



Disadvantaged Business Enterprise Program

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POLICY STATEMENT

Section 26.1, 26.23 Objectives/Policy Statement

The Santa Barbara County Association of Governments (referred to as “SBCAG” herein) has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. SBCAG has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, SBCAG has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of SBCAG to ensure that DBEs that are defined in part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT - assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT assisted contracts;
6. To assist the development of firms that can compete successfully in the marketplace outside the DBE Program.

The Chief Financial Officer has been delegated as the DBE Liaison Officer. In that capacity, the Chief Financial Officer is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by SBCAG in its financial assistance agreements with the DOT and with the California Department of Transportation (Caltrans).

SBCAG has disseminated this policy statement to the Board of Directors and all of the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT- assisted contracts via our website sbcag.org and where appropriate by publishing this statement in general circulation media, available minority-focused media and trade association publications, to inform of SBCAG’s commitment to DBE and opportunities for contracting.

Marjie Kirn, Executive Director

Date

SUBPART A - GENERAL REQUIRMENTS

Section 26.1 Objectives

The objectives are found in the policy statement on the first page of this program.

Section 26.3 Applicability

SBCAG is the recipient of federal-aid highway funds authorized under Titles I and V of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Pub. L. 102-240, 105 Stat. 1914, Titles I, III, and V of the Transportation Equity Act for the 21st Century (TEA-21), Pub. L. 105-178, 112 Stat. 107.

SBCAG is the recipient of federal transit funds authorized by Titles I, III, V, and VI of ISTEA, Pub. L. 102-240 or by Federal transit laws in Title 49, U.S. Code, or Titles I, II, and V of the Teas-21, Pub. L. 105-178.

Section 26.5 Definitions

The terms used in this program have the meanings defined in 49 CFR §26.5 as listed below.

Affiliation has the same meaning the term has in the Small Business Administration (SBA) regulations, 13 CFR part 121.

1. Except as otherwise provided in 13 CFR part 121, concerns are affiliates of each other when, either directly or indirectly:
 - a. One concern controls or has the power to control the other; or
 - b. A third party or parties controls or has the power to control both; or
 - c. An identity of interest between or among parties exists such that affiliation may be found.
2. In determining whether affiliation exists, it is necessary to consider all appropriate factors, including common ownership, common management, and contractual relationships. Affiliates must be considered together in determining whether a concern meets small business size criteria and the statutory cap on the participation of firms in the DBE program.

Alaska Native means a citizen of the United States who is a person of one-fourth degree or more Alaskan Indian (including Tsimshian Indians not enrolled in the Metlaktla Indian Community), Eskimo, or Aleut blood, or a combination of those bloodlines. The term includes, in the absence of proof of a minimum blood quantum, any citizen whom a Native village or Native group regards as an Alaska Native if their father or mother is regarded as an Alaska Native.

Alaska Native Corporation (ANC) means any Regional Corporation, Village Corporation, Urban Corporation, or Group Corporation organized under the laws of the State of Alaska in accordance with the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 16 01, et seq.).

Compliance means that a recipient has correctly implemented the requirements of this part.

Contract means a legally binding relationship obligating a seller to furnish supplies or services (including, but not limited to, construction and professional services) and the buyer to pay for them.

Contractor means one who participates, through a contract or subcontract (at any tier), in a DOT-assisted highway, transit or airport program.

Department or DOT means the U.S. Department of Transportation, including the Office of the Secretary, the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and the Federal Aviation Administration (FAA). Caltrans means the California Department of Transportation.

Disadvantaged business enterprise or DBE means a for-profit small business concern--

1. That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one more such individuals; and
2. Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

DOT-assisted contract means any contract between a recipient and a contractor (at any tier) funded in whole or in part with DOT financial assistance, including letters of credit or loan guarantees, except a contract solely for the purchase of land.

Good faith efforts mean efforts to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the program requirement.

Immediate family member means father, mother, husband, wife, son, daughter, brother, sister, grandmother, grandfather, grandson, granddaughter, mother-in-law, or father-in-law.

Indian tribe means any Indian tribe, band, nation, or other organized group or community of Indians, including any ANC, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, or is recognized as such by the State in which the tribe, band, nation, group, or community resides. See definition of "tribally-owned concern" in this section.

Joint venture means an association of a DBE firm and one or more other firms to carry out a single, for-profit business enterprise, for which the parties combine their property, capital, efforts, skills and knowledge, and in which the DBE is responsible for a distinct, clearly defined portion of the work of the contract and whose share in the capital contribution, control, management, risks, and profits of the joint venture are commensurate with its ownership interest.

Native Hawaiian means any individual whose ancestors were natives, prior to 1778, of the area that now comprises the State of Hawaii. Native Hawaiian Organization means any community service organization serving Native Hawaiians in the State of Hawaii, which is a not-for-profit organization, chartered by the State of Hawaii, is controlled by Native Hawaiians, and whose business activities will principally benefit such Native Hawaiians.

Noncompliance means that a recipient has not correctly implemented the requirements of this part.

Operating Administration or OA means any of the following parts of DOT: The Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA). The "Administrator" of an operating administration includes his or her designees.

Personal net worth means the net value of the assets of an individual remaining after total liabilities are deducted. An individual's personal net worth does not include the individual's ownership interest in an applicant or participating DBE firm; or the individual's equity in his or her primary place of residence. An individual's personal net worth includes only his or her own share of assets held jointly or as community property with the individual's spouse.

Primary industry classification means the six-digit North American Industrial Classification System (NAICS). NAICS is an industry classification system that groups establishments into industries based on the similarity of their production processes. It is a comprehensive system covering all economic activities. There are 20 sectors and 1,057 industries in 2017 NAICS United States. The NAICS manual is available at:

https://www.census.gov/eos/www/naics/2017NAICS/2017_NAICS_Manual.pdf

Primary recipient means a recipient that receives DOT financial assistance and passes some or all of it on to another recipient.

Principal place of business means the business location where the individuals who manage the firm's day-to-day operations spend most working hours and where top management's business records are kept. If the offices from which management is directed and where business records are kept are in different locations, the recipient will determine the principal place of business for DBE program purposes.

Program means any undertaking on a recipient's part to use DOT financial assistance, authorized by the laws to this part applies.

Race-conscious measure or program is one that is focused specifically on assisting only DBEs, including women-owned DBEs.

Race-neutral measure or program is one that is, or can be, used to assist all small businesses. For the purposes of this part, race-neutral includes gender-neutrality.

Recipient is any entity, public or private, to which DOT financial assistance is extended, whether directly or through another recipient, through the programs of the FAA, FHWA, or FTA, or who has applied for such assistance.

Secretary means the Secretary of Transportation or his/her designee.

Set-aside means a contracting practice restricting eligibility for the competitive award of a contract solely to DBE firms.

Small Business Administration or SBA means the United States Small Business Administration.

Small business concern means, with respect to firms seeking to participate as DBEs in DOT-assisted contracts, a small business concern as defined pursuant to section 3 of the Small Business Act and Small Business Administration regulations implementing it (13 CFR part 121) that also does not exceed the cap on average annual gross receipts specified in Sec. 26.65(b).

Socially and economically disadvantaged individual means any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who is

1. Any individual who a recipient finds to be a socially and economically disadvantaged individual on a case-by-case basis.
2. Any individual in the following groups, members of which are reputedly presumed to be socially and economically disadvantaged:
 - a. "Black Americans," which includes persons having origins in any of the Black racial groups of Africa;
 - b. "Hispanic Americans," which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;
 - c. "Native Americans," which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians;
 - d. "Asian-Pacific Americans," which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), the Commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga, Kiribati, Juvalu, Nauru, Federated States of Micronesia, or Hong Kong;
 - e. "Subcontinent Asian Americans," which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka;
 - f. Women;
 - g. Any additional groups whose members are designated as socially and economically disadvantaged by the SBA, at such time as the SBA designation becomes effective.

Tribally owned concern means any concern at least 51 percent owned by an Indian tribe as defined in this section.

"You" refers to a recipient, unless a statement in the text of this part or the context requires otherwise (i.e., 'You must do XYZ' means that recipients must do XYZ).

Section 26.7 Non-discrimination Requirements

SBCAG will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, SBCAG will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

Section 26.11 Record Keeping Requirements

Reporting to DOT: 26.11(b)

SBCAG will report DBE participation to DOT as follows:

For projects funded by the Federal Transit Administration: We will report DBE participation on a quarterly basis, using DOT Form 4630. These reports will reflect payments actually made to DBEs on DOT-assisted contracts.

For projects funded by the Federal Highway Administration: We will report DBE participation on a quarterly basis, using DOT form 4630.

For projects funded by the Federal Highway Administration and administered through Caltrans: We will report DBE participation on a bi-annual basis as required on the Uniform Reporting of DBE Awards/Commitments and payments. As a sub recipient SBCAG will cooperate with any grant reporting requirements set forth by the grantees.

Bidders List: 26.11(c)

SBCAG will maintain a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The purpose of this requirement is to allow use of the bidders list approach to calculating overall goals. The bidder list will include the name, address, DBE non-DBE status, fiscal year funds were awarded, and award amounts.

We will collect this information in the following ways:

1. SBCAG will request prime contracts provide information of subcontractor that includes the required information.
2. A contract clause stating that prime bidders shall carry out applicable requirements of 40 CFR Part 26 in the award and administration of DOT-assisted contracts.

Section 26.13 Federal Financial Assistance Agreement

SBCAG has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

Assurance: 26.13(a)

SBCAG shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT assisted contract or in the administration of its DBE Program or the requirements of 49 CFR part 26. SBCAG shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. SBCAG's DBE Program, as required by 49 CFR part 26 and as approved by DOT, is incorporated

by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to SBCAG of its failure to carry out its approved program, the Department may impose sanction as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

This language will appear in financial assistance agreement with sub-recipients.

Contract Assurance: 26.13b

SBCAG ensures that the following clause is placed in every DOT-assisted contract and subcontract:

The contractor, sub-recipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.”

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

Since SBCAG has received grants from the Federal Transit Administration (FTA) of \$250,000 or more in planning, capital and/or operating assistance in a federal fiscal year 2017 and currently receives more than \$250,000 in FHWA funds, SBCAG will continue to carry out this program until all funds from DOT financial assistance have been expended. We will provide to DOT updates representing significant changes in the program.

Section 26.23 Policy Statement

The Policy Statement is elaborated on the first page of this program.

Section 26.25 DBE Liaison Officer (DBELO)

We have designated the following individual as our DBE Liaison Officer:

Martha Gibbs
Chief Financial Officer
Santa Barbara County Association of Governments (SBCAG)
260 N. San Antonio Rd., Suite B
Santa Barbara, CA 93110
(805)961-8900
mgibbs@sbcag.org

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that SBCAG complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to

the Executive Director concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment 1 to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO has a staff of one to assist in the administration of the program. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations when applicable (both race-neutral methods and contract specific goals attainment) and identifies ways to improve progress.
6. Analyzes SBCAG's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the Executive Director/SBCAG Board on DBE matters and achievement.
9. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
10. Provides outreach to DBEs and community organizations to advise them of opportunities.
11. Maintains SBCAG's updated directory on certified DBEs.

Section 26.27 DBE Financial Institutions

It is the policy of SBCAG to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contract to make use of these institutions

SBCAG utilizes the following Federal Deposit Insurance Corporation website to identify minority-owned financial institutions: <https://www.fdic.gov/regulations/resources/minority/mdi.html>

The list of identified Minority Depository Institutions is provided in Attachment 2. Information on the availability of such institutions can be obtained from the DBE Liaison Officer.

Section 26.29 Prompt Payment Mechanisms

SBCAG will include the following clause or equivalent in each DOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 10 days from the receipt of each progress payment the prime contract receives from SBCAG as set forth in Section 7108.5 of the California Business and Professions Code concerning prompt payment to subcontractors. The 10-day period is applicable unless a longer period is agreed to in writing. Any delay or postponement of payment over thirty (30) days may take place only for good cause and with the agency's prior written approval. Any violation of Section 7108.5 shall subject the violating contractor to the penalties, sanctions and other remedies of that section. This requirement shall not be construed to limit or impair any contractual, administrative or judicial remedies otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance and/or

noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

Section 26.31 Directory

SBCAG maintains a directory that identifies all firms eligible to participate as DBE's for contracts that SBCAG proposes to award during the triennial DBE goal period. DBE firms are identified using the California Unified Certification Program (CUCP) Statewide DBE Directory. The DBE Directory lists the firm's name, address, phone number, and the type of work the firm has been certified to perform as a DBE using the North American Industry Classification System (NAICS) codes¹. SBCAG revises the DBE Directory annually. The DBE Directory is provided in Attachment 3 to this program document and may also be obtained by contacting the DBELO (contact information provided on page 7).

Section 26.33 Overconcentration

SBCAG has not identified that overconcentration exists in the types of work that DBEs perform. If SBCAG determines there is an over concentration of DBE firms in a particular type of activity or work unduly burdening non-DBE firms from access to the activity or type of work, it shall take appropriate steps, including, but not limited to, providing incentives, technical assistance, mentor programs, and other actions in order to assist DBE firms transition to other SBCAG activities or work areas.

SBCAG shall obtain the DOT's approval prior to implementing any remedial action devised to correct an over concentration of DBE firms in a particular activity or work. When approved by the DOT, any such remedial action taken regarding DBE over concentration shall become a part of this DBE Program.

Section 26.35 Business Development Programs

SBCAG has not established a business development or mentor-protégé program. There are several self-employment education and training course programs available in Santa Barbara County and the Local Market Area. Listed below are just a few of the available options obtained by searching online.

- **Small Business Administration** offers a series of free self-paced online courses that cover a variety of business basics. Website: <https://www.sba.gov/learning-center>
- **California Small Business Development Center (SBDC) Network** provides small businesses and entrepreneurs with confidential, no-cost, one-on-one advising, expert training and a wide business network. The Los Angeles Regional SBDC network assists small business owners in Los Angeles, Santa Barbara, and Ventura counties. Website: <https://smallbizla.org/about/>
- **The Santa Barbara County Workforce Development Board** is available to businesses in Santa Barbara County who need assistance in growing, training, or downsizing their workforce. Website: <http://www.sbcwib.org/businesses.wdb>

¹ NAICS is an industry classification system that groups establishments into industries based on the similarity of their production processes. It is a comprehensive system covering all economic activities. There are 20 sectors and 1,057 industries in 2017 NAICS United States.

- **Women’s Economic Ventures** programs combine classroom training, capital and individual technical assistance to support the small business entrepreneur through start-up, stabilization and growth phases. Website: <https://www.wevonline.org/womens-business-center-wbc/>
- **SCORE** is a nonprofit dedicated to helping small businesses get off the ground, grow and achieve their goals through education and mentorship. Website: <https://www.score.org/>
- **My Own Business, Inc.** is a nonprofit organization that provides free online businesses courses including training for established small businesses to grow and expand their businesses. Website: <https://www.scu.edu/mobi/>

Section 26.37 Monitoring and Enforcement Mechanisms

SBCAG will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

1. Bring to the attention of DOT any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.
2. Consider similar action under our own legal authorities, including responsibility determinations in future contracts. Attachment 4 lists the regulation, provisions, and contract remedies available to SBCAG in the event of non-compliance with the DBE regulation by a participant in SBCAG’s procurement activities.
3. Provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished by requiring reports from contractors using DBEs tallying actual payments to each DBE.
4. Will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

Section 26.39 Small Business Participation

In accordance with the requirements of 49 CFR Part 26, Section 23.39, SBCAG has a Small Business Program to ensure that DBEs and non-DBE small businesses have a maximum opportunity to participate on federal-aid projects. The intent of the Small Business Participation Program is to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation. As part of this SBCAG’s annual outreach to DBE firms, SBCAG will encourage participation of small businesses to attend an annual workshop. The purpose is to educate the small business community of the upcoming opportunities to participate in SBCAG’s contracts, how to find opportunities, review basic requirements, and resources to assist their participation in contract opportunities.

For purposes of fostering Small Business utilization, SBCAG adheres to the U.S. Department of Transportation’s Small Business definition for what constitutes a Small Business Enterprise as follows:

A Small Business is one that:

- Is organized for profit;
- Has a place of business in the United States;
- Makes a significant contribution to the U.S. economy by paying taxes or using American products, materials, or labor; and

- Does not exceed the numerical Size Standard for its industry as listed in the table below (note: size standards refer to average number of employees or revenue over a 5-year period)

Industry Group	Size Standard
Construction	
Highway, Street, and Bridge Construction	\$39.5 million
Specialty trade contractors	\$16.5 million
Air Transportation - Scheduled Passenger and Scheduled Freight	1,500 employees
Rail Transportation – Line-Haul Railroads	1,500 employees
Rail Transportation – Short Line Railroads	1,500 employees
Inland Water Freight Transportation	750 employees

SUBPART C - GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

SBCAG does not use quotas in any way in the administration of this DBE program.

Section 26.45 Overall Goals

A description of the methodology to calculate the overall goal and the goal established by SBCAG can be found in Attachment 8 to this program. This section of the program will be updated triennially.

In accordance with Section 26.45(f), SBCAG will develop a triennial overall DBE goal and will submit its overall goal to the DOT on August 1 prior to the start of the first year of the triennial period. Before establishing the overall goal, SBCAG will consult with the public including Stakeholders to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and SBCAG’s efforts to establish a level playing field for the participation of DBEs. Stakeholders include minority, women’s and general business and contractor organizations, community organizations, and other officials or organizations.

Following this consultation, SBCAG will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for review during normal business hours in our principal office or through other means for a minimum of 30 days following the date of the notice. This notice will inform the public that SBCAG and the DOT will accept comments on the goals for at least 45 days from the date of the notice. The notice describes the various ways for the public to submit comments (including office visits, mailing address, email address and telephone number) and how to obtain a copy of the proposal for review.

SBCAG’s overall goal submission to the DOT will include a summary of the information and comments received during this public participation process and our responses.

The overall goal shall be expressed as a percentage of the total amount of DOT funds SBCAG anticipates expending within the overall goal period. SBCAG’s overall goal is calculated by dividing

the number of DBEs that are *ready, willing, and able* to compete by the number of total firms (DBEs and non-DBEs) *ready, willing and able* to compete for the proposed contracts. The overall goal is further adjusted as necessary based on all other evidence including past participation of DBEs in contract awards, disparity studies conducted within the Local Market Area, and data on employment, self-employment education and training, and union apprenticeship programs.

SBCAG intends to meet the overall to the maximum extent feasible through race-neutral and gender-neutral measures for the FFY 2022-2024 triennial period.

SBCAG will begin using the overall goal on October 1 unless SBCAG receives other instructions from DOT. If SBCAG establishes a goal on a project basis, SBCAG will begin using the goal by the time of the first solicitation for a DOT-assisted contract for the project.

As a sub recipient SBCAG will cooperate with any grant reporting requirements set forth by the grantees.

Section 26.49 Transit Vehicle Manufacturers Goals

If DOT-assisted contract will include transit vehicle procurements, SBCAG will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of 49 CFR Part 26, Section 49.

SBCAG will direct the transit vehicle manufacturer to the subject requirements located on the web at: <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/transit-vehicle-manufacturers-tvms>

Bids and proposals will be accepted from Transit Vehicle Manufacturers that are on the Federal Transit Administration's (FTA) Eligible Transit Vehicle Manufacturer's List at the time of solicitation. This list can be found on the following website:
www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/eligible-tvms-list

Section 26.51(a-c) Breakout of Estimated Race-Neutral & Race-Conscious Participation

Because SBCAG will intend to meet the FFY 2022-2024 overall DBE goal through race and gender-neutral measures, the breakout of estimated race-neutral and race-conscious participation does not apply during the FFY 2022-2024 triennial period. This section of the program will be updated triennial when the goal calculation is updated or as requested by DOT.

Section 26.51(d-g) Contract Goals

SBCAG will use contract goals to meet any portion of the overall goal that cannot be met by using race-neutral means alone. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of race-neutral means.

SBCAG will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. We need not establish a contract goal on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work.) The contract work items will be compared with eligible DBE contractors willing to work on the project. A determination will also be made to decide which items are likely to be performed by a prime contractor and which ones are likely to be

performed by the subcontractor(s). SBCAG will express the contract goals as a percentage of the Federal share of a DOT-assisted contract.

Section 26.53 Good Faith Efforts Procedures

Demonstration of good faith efforts (26.53(a) & (c))

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Guidance concerning good faith efforts can be found in Attachment 5.

The SBCAG Project Manager is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive. The Project Manager will submit his/her determination to the DBELO for concurrence in writing.

SBCAG will ensure that all information is complete and accurate and adequately documents the bidder/offer's good faith efforts before we commit to the performance of the contract by the bidder/offeror.

Information to be submitted (26.53(b))

SBCAG treats bidder/offers' compliance with good faith efforts' requirements as a matter of responsiveness.

Each solicitation for which a contract goal has been established will require the bidders/offerors to submit the following information:

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment, and
6. If the contract goal is not met, evidence of good faith efforts.

Sample forms for demonstration of good faith efforts' can be found in Attachment 6.

Administrative reconsideration (26.53(d))

Within 10 days of being informed by SBCAG that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors must make this request in writing to the following reconsideration official:

Marjie Kirn
Executive Director
Santa Barbara County Association of Governments (SBCAG)
260 N. San Antonio Rd., Suite B
Santa Barbara, CA 93110 (805)961-8900
mkirn@sbcag.org

The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with the SBCAG reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. We will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation, Caltrans or the FHWA. No court shall maintain subject matter jurisdiction prior to a bidder/offeror exhausting administrative remedies described herein.

Good Faith Efforts when a DBE is replaced on a contract (26.53(f))

SBCAG will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. SBCAG will require the prime contractor to notify the DBE Liaison officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, SBCAG will require the prime contractor to obtain SBCAG approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts. If the contractor fails or refuses to comply in the time specified, our contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the purchasing officer may issue a termination for default proceeding.

Sample Bid Specification:

The following is a sample of contract language to be included in procurement documents:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of the SBCAG to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of (enter contract goal) percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in 49 CFR Part 26 (Attachment 7), to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that each DBE firm will perform; (3) the dollar amount of the participation of each DBE firm participating; (4) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; (5) Written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); and (6) if the contract goal is not met, evidence of good faith efforts.

Section 26.55 Counting DBE Participation

We will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55.

SUBPART D - CERTIFICATION STANDARDS

Section 26.61 - 26.73 Certification Process

SBCAG will use the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards.

For information about the certification process or to apply for certification, firms should contact:

Caltrans
Office of Business & Economic Opportunity
Attn: Certification Unit 1823 14th Street
Sacramento, CA 95811

Or visit the following site: <https://dot.ca.gov/programs/civil-rights/dbe-certification-information>

Certification application forms and documentation requirements are also available at the above-listed Caltrans website.

SUBPART E - CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

SBCAG utilizes the Unified Certification Program (UCP) administered by the State of California Department of Transportation (Caltrans). The UCP meets all of the requirement of this section. Caltrans maintains the UCP and updates the DBE firms daily. The UCP utilizes a database that is available on the Caltrans website for anyone to access to search for DBE firms. The website is located at:

<https://ucp.dot.ca.gov/licenseForm.htm>

Section 26.83 Procedures for Certification Decisions

Re-certifications 26.83(a) & (c)

SBCAG will refer all requests for recertification of DBEs to California's Unified Certification Program.

"No Change" Affidavits and Notices of Change 26.83(i) & (j)

SBCAG requires that all DBEs inform SBCAG, in a written affidavit, of any change in circumstances affecting the DBE's ability to meet size, disadvantaged status, ownership or control criteria of 49 CFR Part 26 or of any material changes in the information provided during certification application process.

Section 26.85 Denials of Initial Requests for Certification

Application denial or decertification is subject to Caltrans Unified Certification Program requirements. For information, interested parties should contact the Analyst of the Day, Monday through Friday, 8:00 a.m. to 5:00 p.m., PST at (916)3241700 or email to: dbe.certification@dot.ca.gov.

Section 26.87 Removal of a DBE's Eligibility

For questions regarding removal or suspension of DBE certifications, firms should contact the Analyst of the Day, Monday through Friday, 8:00 a.m. to 5:00 p.m., PST at (916)3241700 or email to: dbe.certification@dot.ca.gov.

Section 26.89 Certification Appeals

Any firm or complainant may appeal California's Unified Certification Program's decision in a certification matter to DOT. Such appeals may be sent to:

U.S. Department of Transportation
Departmental Office of Civil Rights
External Civil Rights Programs Division (S-33)
1200 New Jersey Ave., S.E.
Washington, DC 20590
Phone: (202) 366-4754
TTY: (202) 366-9696
Fax: (202) 366-5575

SBCAG will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for our DOT-assisted contracting (e.g., certify a firm if DOT has determined that our denial of its application was erroneous).

SUBPART F - COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

We will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, State, and Local law.

Notwithstanding any contrary provisions of State or Local law, SBCAG will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submitter.

Monitoring Payments to DBEs

We will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of SBCAG, Caltrans Office of Regional Planning (ORP), FHWA, FTA or DOT. This reporting requirement also extends to any certified DBE subcontractor.

We will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts states in the schedule of DBE participation.

Final utilization of DBE participation will be reported to Caltrans ORP, FHWA, FTA or the DOT as required by existing, current and updated procedures.

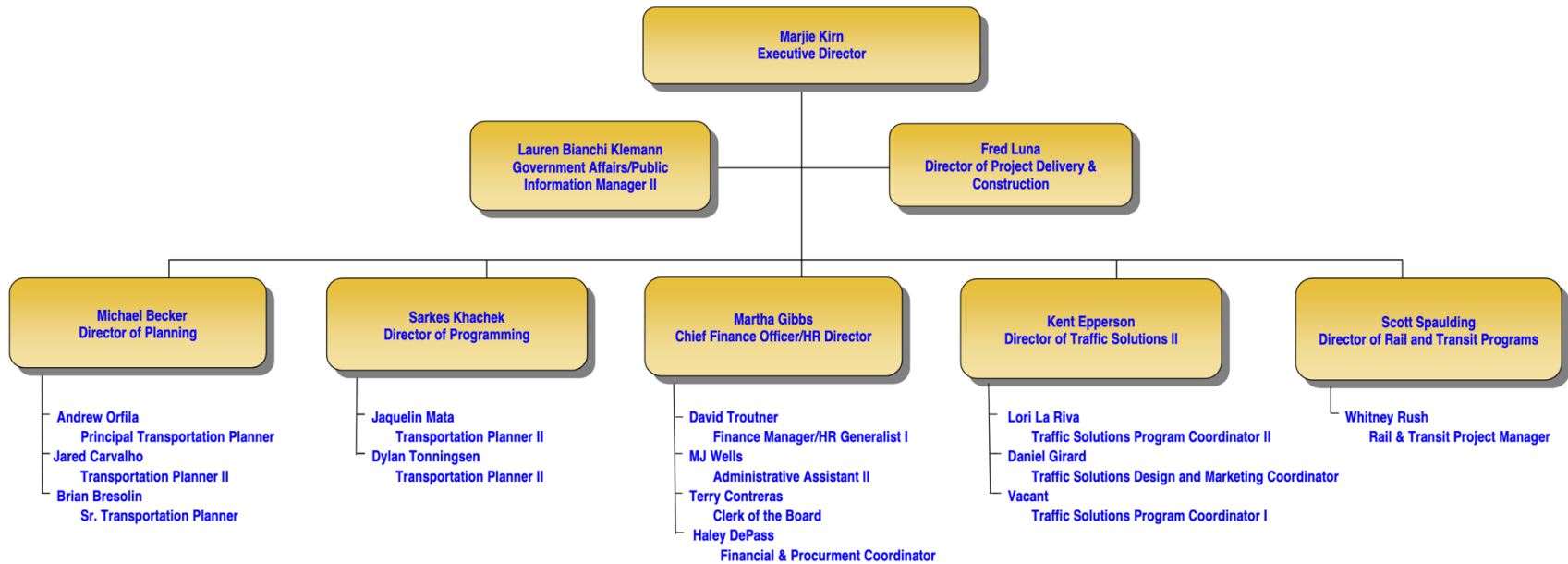
ATTACHMENTS

- Attachment 1 Organizational Chart
- Attachment 2 DBE Directory
- Attachment 3 Minority Depository Institutions
- Attachment 4 Monitoring and Enforcement Mechanisms
- Attachment 5 Guidance Concerning Good Faith Efforts
- Attachment 6 Form 1 & 2 for Demonstration of Good Faith Efforts
- Attachment 7 Regulations 49 CRR part 26
- Attachment 8 Overall Goal Calculation and Methodology

Attachment 1 - Organizational Chart



Staff Organization Chart



Attachment 2 - DBE Directory

A single project is anticipated to be awarded during the FFY 2022 – 2024 triennial overall goal period: Clean Air Express Bus Operations.

The CUCP Directory located two DBE bus operators within the Local Market Area (both in Los Angeles County) and one DBE located outside the Local Market Area in Florida. These businesses are listed below.

Firm ID	DBA Name & Telephone Number	Address	City	State	Zip
49348	Intermex Inc. (562) 508-3620	3125 Belle River Dr.	Hacienda Heights	CA	91745
38398	SMS Transportation Services, Inc. (213) 489-5367	865 S. Figueroa St. # 2750	Los Angeles	CA	90017
46146	Maruti Mobility Management, LLC (904) 347-5203	2301 South Division Ave.	Orlando	FL	32805

For assistance locating the most current DBE Directory visit the following website maintained by the Unified Certification Program DBE Directory on the Caltrans website at <https://ucp.dot.ca.gov/licenseForm.htm>

Attachment 3 – Minority Depository Institutions

American Continental Bank
American Plus Bank, N.A.
American First National Bank
Asian Pacific National Bank
Bank of Guam
Bank of Hope
Bank of the Orient
Broadway Federal Bank, F.S.B.
California International Bank, N.A.
California Pacific Bank
Cathay Bank
Commercial Bank of California
Commonwealth Business Bank
Community Commerce Bank
Ctbc Bank Coro. (USA)
East West Bank
Eastern International Bank
Evertrust Bank
First Choice Bank
First Commercial Bank (USA)
First General Bank
First Ic Bank
Gateway Bank, F.S.B.
Golden Bank, National Association
Hanmi Bank
Mega Bank
Metropolitan Bank
Mission National Bank
New Omni Bank, National Association
Open Bank
Pacific Alliance Bank
Pacific City Bank
Preferred Bank
Royal Business Bank
Shinhan Bank America
Southwestern National Bank
United Pacific Bank
Universal Bank
Us Metro Bank
Wallis Bank
Woori America Bank

Attachment 4 - Monitoring and Enforcement Mechanisms

SBCAG has available several remedies to enforce the DBE requirements contained in its contracts, including, but not limited to, the following:

1. Terminate the Contract under SBCAG's Standard Termination Clause.
2. Pursue a Breach of Contract action, pursuant to the terms of the contract.
3. Enforcement action pursuant to California Government Code 12650 et seq.
4. SBCAG will bring the attention of Caltrans any instances of fraud or dishonest participation within the program. Caltrans may utilize its own legal authorities and/or investigate substantiated claims.
5. SBCAG will bring to the attention of Caltrans, USDOT, or both, whichever is most appropriate, any instances of fraud or dishonest participation within the program. USDOT may then take the necessary steps provided in Section 26.107.
6. Enforcement action pursuant to 49 CFR Part 31.

Attachment 5 - Guidance Concerning Good Faith Efforts

When, as a recipient, you establish a contract goal on a DOT-assisted contract, a bidder must, in order to be responsible and/or responsive, make good faith efforts to meet the goal. The bidder can meet this requirement in either of two ways.

1. The bidder can meet the goal, documenting commitments for participation by DBE firms sufficient for this purpose.
2. Even if it does not meet the goal, the bidder can document adequate good faith efforts. This means that the bidder must show that it took all necessary and reasonable steps to achieve a DBE goal or other requirement of this part, which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation, even if they were not fully successful.

In any situation in which you have established a contract goal, part 26 requires you to use the good faith efforts mechanism of this part. As a recipient, it is up to you to make a fair and reasonable judgment whether a bidder that did not meet the goal made adequate good faith efforts. It is important for you to consider the quality, quantity, and intensity of the different kinds of efforts that the bidder has made. The efforts employed by the bidder should be those that one could reasonably expect a bidder to take if the bidder were actively and aggressively trying to obtain DBE participation sufficient to meet the DBE contract goal. Mere pro forma efforts are not good faith efforts to meet the DBE contract requirements. We emphasize, however, that your determination concerning the sufficiency of the firm's good faith efforts is a judgment call: meeting quantitative formulas is not required.

SBCAG also strongly cautions you against requiring that a bidder meet a contract goal (i.e., obtain a specified amount of DBE participation) in order to be awarded a contract, even though the bidder makes an adequate good faith efforts showing. This rule specifically prohibits you from ignoring bona fide good faith efforts.

The following is a list of types of actions that you should consider as part of the bidder's good faith effort is to obtain DBE participation. It is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases.

1. Soliciting through all reasonable and available means (e.g. attendance at pre-bid meetings, advertising and/or written notices) the interest of all certified DBEs who have the capability to perform the work of the contract. The bidder must solicit this interest within sufficient time to allow the DBEs to respond to the solicitation. The bidder must determine with certainty if the DBEs are interested by taking appropriate steps to follow up initial solicitations.
2. Selecting portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces.
3. Providing interested DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.

4. Negotiating in good faith with interested DBEs.
 - a. It is the bidder's responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for DBEs to perform the work.
 - b. A bidder using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBEs is not in itself sufficient reason for a bidder's failure to meet the contract DBE goal, as long as such costs are reasonable. Also, the ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts. Prime contractors are not, however, required to accept higher quotes from DBEs if the price difference is excessive or unreasonable.
5. Not rejecting DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The contractors standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the contractor's efforts to meet the project goal.
6. Making efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance as required by the recipient or contractor.
7. Making efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.
8. Effectively using the services of available minority/women community organizations; minority/women contractors' groups; local, state, and federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBEs.

In determining whether a bidder has made good faith efforts, you may take into account the performance of other bidders in meeting the contract. For example, when the apparent successful bidder fails to meet the contract goal, but others meet it, you may reasonably raise the question of whether, with additional reasonable efforts, the apparent successful bidder could have met the goal. If the apparent successful bidder fails to meet the goal, but meets or exceeds the average DBE participation obtained by other bidders, you may view this, in conjunction with other factors, as evidence of the apparent successful bidder having made good faith efforts.

Attachment 6 - Forms 1 & 2 for Demonstration of Good Faith Efforts

Form 1: Disadvantaged Business Enterprise (DBE) Utilization

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner (please check the appropriate space):

The bidder/offeror is committed to a minimum of _____% DBE utilization on this contract.
The bidder/offeror (if unable to meet the DBE goal of _____%) is committed to a minimum of _____% DBE utilization on this contract and submits documentation demonstrating good faith efforts.

Name of bidder/offeror's firm: _____

State Registration No. _____

By _____ (Signature) _____ Title

Form 2: Letter of Intent

Name of bidder/offeror's firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of DBE firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Description of work to be performed by DBE firm:

The bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The estimated dollar value of this work is \$_____.

Affirmation

The above-named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above.

By _____
(Signature) (Title)

If the bidder/offeror does not receive award of the prime contract, any and all representations in this Letter of Intent and Affirmation shall be null and void.

(Submit this page for each DBE subcontractor.)

Attachment 7 - Regulations: 49 CFR Part 26

An electronic version of 49 CFR Part 26 regulation can be found on the U.S. Government Publishing Office (GPO) website at the following location:

<https://www.ecfr.gov/cgi-bin/text-idx?SID=7d57da4319c5a595f3174a4a0cf9944b&node=pt49.1.26&rgn=div5>

Attachment 8 - Overall Goal Calculations and Methodology

Santa Barbara County Association of Governments

Overall DBE Goal and Methodology FFYs 2022 - 2024

Disadvantaged Business Enterprise Goal for Federal Transit
Administration-Funded Projects



August 1, 2021 Draft

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Santa Barbara County Association of Governments

Proposed Triennial DBE Goal and Methodology

Federal Fiscal Years 2022 - 2024

Summary

The Santa Barbara County Association of Governments (SBCAG) has assumed control over the administration of the Clean Air Express commuter bus service and is working to become a *designated recipient* of U.S. Department of Transportation (US DOT) Federal Transit Administration (FTA) funds. Designated recipients are required to set a three-year overall goal for Disadvantaged Business Enterprise (DBE) participation in accordance with federal regulations (49 CFR part 26). The purpose of the triennial goal is to help ensure that DBEs have an equal opportunity to participate in SBCAG's federally funded transit contracts. SBCAG is currently a sub-recipient to Caltrans (not a direct recipient) and therefore is not required to prepare a triennial DBE goal. SBCAG has conducted the analysis and DBE Goal to remain compliant with federal regulations in the event that SBCAG becomes a direct recipient during the triennial period. The triennial period begins October 1, 2021 and ends September 30, 2024, and includes FFYs 2021/22 (2022), 2022/23 (2023) and 2023/24 (2024). *SBCAG's proposed DBE Goal for FFYs 2022 – 2024 is 3% to be achieved entirely through race- and gender-neutral measures (no contract goals) as subcontracting opportunities are not anticipated.*

Background

SBCAG has established a Disadvantaged Business Enterprise (DBE) Program in accordance with US DOT regulations, 49 CFR Part 26. SBCAG has received federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, SBCAG has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of SBCAG to ensure that DBEs have an equal opportunity to receive and participate in DOT-assisted contracts. It is also SBCAG's policy to:

1. Ensure nondiscrimination in the award and administration of DOT - assisted contracts;
2. Create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. Ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. Ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. Help remove barriers to the participation of DBEs in DOT assisted contracts;
6. Assist the development of firms that can compete successfully in the marketplace outside the DBE Program.

SBCAG's DBE Program is available at
http://www.sbcag.org/uploads/2/4/5/4/24540302/2017_sbcag_dbe_program_final.pdf

As part of the DBE Program, US DOT requires recipients of federal transit funds to establish DBE goals to ensure that small DBE companies can compete fairly for transit contracts when recipients anticipate awarding more than \$250,000 in federal funds in prime contracts (excluding transit vehicle purchases) in a federal fiscal year. SBCAG anticipates awarding \$1.2 million per year during the three-year period (FFYs 2022 – 2024) for the Clean Air Express commuter bus service. This is the only FTA-funded contract anticipated to be awarded by SBCAG during FFYs 2022 – 2024. If one or more projects are proposed to be awarded during the triennial period (not anticipated at this time), SBCAG will update the DBE Goal to include the new project(s).

US DOT has established a two-step process to assist designated recipients to calculate the DBE goal¹. **Step One** of the goal setting process is to estimate the relative availability of DBEs that are ready, willing and able to perform the proposed work compared to all willing and able firms regardless of race or gender. **Step Two** of the goal setting calculation is intended to adjust the Step One Base Figure to make it as precise as possible. Under the rule, all evidence available should be used to determine whether adjusting the goal is necessary. If the evidence does not suggest such an adjustment is necessary, then no adjustment should be made.

DBE Goal Setting Methodology

As described above, the DBE goal is calculated by using the two-step process described in the “Tips for Goal Setting” guidance provided by US DOT. Step One involves calculating a Base Figure that shows the relative availability of DBEs by dividing the number of DBE firms that are *ready, willing, and able* to compete for project contracts by the number of all firms (DBEs and non-DBEs) *ready, willing and able* to compete for project contracts. This calculation is summarized in the equation below:

$$\text{Step One Base Figure} = \frac{\text{Ready, willing and able DBEs}}{\text{All ready, willing and able businesses (Including DBEs and Non – DBEs)}}$$

Since the Base Figure calculation utilizes data from the Local Market Area, it is necessary to identify the Local Market Area before calculating the Step One Base Figure.

The Local Market Area

The SBAG Bidders List (included Attachment 1) was utilized to identify the Local Market Area. The Bidder’s List includes:

- Projects funded with federal transit funds during the six-year period beginning FFY 2015/2106 through FFY 2020/21;

¹ US Department of Transportation, Tips for Goal Setting in the Disadvantaged Business Enterprise (DBE) Program, Updated December 22, 2014. <https://www.transportation.gov/osdbu/disadvantaged-business-enterprise/tips-goal-setting-disadvantaged-business-enterprise>

- Bidders (prime contractors and subconsultants) who competed for contracts; and
- Non-bidders that were awarded sole source contracts.

Table 1 summarizes the location of bidders and awardees based on business addresses. Identifying the Local Market Area is challenging at this time given the small number of projects (29 in total) and the geographic distribution of bidders and awardees. For this analysis, the Local Market Area will include Santa Barbara County plus six counties from Table 1 where more than 60% of all bidders and awardees are located.

- Alameda County
- Los Angeles County
- Orange County
- San Francisco County
- San Luis Obispo County
- Santa Barbara County
- Ventura County

Table 1 - Location of Bidders and Awardees (FFY 2015/16 – FFY 2020/21)

Location	A		B		C		D	
	Total Bidders and Awards		Awards only		Competitive Process		Count Firm Once	
	#	%	#	%	#	%	#	%
Alameda County	4	14%	2	12%	3	16%	1	5%
Contra Costa	1	3%	0	0%	1	5%	1	5%
Los Angeles County	3	10%	3	18%	1	5%	2	11%
Orange County	2	7%	0	0%	2	11%	2	11%
Placer County	1	3%	0	0%	1	5%	1	5%
Sacramento County	1	3%	0	0%	1	5%	1	5%
San Diego County	1	3%	0	0%	1	5%	1	5%
San Mateo County	1	3%	0	0%	1	5%	1	5%
San Francisco County	4	14%	4	24%	2	11%	2	11%
San Luis Obispo County	2	7%	2	12%	2	11%	2	11%
Santa Clara County	2	7%	1	6%	0	0%	1	5%
Ventura County	3	10%	2	12%	3	16%	2	11%
Outside California	4	14%	3	18%	1	5%	2	11%
Total	29	100%	17	100%	19	100%	19	100%

Step One: Calculating the DBE Goal Base Figure

FTA-funded contracts proposed for FFYs 2022 – 2024 must first be identified. Table 2 lists the single project proposed to be awarded to a third-party contractor during the triennial period. FTA-funded projects completed by SBCAG staff without consultant assistance are not included.

Table 2 - FTA-Funded Contracts Scheduled for FFYs 2022 – 2024

Awarding Agency	Project Name	Anticipated Award FFY	Anticipated Contract Amount ¹
SBCAG	Clean Air Express Bus Operations	2021/22	\$1,200,000
		2022/23	\$1,200,000
		2023/24	\$1,200,000
TOTAL			\$3,600,000

¹ Dollars listed represent the federal funds assigned to projects.

Next, North American Industry Classification System (NAICS) codes² are assigned to projects to identify businesses that are “ready, willing and able” compete for proposed contracts. The NAICS code selected for the Clean Air Express Bus Operations project is shown in Table 3.

Table 3 - NAICS Code Assigned to Project

Awarding Agency	Project Name	Anticipated Contract Totals ¹	NAICS Code	NAICS Code Industry	NAICS Code Description
SBCAG	Clean Air Express Bus Operations	\$3,600,000	485113	Transportation and Warehousing	Bus and Other Motor Vehicle Transit Systems

DBE Firms Ready, Willing and Able to Compete for Contracts

DBE firms that are *ready, willing and able* to compete for the anticipated contract were identified using the California Unified Certification Program (CUCP) Statewide DBE Directory. The NAICS code in Table 3 was used to identify eligible DBE firms located within the Local Market Area. The CUCP Directory located two DBE bus operators within the Local Market Area (both in Los Angeles County) and one located outside the Local Market Area in Florida. These businesses are listed in Table 4. **The first two firms located in Los Angeles County comprise the DBE Database for the Local Market Area.**

² NAICS is an industry classification system that groups establishments into industries based on the similarity of their production processes. It is a comprehensive system covering all economic activities. There are 20 sectors and 1,057 industries in 2017 NAICS United States.

Table 4 - DBE Bus Operators Ready, Willing and Able to Compete for Contracts in the Local Market Area (DBE Directory)

Firm ID	DBA Name & Telephone Number	Address	City	State	Zip
49348	Intermex Inc. (562) 508-3620	3125 Belle River Dr.	Hacienda Heights	CA	91745
38398	SMS Transportation Services, Inc. (213) 489-5367	865 S. Figueroa St. # 2750	Los Angeles	CA	90017
46146	Maruti Mobility Management, LLC (904) 347-5203	2301 South Division Ave.	Orlando	FL	32805

All Firms (Non-DBEs and DBEs) Ready, Willing and Able to Compete for Contracts

Data from the U.S. Census Bureau³ was used to capture the total number of firms (Non-DBEs and DBEs) associated with NAICS code 485113 located within the Local Market Area. A total of 61 firms were counted as shown in Table 5 on the next page. Census Bureau data only provides the number of firms available (no names or addresses).

Table 5 - All Firms (Non-DBEs and DBEs) Ready, Willing and Able to Compete for Contracts

Local Market Area County Name	Total Firms
Alameda	5
Los Angeles	46
Orange	4
Ventura County	6
TOTAL	61

Relative and Weighted availability of DBEs (DBE Goal Base Figure)

As previously noted, the relative availability of DBEs is calculated by dividing the number of DBEs that are *ready, willing, and able* to compete by the number of total firms (DBEs and non-DBEs) *ready, willing and able* to compete for the proposed contracts. All firms must be located within the Local Market Area. The DBE Goal Base Figure calculation is provided below and the data in Table 6.

$$\frac{2 \text{ Ready, willing and able DBEs}}{61 \text{ Total ready, willing and able firms (Non - DBEs and DBEs)}} = 3.28$$

³ Source: U.S. Census Bureau, All Sectors: County Business Patterns by Legal Form of Organization and Employment Size Class for U.S., States, and Selected Geographies: 2019 for the seven-county Local Market Area (2017 NAICS Codes).

Table 6 - DBE Goal Base Figure (Relative Availability of DBEs)

NAICS Code	NAICS Code Description	Number of DBEs available to perform this work	Number of all firms available (including DBEs)	Relative Availability of DBEs
485113	Bus and Other Motor Vehicle Transit Systems	2	61	3.28%
Rounded Base Figure				3.0%

U.S. DOT recommends that DBE availability be weighted by the amount of federal funds assigned to projects to improve the accuracy of the Base Figure calculation. Because there is only one project to be awarded during the triennial period, the weight assigned to the project is 100%. As a result, there is no change in the DBE Goal Base Figure as shown in Table 7

Table 7 - DBE Goal Base Figure (Weighted Availability of DBEs)

NAICS Code	Project	Weight	x	Availability	Weighted Base Figure
485113	Bus and Other Motor Vehicle Transit Systems	100.00%	x	.0328	3.28%
				Rounded, weighted Base Figure:	3.0%

Step Two: Adjustments to the DBE Goal Base Figure

The purpose of Step Two in the DBE goal setting process is to evaluate whether the DBE Goal Base Figure should be adjusted based on all evidence including past participation of DBEs in contract awards, disparity studies conducted within the Local Market Area, and data on employment, self-employment education and training, and union apprenticeship programs.

Past Participation of DBEs

Based on the Bidders List, DBEs have not participated in contract awards over the six-year period. Only one project on the Bidders List is the same as the project proposed for funding in FFYs 2022 – 2024: Clean Air Express Bus Operations. The limited number of DBE transit operators makes it a challenge to obtain DBE participation in bus operations.

Disparity Studies

The Los Angeles County Metropolitan Transportation Authority (LA Metro) conducted a disparity

study⁴ within the Los Angeles County Market Area to help the agency implement the federal DBE Program. The study examined whether there were any disparities between the participation and availability of minority- and woman-owned businesses on contracts awarded by LA Metro during the five-year study period.⁵ Several key differences in disparities were identified in the study by contract type and group:

- Black American-owned businesses and Hispanic American-owned businesses exhibited substantial disparities for construction contracts.
- Black American-owned businesses exhibited substantial disparities for professional services contracts.
- All groups of minorities- and woman-owned businesses exhibited substantial disparities for goods and other services contracts.⁶

However, LA Metro contracts differ substantially in size and type compared with FTA-funded contracts awarded by SBCAG. Therefore, the results of the disparity study are of limited use to SBCAG in determining whether to adjust the DBE Goal Base Figure.

[Data on Employment, Self-Employment Education and Training, and Union Apprenticeship Programs](#)

Caltrans reports that employment of Black Americans, Hispanic Americans, and women in the professional services industry is significantly lower than all industries as a whole. Employment of Black Americans in the construction industry is relatively low compared to other industries in California even within entry-level jobs. The employment of women in the California construction industry as a whole is relatively low, with the majority (94 percent) working in secretarial positions. Employment of Hispanic Americans in the California construction industry is considerably higher than all industries as a whole.⁷

There are several self-employment education and training course programs available in Santa Barbara County and the Local Market Area. Listed below are just a few of the available options obtained by searching online.

- **Small Business Administration** offers a series of free self-paced online courses that cover a variety of business basics. Website: <https://www.sba.gov/learning-center>
- **California Small Business Development Center (SBDC) Network** provides small businesses and entrepreneurs with confidential, no-cost, one-on-one advising, expert training and a wide business network. The Los Angeles Regional SBDC network assists small business owners in Los

⁴ LA Metro, 2017 Disparity Study (Disparity Study), BBC Research and Consulting, January 2018.

⁵ Ibid., Chapter ES, p 2.

⁶ Ibid., Chapter 8, p 2.

⁷ Caltrans, Overall Disadvantaged Business Enterprise Goal and Methodology FFYs 2019 – 2021 (website),

Angeles, Santa Barbara, and Ventura counties. Website: <https://smallbizla.org/about/>

- **The Santa Barbara County Workforce Development Board** is available to businesses in Santa Barbara County who need assistance in growing, training, or downsizing their workforce. Website: <http://www.sbcwib.org/businesses.wdb>
- **Women’s Economic Ventures** programs combine classroom training, capital and individual technical assistance to support the small business entrepreneur through start-up, stabilization and growth phases. Website: <https://www.wevonline.org/womens-business-center-wbc/>
- **SCORE** is a nonprofit dedicated to helping small businesses get off the ground, grow and achieve their goals through education and mentorship. Website: <https://www.score.org/>
- **My Own Business, Inc.** is a nonprofit organization that provides free online businesses courses including training for established small businesses to grow and expand their businesses. Website: <https://www.scu.edu/mobi/>

There are several unions and affiliated organizations that sponsor paid on-the-job training and, in some cases, classroom instruction. Listed below are just a few of the available options obtained by searching online.

- **International Brotherhood of Electrical Workers (IBEW) Local 952** of Ventura County sponsors a paid apprenticeship program that combines on-the-job training with classroom instruction. Website: https://www.ibewlu952.org/?zone=/unionactive/view_article.cfm&HomeID=673504&page=Apprenticeship
- **Los Angeles/Orange County Building Trades Council** sponsors “MC3” training programs throughout the Los Angeles and Orange counties that serve as a pathway to an apprenticeship with one of their affiliated union trades. Website: <http://laocbuildingtrades.org/apprenticeship-building-trades/>
- **Reinforcing Ironworkers Local 416** of Los Angeles offers a registered apprenticeship program and operates a training center. Website: <https://ironworkers416.org/apprenticeship/>

Adjustment to the DBE Goal Base Figure

SBCAG considered all of the above information to determine whether to adjust the DBE Goal Base Figure up or down. Because only one contract per year is proposed during the triennial period and there are few DBE transit operators, SBCAG proposes to maintain the DBE Goal at 3% as calculated in Step One with no adjustment.

Overall DBE Goal to be Met through Race- and Gender-Neutral Measures

Federal regulations require that grant recipients meet the maximum feasible portion of the overall DBE Goal through race- and gender-neutral measures.⁸ Federal rules also require that contract goals be established to meet any portion of the overall DBE Goal that cannot be met through race- and gender-conscious measures alone. However, contract goals may only be used on contracts that have subcontracting possibilities. Since there are no subcontracting opportunities for the Clean Air Express bus operations contract, SBCAG will attempt to meet the Overall DBE Goal of 3% through race- and gender-neutral measures.

Race- and gender-neutral measures to be used by SBCAG include, but not limited to:

- Publicize information online regarding SBCAG’s contracting opportunities and requirements.
- Maintain a list of organizations that provide businesses with one-on-one and group training, technical assistance, networking and mentorship.
- Break large contracts into smaller contracts when feasible to allow and encourage DBEs to bid.
- Maintain a Bidder’s List.
- Maintain a DBE Directory based on the type of contracts to be awarded.
- Notify DBEs of upcoming contract opportunities by e-mail.

Consultation and Publication

Designated recipients of FTA funds are required to consult with stakeholders during the development of the overall goal. This section describes how SBCAG engaged stakeholders and the public to establish the Overall DBE Goal for FFYs 2022 – 2024.

Consultation

The consultation process began on June 25, 2021 with the issuance of the letter to stakeholders that include minority and women business groups and organizations, and public organizations and groups. The stakeholder list is provided in Attachment 2, the letter to stakeholders in Attachment 3, and the email to stakeholders in Attachment 4. A flyer was included with the letter for posting at stakeholder office locations (flyer provided in Attachment 4). Both the letter and flyer stated SBCAG’s intent to set an overall DBE goal of 3.0% for FFYs 2022 – 2024, and invited stakeholders to an online meeting on July 8, 2021 at 10:00 am to review the DBE goal methodology and to take comments. The letter and flyer provided a link to SBCAG’s webpage where stakeholders can access the full draft FFY 2022 – 2024 DBE Goal Methodology report (screenshot of the webpage is provided in Attachment 5). The notices also informed stakeholders on other opportunities to comment through August 19, 2021 including by telephone, mail, and

⁸ 49 CFR Part 26.51(a)

additional online meetings. A PowerPoint presentation was developed for the online meeting to help describe the DBE Goal purpose and methodology (PowerPoint presentation provided in Attachment 6).

One stakeholder attended the July 8, 2021 online meeting: Mr. Gamaliel Anguiano, City of Santa Maria Transit Services Manager. Comments provided by Mr. Anguiano are provided below under the heading “Comments Received and Changes in Response to Comments”.

Another Stakeholder, Mr. Matt van der Linden, City of Solvang Public Works Director/City Engineer, commented by email that “Solvang staff will not be able to participate in the planned public Zoom meeting on SBCAG’s proposed goal. However, we do concur that the proposed 3% goal is appropriate (06/25/2021 email to SBCAG staff Haley DePass).”

Publication

A public notice was published on June 25, 2021 on the SBCAG website at <http://www.sbcag.org/contracts--rfps.html> to inform the public about: the proposed overall DBE goal for the FFY 2022 – 2024 period; how to obtain a copy of the draft DBE goal methodology report; the July 8, 2021 public information online session invitation and link to the meeting; and the various alternatives available to the public to comment. A screenshot of the public notice is provided in Attachment 5. A link to the draft DBE goal methodology report was included in the notice. SBCAG also offered the option for the public to receive a copy of the report by mail by contacting SBCAG by telephone or email. The public was informed that comments could be sent by various means including by telephone, email, and mail. The public was further informed that comments received by July 27, 2021 would be incorporated in the DBE Goal Methodology report to be sent to FTA by August 1, 2021. The notice also stated that comments would continue to be received through August 19, 2021 when SBCAG is scheduled to adopt the goal.

Comments Received and Changes in Response to Comments

Comment #1: Solvang staff will not be able to participate in the planned public Zoom meeting on SBCAG’s proposed goal. However, we do concur that the proposed 3% goal is appropriate. The comment came from Mr. Matt van der Linden, City of Solvang Public Works Director/City Engineer, on June 25, 2021 sent by email to SBCAG staff Haley DePass. SBCAG did not respond to the comment, and no changes were made to the proposed DBE goal or draft document in response to the comment.

Comment #2: Make a connection between the DBE goal setting requirement and the DBE Program. The comment was made by Mr. Gamaliel Anguiano, City of Santa Maria Transit Services Manager. In response to the comment, the last three paragraphs under the heading “Background” on page 1 was added to explain the connection between the DBE Program and the DBE goal setting requirements. A link to the DBE Program was also included.

Comment #3: What happens if federal transit funds become available during the triennial period for other projects? The comment was made by Mr. Gamaliel Anguiano, City of Santa Maria Transit Services Manager. In response to the comment, the following sentence was added on page two, first paragraph, last sentence: “If one or more projects are proposed to be awarded during the triennial period (not anticipated at this time), SBCAG will update the DBE Goal to include the new project(s).”

Comment #4: Regarding US DOT’s recommendation for weighting the relative availability DBE Base Figure. General discussion. The initial draft did not include the calculation that shows the weighted base figure calculation because there is only one project to be awarded during the triennial period. In response, Table 7 on page 6 was added, along with the paragraph above the table, to explain that the relative and weighted availability figures are the same when there is one project.

As of July 29, 2021, no additional comments have been received. No

ATTACHMENT 1
Bidders List

Name of Bidder	Address	Project Name	Project Number	FFY	NAISC Code	Formal Bid?	Award?	DBE?	Prime or Sub?
AECOM	300 South Grand, Suite 900, Los Angeles, CA 90071	NC Transit Update	2680	15/16	541611	N	Y	N	P
AECOM	300 South Grand, Suite 900, Los Angeles, CA 90071	NC Transit Update	2780	16/17	541611	N	Y	N	P
American Star Tours	791 Price Street, #204, Pismo Beach CA 93449	CAE Operator Contract	5840	20/21	485113	Y	Y	N	P
Caliper	1172 Beacon Street, Suite 300, Newton MA 02461	TransCAD model support	2850	18/19	541512	N	Y	N	P
Caliper	1172 Beacon Street, Suite 300, Newton MA 02461	Uplan Update	2850	19/20	541715	N	Y	N	P
Caliper	1172 Beacon Street, Suite 300, Newton MA 02461	Uplan Update	2850	20/21	541715	N	Y	N	P
Digwest	610 SW Alder Street, Suite 700, Portland, OR	OD survey	2670	15/16	541614	Y	N	N	S
EcolInteractive	548 Market Street, #19734, San Francisco, CA 94101	Project Tracker	3890	17/18	541512	N	Y	N	P
EcolInteractive	548 Market Street, #19734, San Francisco, CA 94101	Project Tracker	3890	18/19	541512	N	Y	N	P
Fehr & Peers	600 Wilshire Boulevard, Suite 1050, Los Angeles, CA 90017	OD survey	2670	15/16	541614	Y	Y	N	P
Godbe Research	1660 South Amphlett Blvd., Suite 205, San Mateo, CA 94402	OD survey	2670	15/16	541614	Y	N	N	S
IBI Group	18401 Von Karment Avenue, Suite 11, Irvine, CA 92612	SP&R SM SLO Connectivity Study	3732	16/17	541611	Y	N	N	P
Impact Sciences, inc.	231 Village Commons Boulevard, Suite 17, Camarillo CA 93012	SEIR Fast Forward	3710	16/17	541620	Y	N	Y	P
Kimley-Horn Inc.	555 Capital Mall, Suite 300 Sacramento, CA 95814	SP&R SM SLO Connectivity Study	3732	16/17	541611	Y	N	N	P
Kittleson & Associates	155 Grand Avenue, Suite 900, Oakland, CA 94612	Goleta Ramp Meter	3722	16/17	541330	Y	Y	N	P
Kittleson & Associates	155 Grand Avenue, Suite 900, Oakland, CA 94612	Goleta Ramp Meter	3822	17/18	541330	N	Y	N	P
Kittleson & Associates	155 Grand Avenue, Suite 900, Oakland, CA 94612	OD survey	2670	15/16	541614	Y	N	N	P
Kittleson & Associates	155 Grand Avenue, Suite 900, Oakland, CA 94612	SP&R SM SLO Connectivity Study	3732	16/17	541611	Y	N	N	P
LSC Transportation Consultants	P.O. Box 5875, Tahoe City, CA 96145	SP&R SM SLO Connectivity Study	3732	16/17	541611	Y	N	N	P
Nelson/Nygaard	116 New Montgomery Street, Suite 500, San Francisco, CA 94105	SP&R SM SLO Connectivity Study	3732	16/17	541611	Y	Y	N	P
Nelson/Nygaard	116 New Montgomery Street, Suite 500, San Francisco, CA 94105	SP&R SM SLO Connectivity Study	3832	17/18	541611	Y	Y	N	P
Quality Counts, LLC	1539 3rd Avenue, Ste B, Walnut Creek, CA 94597	OD survey	2670	15/16	541614	Y	N	N	S
Redhill Group	18010 Skypark Circle, Suite 275, Irvine, CA 92614	OD survey	2670	15/16	541614	Y	N	N	P
Rincon Associates	180 N Ashwood Avenue, Ventura, CA 93003	SEIR Fast Forward	3710	16/17	541620	Y	Y	N	P
Rincon Associates	180 N Ashwood Avenue, Ventura, CA 93003	SEIR Fast Forward	3810	17/18	541620	Y	Y	N	P
Sage Institute	1065 Higuera Street, Suite 301, San Luis Obispo, CA 93401	SEIR Fast Forward	3710	16/17	541620	Y	N	N	P
SCSCE	385 Homer Avenue, Palo Alto, CA 94301	Regional Growth Forecast	2830	17/18	541611	N	Y	N	P
SCSCE	385 Homer Avenue, Palo Alto, CA 94301	Regional Growth Forecast	2830	18/19	541611	N	Y	N	P
TMD Inc.	1902 Wright Place, Suite 180, Carlsbad CA 92008	SP&R SM SLO Connectivity Study	3732	16/17	541611	Y	N	N	P

ATTACHMENT 2
 Consultation Stakeholders

Organization	Address
American Indian Chamber of Commerce of California	633 West Fifth Street, 26th Floor, Los Angeles, CA 90071
Asian Business Association	120 S. San Pedro Street, Suite 523, Los Angeles, CA 90012
Asian Business League of Southern California	550 North Brand Blvd., 14th Floor, Glendale, CA 91203
Black Business Association	P.O. Box 43159, Los Angeles, CA 90043
Buellton Chamber of Commerce	597 Avenue of the Flags, Suite 101, Buellton, CA 93427
CalAsian Chamber of Commerce	P.O. Box 5387, Sacramento, CA 95817
California Affrican American Chamber of Commerce	1215 K Street, Suite 1700, Sacramento, CA 95814
California Black Chamber of Commerce	1600 Sacramento Inn Way #232, Sacramento, CA 95815
California Hispanic Chamber of Commerce	1510 J Street, Suite 110, Sacramento, CA 95814
CAUSE (Central Coast Alliance United for a Sustainable Economy)	126 E. Haley Street #A17, Santa Barbara, CA 93101
Chinese Chamber of Commerce	823 North Hill Street, First Floor, Los Angeles, CA 90012
Gold Coast Hispanic Chamber of Commerce	300 Esplanade Drive, Suite 1800, Oxnard, CA 93036
Greater Los Angeles African-American Chamber of Commerce	2100 Goldleaf Circle #203, Los Angeles, CA 90056
Greater Santa Barbara Hispanic Chamber of Commerce	1601 Anacapa Street, Santa Barbara, CA 93101
Guadalupe Chamber of Commerce	873 Guadalupe Street, Guadalupe, CA 93434-1362
Indian American Chamber of Commerce	P.O. Box 1148, Artesia, CA 90702
Japanese Chamber of Commerce of Southern California	244 South Pedro Street, #410, Los Angeles, CA 90012
Korean Chamber of Commerce	3440 Wilshire Blvd. # 520, Los Angeles, CA 90010
Latino Outreach Council of San Luis Obispo County	267 W. Tefft Street, Nipomo, CA 93444
Lompoc Chamber of Commerce	111 Sout I Street, Lompoc, CA 93436
Los Angeles Area Chamber of Commerce	350 S. Bixel Street, Los Angeles, CA 90017
Los Angeles Council of Black Professional Engineers	P.O. Box 881029, Los Angeles, CA 90009
Los Angeles Latino Chamber of Commerce	8531 Wellsford Place Suite E, Santa Fe Springs, CA 90670
MCSC Women's Business Center	71 Zaca Lane Suite 130, San Luis Obispo, CA 93401
NAACP	185 Oakmont Avenue, Lompoc, CA 93436
North Orange County Chamber of Commerce	100 West Valencia Mesa Drive, Fullerton, CA 92835
Oakland Metropolitan Chamber of Commerce	475 14th Street #100, Oakland, CA 94612
Regional Black Chamber	16133 Ventura Blvd., #700, Encino, CA 91436
San Francisco Chamber of Commerce	235 Montgomery Street #760, San Francisco, CA 94104
San Luis Obispo Chamber of Commerce	895 Monterey Street, San Luis Obispo, CA
Santa Barbara County South Coast Chamber of Commerce	5662 Calle Real #204, Goleta, CA 93117
Santa Maria Valley Chamber of Commerce	614 South Broadway, Santa Maria, CA 93454
SCORE Santa Barbara	P.O. Box 30602, Santa Barbara, CA 93101
Society of Hispanic Professional Engineers - Greater LA Chapter	P.O. Box 92, Alhambra, CA 91802
Solvang Chamber of Commerce	485 Alisal Road # 245, Solvang, CA 93463
South Bay Latino Chamber of Commerce	P.O. Box 452391, Los Angeles, CA 90045
South County Chamber of Commerce	P.O. Box 672, Arroyo Grande, CA 93421
South Orange County Regional Chamber of Commerce	27758 Santa Margarita Pkwy Suite 378, Mission Viejo, CA 92691
Taiwanese American Chamber of Commerce	1045 E. Valley Blvd. Suite A-211, San Gabriel, CA 91776
The Santa Ynez Chamber of Commerce	P.O. Box 1738, Santa Ynez, CA 93460
US Small Business Administration LA District Office	312 N. Spring Street, Los Angeles, CA 90012
Women's Economic Ventures	333 S. Salinas Street, Santa Barbara, CA 93103

ATTACHMENT 3
Letter to Stakeholders



■ 260 North San Antonio Road., Suite B ■ Santa Barbara, CA ■ 93110
■ Phone: 805/961-8900 ■ Fax: 805/961-8901 ■ www.sbcag.org

June 25, 2021

Subject: Santa Barbara County Association of Governments Proposed Disadvantaged Business Enterprise (DBE) Goal for Federal Fiscal Years 2022 – 2024

Dear Stakeholders,

I am writing to notify you and welcome your input on the proposed Disadvantaged Business Enterprise (DBE) goal for FFYs 2022 – 2024. The Santa Barbara County Association of Governments (SBCAG) has developed the goal in accordance with the U.S. Department of Transportation (U.S. DOT), 49 Code of Federal Regulations (CFR), Part 26. The triennial goal is established to help ensure that DBEs have an equal opportunity to participate in U.S. DOT-assisted transit contracts.

The proposed DBE triennial overall goal is **3%** to be achieved entirely through race- and gender-neutral measures (no contract goals) as subcontracting opportunities are not anticipated. The goal was calculated by dividing the number of DBEs by the number of all firms (DBEs and non-DBEs) that are able to perform the proposed work. The overall goal is for the three-year period that begins October 1, 2021 and ends September 30, 2024. The proposed DBE goal and methodology for FFYs 2022 – 2024 is available on the SBCAG website: <http://www.sbcag.org/contracts--rfps.html>

A public online meeting on the goal and methodology will be held on July 8, 2021, from 10:00 AM to 11:00 AM. Online meeting information: <http://www.sbcag.org/contracts--rfps.html>

If you would like to have a hard copy of the report mailed to you, please contact Martha Gibbs at (805) 961-8916 or mgibbs@sbacag.org. SBCAG staff is also available to meet through an on-line meeting or phone call to respond to inquiries and receive comments on the proposed DBE goal and methodology. Written inquiries and comments may also be sent to:

Martha Gibbs, Chief Financial Officer/Human Resource Director
Santa Barbara County Association of Governments
260 North San Antonio Road, Suite B
Santa Barbara, CA 93110

SBCAG will consider all comments received by July 27, 2021 before submitting the proposed draft goal to the Federal Transit Administration by August 1, 2021. SBCAG will continue to receive comments up to SBCAG adoption of the goal on August 19, 2021.

Sincerely,

Martha Gibbs
SBCAG Chief Financial Officer/Human Resource Director

ATTACHMENT 4
Email to Stakeholders

SBCAG Public Information Session: Disadvantaged Business Enterprise Goals



From Haley DePass <HDePass@sbcag.org>
To Haley DePass <HDePass@sbcag.org>
Cc Lauren Bianchi Klemann <LBianchiKlemann@sbcag.org>, Martha Gibbs <MGibbs@sbcag.org>, carlos@cohassociates.com <carlos@cohassociates.com>
Date 2021-06-25 15:54

Public Notice.docx (~69 KB) Stakeholder Letter.docx (~188 KB)

Hello Stakeholder,

Santa Barbara County Association of Governments (SBCAG) is seeking your input on our proposed Disadvantaged Business Enterprise (DBE) goal for FFYs 2022 – 2024. SBCAG is dedicated to serving our community, including those businesses contracting with SBCAG on Federally funded transit projects. The Disadvantaged Business Enterprise (DBE) program is designed to remedy ongoing discrimination and the continuing effects of past discrimination in federally-assisted transportation contracting opportunities. SBCAG is proposing a **three-year DBE goal of three percent** on all Federally supported transit contracts with the objective to level the playing field by providing small businesses owned and controlled by socially and economically disadvantaged individuals a fair opportunity to compete for federally funded transportation contracts.

The proposed DBE goal and methodology is available on the SBCAG website: <http://www.sbcag.org/contracts--rfps.html>

More information about the U.S. Department of Transportation DBE program is available at: www.transportation.gov/civil-rights/disadvantaged-business-enterprise

Public Information Session

A public online meeting on the goal and methodology will be held via Zoom Webinar:

TIME: 10 a.m. – 11 a.m.

DATE: Thursday, July 8, 2021

[Zoom Webinar Link Here](#)

Meeting ID: 836 9609 1500

Webinar Passcode: 246479

Martha Gibbs, SBCAG's CFO/HR Director, will also be available to meet through an on-line meeting or phone call to respond to inquiries and receive comments on the proposed DBE goal and methodology. Please contact Martha via email: mjibbs@sbcag.org or by calling (805)961-8916.

Haley DePass

She/Her

Financial and Procurement Coordinator

Santa Barbara County Association of Governments

Phone: 805.961.8924

ATTACHMENT 5
Consultation Notice: Flyer



Public Notice

Disadvantaged Business Enterprise (DBE) Program

Proposed Goal for Federal Fiscal Years 2022 - 2024

Santa Barbara County Association of Governments (SBCAG) is dedicated to serving our community, including those businesses contracting with SBCAG on Federally funded transit projects. The Disadvantaged Business Enterprise (DBE) program is designed to remedy ongoing discrimination and the continuing effects of past discrimination in federally-assisted transportation contracting opportunities. SBCAG is proposing a **three-year goal of three percent DBE firms** on all Federally supported transit contracts with the objective to level the playing field by providing small businesses owned and controlled by socially and economically disadvantaged individuals a fair opportunity to compete for federally funded transportation contracts.

Public Information Session

A public online meeting on the goal and methodology will be held:

Date: Thursday, July 8, 2021

Time: 10:00 AM – 11:00 AM

Where: Virtual Hearing via Zoom Webinar

- **Manually Join:** Webinar ID: 836 9609 1500
- **Dial-In:** US: +1 669 900 9128

Request for Public Comment on Proposed DBE Goal

The proposed DBE goal and methodology is available for review on the website:

<http://www.sbcag.org/contracts--rfps.html>

If you would like to have a hard copy of the report mailed to you, please contact Martha Gibbs at (805) 961-8916 or mgibbs@sbacag.org. SBCAG staff is also available to meet through an online meeting or phone call to respond to inquiries and receive comments on the proposed DBE goal and methodology. Written inquiries and comments may also be sent to:

Martha Gibbs, Chief Financial Officer/Human Resource Director
Santa Barbara County Association of Governments
260 North San Antonio Road, Suite B
Santa Barbara, CA 93110

SBCAG will consider all comments received by July 27, 2021 before submitting the proposed draft goal to the Federal Transit Administration by August 1, 2021. SBCAG will continue to receive comments up to SBCAG adoption of the goal on August 19, 2021.

This notice is in accordance with requirements of the U.S. Department of Transportation (49 C.F.R Part 26).

ATTACHMENT 6

Public Notice (SBCAG Website Screenshot)

PUBLIC NOTICE

Overall Disadvantaged Business Enterprise (DBE) Goal and Methodology Proposed Goal for Federal Fiscal Years 2022 - 2024

Santa Barbara County Association of Governments (SBCAG) is dedicated to serving our community, including those businesses contracting with SBCAG on Federally funded transit projects. The Disadvantaged Business Enterprise (DBE) program is designed to remedy ongoing discrimination and the continuing effects of past discrimination in federally-assisted transportation contracting opportunities. SBCAG is proposing a **three-year DBE goal of three percent** on all Federally supported transit contracts with the objective to level the playing field by providing small businesses owned and controlled by socially and economically disadvantaged individuals a fair opportunity to compete for federally funded transportation contracts.

The proposed DBE goal and methodology is available for review [here](#).

Public Information Session

A public online meeting on the goal and methodology will be held via Zoom Webinar on:

10 a.m. – 11 a.m.

Thursday, July 8, 2021

[Click Here for Zoom Webinar Link](#)

Meeting ID: 836 9609 1500

Webinar Passcode: 246479

Request for Public Comment on Proposed DBE Goal

If you would like to have a hard copy of the report mailed to you, please contact **Martha Gibbs** at **(805) 961-8916** or **mgibbs@sbacag.org**. SBCAG staff is also available to meet through an on-line meeting or phone call to respond to inquiries and receive comments on the proposed DBE goal and methodology. Written inquiries and comments may also be sent to:

Martha Gibbs, Chief Financial Officer/Human Resource Director
Santa Barbara County Association of Governments
260 North San Antonio Road, Suite B
Santa Barbara, CA 93110

SBCAG will consider all comments received by **July 27, 2021** before submitting the proposed draft goal to the Federal Transit Administration by **August 1, 2021**. SBCAG will continue to receive comments up to SBCAG adoption of the goal on **August 19, 2021**.

*This notice is in accordance with requirements of the U.S. Department of Transportation (49 C.F.R Part 26).

ATTACHMENT 7
PowerPoint Presentation (July 8, 2021 Public Information Session)



Disadvantaged Business Enterprise (DBE) Goal
FFY 2022 - 2024
Public Information Session
July 8, 2021

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Introduction

- SBCAG is looking to become a "designated recipient" of federal transit funds.
- Designated recipients are required to establish a DBE Program, set a DBE Goal, and report on DBE attainment for federal transit contracts.
- Consultation with stakeholders on the DBE Goal and Methodology is required.
- DBE Goal will be effective October 1, 2021 - September 30, 2024

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Proposed DBE Goal

- Three percent (3.0%).
- To be achieved through race- and gender-neutral measures (no contract goals).
- One federal transit project: Clean Air Express (CAE) commuter bus service
- \$1.2 million/year to pay for CAE bus service operations.


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DBE Goal Methodology

- Identify the Local Market Area (location of bidders and Awardees).
- Identify federal transit contracts to be awarded during the triennial period.
- Calculate the DBE Goal Base Figure:
Step One Base Figure = $\frac{\text{Ready, willing and able DBEs}}{\text{All ready, willing and able businesses}}$
- Adjust the DBE Base Goal if necessary.

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Consultation and Publication

- Publish Notice (June 25, 2021).
- Consult with Stakeholders.
 - Public information session (July 8, 2021).
 - Invitation to comment.
- Adjust Proposed DBE Goal and Methodology based on comments if warranted.
- Submit draft DBE Goal to the Federal Transit Administration (FTA) by August 1, 2021.
- SBCAG adopts triennial DBE Goal on August 19, 2021

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