTION

The City of Bangor Community Connector (CC) has established a Disadvantages Business Enterprise (DBE) program and goal in accordance with regulations of the US Department of Transportation (USDOT).

Pursuant to 49 CFR Part 26 and USDOT official guidance, CC has determined that its overall annual DBE attainment on FTA funded projects for FFY 2022- FFY 2024 is 2.82%. The Overall Goal will be obtained using race- and gender-neutral measures. This document describes in detail the process used by CC to establish the Overall Goal. Title 49 CFR 26: Requires that Community Connector set an overall goal for DBE participation. This ensures the safe, accountable, flexible, efficient transportation equity act.

CC, has researched upcoming potential contracts for our agency and analyzed census data, reviewed bidding and DBE attainment history and has determined that the overall annual Disadvantaged Business Enterprise (DBE) attainment on FTA funded projects for FFY 2022 - 2024 (October 1, 2021 through September 30, 2024) is 2.82 %.

METHOD OF ESTABLISHING GOAL

49 CFR 26.45 (b) states "Your overall goal must be based on demonstrable evidence of the availability of ready, willing and able DBE's relative to all business ready, willing and able to participate on your DOT-assisted contracts (hereafter, the "relative availability of DBEs")."

DETERMINING A BASE FIGURE

Step 1- Methodology Used to Determine a Base Figure.

CC will calculate the overall goal using the criteria based in 49 CFR part 26.45 (c). CC must begin its goal setting process by determining a base figure for the relative availability of DBEs."

As specified in 49 CFR 26.45(c), CC calculated a percentage base figure reflecting the availability of DBEs relative to all businesses ready, willing, and able to participate on FTA-assisted contracts in its local market area. The base figure reflects a DBE participation level that CC would expect in the absence of discrimination.

Local Market Area

The market area was determined to be Statewide, since the substantial majority of the contractors' CC works with are located in Maine.

Sources of Data

The number of ready, willing, and able DBEs and the total number of ready, willing, and able businesses in CC's market area were determined using the following verifiable sources of data:

- Maine DOT DBE Directory. The directory lists the firm's name, address, phone number, date of most recent certification, and the type of work the firm has been certified to perform as a DBE. In addition, the directory lists each type of work for which a firm is eligible to be certified by using the most NAICS code available to describe each type of work. The directory is housed and updated weekly online. It is searchable by scope of work, and receives widespread distribution in hard copy at seminars, conferences, trainings, and other networking events.
- Census Bureau County Business Patterns (CBP) database. CBP provides data on the total number of establishments by detailed industry for all jurisdictions in the United States.
- City of Bangor Bidders List. City of Bangor bidders list is created and based on vendors who routinely seek to work on local area market contracts.

CALCULATION

CC used the Maine DOT DBE Directory and Census Bureau CBP database, supplemented by the City of Bangor bidders list, to calculate a base figure, as shown in Figure 1. Specifically, CC calculated the relative availability percentage as follows:

1. CC determined the number of ready, willing, and able DBEs in its local market area from the Maine DOT DBE directory who are available to perform FTA-assisted contracts. Then, using the Census Bureau's CBP database, CC determined the number of all ready, willing, and able businesses available in its local market area that perform work in the same NAICS codes.
2. Data from the CBP database was filtered for CC's local market area and for the NAICS codes categories set forth in Figure 1, which CC determined are applicable for contracting opportunities.
3. The CBP database, supplemented by CC's bidders list, identified a total of 3957 businesses ready, willing, and able to perform work in the above-described NAICS codes categories in CC's market area. The most recent MAINE DOT DBE directory, supplemented by CC's bidders list, showed 87 certified DBEs who are ready, willing, and able to perform work in the NAICS codes categories.
4. Therefore, the denominator would be 3957 to represent all potential transit firms and transit related firms for potential contracts and subcontractors in Maine for the upcoming three federal fiscal years. The numerator would be 87, the number of DBE's under these categories available to perform the identified support work in Maine. The base goal based on total firms and DBE firms: $87/3957=.02199$
5. The DBE goal is derived by dividing the total number of firms shown in the table into the total number of DBE firms to arrive at a DBE percent goal. $87/3957 = 2.199$ rounded up to 2.20%

**Figure 1. DBE Firms for Transit Support Services
By NAICS Code**

NAICS Code	Description	Total Maine Firms	DBE Firms on MaineDOT List
811118	ADA Wheelchair Van Sales and Service	26	1
424690	Antifreeze	23	2
237210,541310, 541350	Architect, Civil Engineer, and Services	166	10
541211	Auditing Services	211	1
441310	Automotive & Bus Parts	220	0
561710	Bird Removal Services	43	0
517210	Cell Phone Service	7	0
423850	Cleaning Supplies	12	3
561720	Janitorial Cleaning Services	361	6
621999	Drug and Alcohol Testing	24	1
541990	Employee Assistance Program	48	7
522110	Financial Institution/Banking	316	0
561621	Fire Alarms Service	23	0
423990	Fire Extinguishers	40	4
423450	First Aid and Safety Supplies	32	0
454310	Fuel Dealers	269	1
238220	Furnace Maintenance	675	4
236210, 236220	General Building Contractor	160	14
811122	Glass Repair/Replacement	42	1
562112	Hazardous Waste Service	0	0
524126	Insurance- property & bus	75	0
524210	Liability and Workers Comp Insurance	440	1
561431	Mailing Service	13	0
811192	Mobile Bus Cleaning Service	58	0
453210	Office Supplies	15	0
424720, 454310	Oils & Grease	11	2
811213	Radio Maintenance	8	2
561621	Transit Security Video Systems	26	0
517110	Telephone Service	192	0
541214,541219, 561110	Temporary Staffing Services	328	5
423130	Tires	16	0
541850	Transit Advertising Services	4	1
541614	Transit Consultants	24	15
423430	Transit Software and Tablets	20	2
812331	Uniforms	5	0
485991	Wheelchair Van Rental	17	1
312112	Water	7	0
Total		3957	87

ADJUSTMENTS TO BASE FIGURE

26.45 (d) states "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."

Step 2 Adjustments:

As specified in Section 26.45, once the relative availability of ready, willing, and able DBEs in CC local market area has been determined, it is necessary to examine additional evidence and, if appropriate, make adjustments to the base figure, to ensure that the DBE goal truly and accurately reflects the level of DBE participation CC would expect absent the effects of discrimination. There is no data available in Maine relative to past discrimination in transit contracts.

There are many types of evidence that must be considered when adjusting the base figure. These included:

- 1. The current capacity of DBEs to perform work in our FTA -assisted contracting program, as measured by the volume of work DBEs have performed in recent years.*

Past participation in FTA-Funded services for the Community Connector are as follows:
Historical Median was 3.43%

DBE Report Period	Actual DBE Participation	DBE Goal
FFY 2018	3.43 %	1.4%
FFY 2019	2.92 %	2.4%
FFY 2020	4.36 %	2.4 %

Using past participation to calculate an adjustment is as follows:

Base Goal = 2.20 %

Median Participation = 3.43 %

Add them together and divide by 2 = 2.815 %

The Adjusted Base Goal increases to 2.82 % after the past participation adjustment calculation.

- 2. Evidence from disparity studies conducted anywhere within your jurisdiction, to the extent it is not already accounted for in your base figure.*

There have been no related disparity studies for in our jurisdiction

3. *If your base figure is the goal of another recipient, you must adjust it for differences in your local market and your contracting program.*

The base figure selected is not the goal of another recipient.

4. *Past and Future Contracting Activity*

CC examined the nature of the contracting work anticipated for FFY 2022-2024. The two primary areas of expected NAICS spending are design and construction of the new transit center. Otherwise, the activity and market conditions in CC's local market area have not substantially changed. As a small agency, one contract with a high DBE amount can significantly impact the percentage for the period.

Based on a review of the requirements of §26.45, above, there was an adjustment to be made to the base figure from 2.20 % to 2.82 %

Adjustment Calculation if needed:

If there is a determination that an adjustment is needed based on the evidence CC would follow the guidance set forth in USDOT's Tip for Goal-Setting. CC would take median of the past participation to get the historical median. CC would then the historical median and the Step 1 Base Figure to arrive at an adjusted figure. This result would be the adjusted base figure.

PROSPECTIVE DBE PARTICIPATION

CC staff has encouraged two businesses it contracted with to become certified as a DBE. Both businesses were women owned and they finished the process very quickly and became certified within a few months.

RACE-/GENDER-NEUTRAL AND RACE-/GENDER-CONSCIOUS SPLIT

In accordance with federal regulations and USDOT guidance, CC will strive to meet the maximum feasible portion of its proposed overall DBE goal by using race- and gender-neutral measures.

CC did not apply contract goals or any other race- or gender-conscious measures to any FTA-funded contracts awarded during that timeframe; thus, 100% of DBE contractors and subcontractors were used on contracts without DBE goals.

CC currently has a broad range of race- and gender-neutral measures to encourage and facilitate DBE participation in its contacts, including:

- Maintaining one-stop DBE certification with Maine DOT;
- Publicizing EMDC's web site and services to support Maine DBE businesses;

- Utilizing CC website and paid advertisements in newspapers and trade publications to encourage increased DBE participation;
- Using pre-bid meetings in construction contracts;
- Continuing administrative enforcement of prompt payments between prime contractors and subcontractors;

Although the DBE vendor base applicable to transit is small in CC's local market area, CC continues to review the Maine DOT DBE registry and conduct outreach with individuals and organizations with direct contact with the DBE community for possible additions to its vendor base.

Based on its levels and trends of past participation and its race- and gender-neutral measures, CC projects that CC will be able to meet 100% of its new overall DBE goal through race- and gender-neutral measures. Accordingly, CC projects that it will not need to utilize any race-conscious or gender-conscious measures to meet its proposed Overall Goal.

PUBLIC PARTICIPATION AND OUTREACH

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

Consultation with a 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 DBE's. (AKA Stakeholders Meeting)

A published notice announcing your proposed overall goal before submission to the operating administration on August 1st. Must be post on official website, and maybe posted on another source. (AKA Public Notice)

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 office and for a 30-day comment period. The comment period will not extend the August 1st deadline.

CC is a small agency with limited resources, and as such CC works in cooperation with Maine DOT's efforts for public participation in establishing DBE goals. As Maine's only Unified Certification Program entity, MDOT has done extensive public outreach to ensure that eligible businesses are aware of the DBE program.

Eastern Maine Development Corporation (EMDC), a community development and small business development agency, administer its DBE Supportive Services Program. EMDC has developed a website of resources and information to support women and minority owned businesses. EMDC maintains a calendar of events to connect DBE business to local government work, and interested businesses to become DBE certified.

Community Connector also worked with the Maine Procurement Technical Assistance Center to get the word out about bidding opportunities, Community Connector's DBE program, and contracting procedures to DBE firms and other small businesses.

CC's Overall Goal and goalsetting methodology was posted on CC's website along with a notice informing the public that the proposed goal and its rationale was available for viewing, and that CC was accepting comments for 30 days comment period. CC also advertised the notice in a newspaper of general circulation in its market area. Comments were accepted via email, phone, or in writing by regular mail. Because of the pandemic environment, CC did not hold an in-person public forum.

Finally, CC's Overall Goal will be posted on its website for the three-year term.

Comments may be directed to:

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