



Toledo Area Regional Transit Authority

Toledo, Ohio

Disadvantaged Business Enterprise Program

Including Small Business Provision

September 1st, 2021

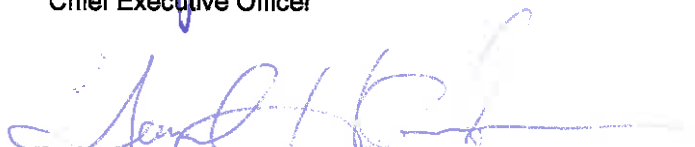
T O L E D O A R E A R E G I O N A L T R A N S I T A U T H O R I T Y




Approvals


The TARTA Disadvantaged Business Enterprise Program has been reviewed and authorized by the following individuals:



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Chief Executive Officer

Mr. Samuel Henderson
Chief Financial Officer (Acting) / DBE & Ethics Officer /
Disadvantaged Business Enterprise Liaison Officer

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Chief Operating Officer

Ms. Laura Koprowski
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Transit Agency Information

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Board of Trustees President	Kelsie Hoagland	<i>Waterville</i>
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Chief Operating Officer	Charles Odingbe	<i>Chief Operating Officer</i>
Modes	Bus and Paratransit	<i>Fixed-Route, Bus Paratransit</i>
FTA Funding Types	5303, 5307, 5309, 5337, and 5339	<i>Urban Area and Advanced Mobility Capital Investments State of Good Repair Bus and Bus Facility Program</i>

Document Control

No.	Modification / Edit	Page	Section	Name	Initials	Date
1	2021 Update Disadvantaged Business Enterprise Program			Samuel Henderson Acting, CFO		
2	Updating Roles	2		Chris Kirk, Financial Analyst	CK	1/27/2022
3						
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Disadvantaged Business Enterprise Program - Certification

The Toledo Area Regional Transit Authority drafted this Disadvantaged Business Enterprise Program through collaboration with Oliver Lindsay Consulting Services.

The following signatures provide certification and approval that this Disadvantaged Business Enterprise Program) complies with 49 CFR Part 26.

1. Signature by the Accountable Executive Certification of Compliance with 49 CFR Part 26			
	Kimberly A. Dunham Chief Executive Officer / Accountable Executive		Date of Signature
2. Approval by the TARTA Board of Trustees			
	Kelsie Hoagland President		Date of Approval
3. Certification of Compliance with 49 CFR Part 26			
	Samuel Henderson (Acting) Chief Financial Officer / <i>DBE & Ethics Officer & Disadvantaged Business Enterprise Liaison Officer</i>		Date of Certification

Acronyms

ADA	Americans with Disabilities Act
AE	Accountable Executive / Chief Executive Officer
APTA	American Public Transit Association
CEO	Chief Executive Officer
CFO	Chief Financial Officer
CFR	Code of Federal Regulations
DBE	Disadvantaged Business Enterprise
DBELO	Disadvantaged Business Enterprise Liaison Officer
DOT	Department of Transportation
EPA	Environmental Protection Agency
FTA	Federal Transit Administration
HVAC	Heating, ventilation and air conditioning
IAPP	Internal Audit Program Plan
ID	Identification
MAP-21	Moving Ahead for Progress in the 21 st Century
MBE	Minority Business Enterprise
MPO	Metropolitan Planning Organization
MSF	Maintenance and Storage Facility
NAIC	North American Industrial Classification Codes
N/A	Not Applicable
NTD	National Transit Database
O&M	Operation and Maintenance
ODOT	Ohio Department of Transportation
ORC	Ohio Revised Code
OSHA	Occupational Safety and Health Administration
PTASP	Public Transportation Agency Safety Plan
SBA	US Small Business Administration
SBE	Small Business Enterprise
SGR	State of Good Repair
SME	Subject Matter Expert
SOP	Standard Operating Procedures
TAM	Transit Asset Management Plan
TARPS	Toledo Area Regional Paratransit Service
TARTA	Toledo Area Regional Transit Authority
TMACOG	Toledo Metropolitan Area Council of Governments
USC.	United State Code
USDOT	United States Department of Transportation
WBE	Woman Business Enterprise

Definitions¹

Administrator: The Federal Transit Administrator or the Administrator's designee.

FTA: The Federal Transit Administration, an operating administration within the United States Department of Transportation.

Individual: A passenger; employee; contractor; other rail transit facility worker; pedestrian; trespasser; or any person on rail transit-controlled property.

New Start Project: Any rail fixed guideway system funded under FTA's 49 USC 5309 discretionary construction program.

The operator of a Public Transportation System: A provider of public transportation as defined under 49 USC 5302(14).

Passenger Operations: The period when any aspect of the transit agency's operations is initiated to carry passengers.

Person: A passenger, employee, contractor, pedestrian, trespasser, or any individual on the property of a rail fixed guideway public transportation system.

Race-Conscious: Race conscious is a measure or program that is explicitly focused on assisting only DBEs. An example of a race-conscious measure is the establishment of contract goals for DBE participation.

Race Neutral: is a measure or program that is used to assist all small businesses. A **race** neutral approach, which allows all small business to compete with each other, including DBEs, is one way to meet your DBE goal.

Rolling Stock: Transit vehicles such as buses, vans, cars, railcars, locomotives, trolley cars and buses, and ferry boats, as well as vehicles used for support services.

Security: the freedom from harm resulting from intentional acts or circumstances.

Small Public Transportation Provider: A recipient or sub-recipient of Federal financial assistance under 49 USC 5307 with one hundred (100) or fewer vehicles in peak revenue service and does not operate a rail fixed guideway public transportation system.

State: A State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

State of Good Repair: The condition in which a capital asset can operate at its full level of performance.

Transit Agency: An operator of a public transportation system.

Transit Asset Management Plan: The strategic and systematic practice of procuring, operating, inspecting, maintaining, rehabilitating, and replacing transit capital assets to manage their performance, risks, and costs over their life cycles, to provide safe, cost-effective, and reliable public transportation, as required by 49 USC 5326 and 49 CFR part 625.

Vehicle: Any of the rolling stock of a public transportation system, including but not limited to passenger and maintenance vehicles.

¹ Definitions are referenced from 49 CFR Part 673

Referenced Documents

	Document Name	Version
1.	TARTA DBE Program	2017
2.	FTA 49 CFR Part 26	1999
3.	FTA 49 CFR Part 26 Sample DBE Program	1999

1. Disadvantaged Business Enterprise Program – Frequently Asked Questions

1.0 What is the Disadvantaged Business Enterprise (DBE) Program?

The DBE Program is a written plan that ensures firms that are owned and controlled by minorities, women, and those socially and economically disadvantaged may compete equally with non-disadvantaged businesses for contracts administered by the Toledo Area Regional Transit Authority (TARTA).

The DBE Program's specific purpose is to increase the participation of minority and women-owned businesses in local transportation projects.

1.1 Why have a DBE program?

Grant recipients of U.S. Department of Transportation funds are required to maintain a DBE. Program as specified in the 49 CFR, Part 26. TARTA maintains a program under 49CFR as amended.

1.2 Who are DBE eligible Recipients?

Firms owned and controlled by minorities, women, and other socially and economically disadvantaged individuals subject to the eligibility criteria specified in this program.

1.3 How does a vendor get DBE certification?

Contact the Ohio Department of Transportation (ODOT) for the DBE certification package. ODOT provides statewide DBE certification, as compared to certification by a local governmental unit.

1.4 How long does it take to get certified under the DBE program?

Certification time varies with the agency performing the review and the number of applications processed. Typically, the processing time is 90-days. Please direct inquiries as to time requirements for FTA processing time to that agency's equal opportunity office.

1.5 What is the authority and purpose of the program?

The DBE program is a federal program operating under the United States Department of Transportation (USDOT). Authorization for the program comes from 49 Code of Federal Regulations, Part 26. TARTA, as a grant recipient of USDOT funds, must comply with the requirements of 49 CFR 26.

The DBE Program's specific purpose is to increase the participation of minority and women-owned businesses in local transportation projects.

1.6 What type of contracts are available?

Various contracting opportunities are available to regional firms participating in the DBE program, ranging from office supplies to professional services contracts. Other examples of contracting opportunities may include but certainly are not limited to:

- Office Supplies
- Printing
- Environmental Consulting Services
- Engineering Services
- Graphic Design Services
- Roofing and other Specialty Trade Contractors
- Motor Vehicle and Motor Vehicle Parts and Supplies
- Office Equipment
- Computer and Computer Software and Equipment
- Transportation Equipment and Supplies Management
- Consultant Services
- Computer System Design Services Building
- Finishing Contractors Biodiesel Fuel
- Industrial Supplies Merchant Wholesalers
- Painting
- Plumbing
- HVAC

1.7 What are the requirements and how to qualify as a DBE?

In general, to be eligible for the DBE program, persons must own 51% or more of a “small business,” establish they are socially and economically disadvantaged, and they control the business.

For full USDOT eligibility guidelines, see: <https://www.transportation.gov/civil-rights/disadvantaged-business-enterprise/do-you-qualify-dbe>

For general inquiries, please contact:

Lisa Washington

ODOT Northwest Regional Outreach Manager – Districts 1, 2 & 3

Division of Opportunity, Diversity & Inclusion (ODI)

317 East Poe Rd, Bowling Green, OHIO, 43402-1330

Phone: O 419 373 4461 M 419 345 7828

Email: lisa.washington@dot.ohio.gov

2. Disadvantaged Business Enterprise Program – General Information

2.0 Business Status

A firm or business must be in existence, operational, and for profit. The disadvantaged owners of that firm must possess the resources and the expertise to operate in the firm's field of work. Firms must provide more than a prima facie or just the appearance that they are a functioning business.

Physical as well as written evidence that a real business exists may be required.

2.1 Small Business size

A firm and its affiliates must qualify as a small business defined by the U.S. Small-Business Administration (SBA) Regulations 43 CFR 121. Therefore, a firm and any affiliates are required to meet SBA size standards for the firm's primary work area. In addition, they must fall within the overall limits established by the USDOT regulations and guidance.

2.2 Social and Economic Disadvantaged Status

Individuals intended for this protected status will include the following:

Citizens and certain permanent residents who:

(1) Are found to be socially and economically disadvantaged under the 8 (a) program of the small-business administration and granted an 8 (a) certification;

(2) Women and member(s) of one of the minority groups as designated in CFR 26.62, including individuals who are African-American, Hispanic, Asian Pacific, Asian Indian, Native American; when that particular minority community so regards such individuals;

(3) Or any individual(s) who, although not a woman or a member of one of the minority groups, is designated in 49 CFR 26 as socially and/or economically disadvantaged, based upon identification with another group.

2.3 Ownership

Ownership by a disadvantaged individual(s) must represent a minimum of 51 percent of the business interest. In addition, the DBE must demonstrate that ownership is from individually owned real and substantial contributions of capital, expertise, personal services, and other tangible assets.

2.4 Control

The disadvantaged owner(s) must demonstrate controllership traits of the organization and demonstrate independent decision-making in daily operations.

2.5 Independence

A DBE firm must not be inseparably associated with another firm or individual for shared ownership, affiliation, sharing of employees' facilities, or profit and losses. It does not preclude the use of "project teams" in the contracting process. To be allowed, however, such concepts must be fully disclosed in the proposal to perform services.

3. Disadvantaged Business Enterprise Program – Compliance

3.0 Non-Discrimination (26.7)

TARTA will never exclude any person for participation in, deny any person the benefits of; or, otherwise discriminate against anyone in connection with the awarding and performance of any contract covered by 49 CFR, part 26 based on race, color, sex, or national origin.

3.1 DBE Program Updates (26.21)

TARTA will continue to carry out this program while FTA's financial assistance exists. In addition, TARTA will provide FTA updates representing significant changes in this program.

3.2 Quotas (26.43)

TARTA does not utilize quotas in any fashion in the administration of this DBE program.

3.3 The Disadvantaged Business Enterprise Liaison Officer (DBELO) (26.45)

TARTA designates the following individual as the DBELO:

Chief Financial Officer

(Samuel Henderson Acting)

1127 West Central Avenue Toledo, Ohio 43610

Phone: (419) 245-7433

Email: shenderson@TARTA.com

In this capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that TARTA complies with all provisions of 49 CFR, Part 26. In addition, the DBELO will have a direct line of communication with TARTA's Chief Executive Officer (CEO) concerning DBE program matters.

The DBELO and their designated support staff are responsible for developing, implementing, and monitoring the DBE program in coordination with other TARTA staff, consultants, and contractors.

DBELO duties and responsibilities include:

- Gathers reports, statistical data, and other information as required by the FTA.
- The review of third-party contracts and purchase requisitions to ensure compliance with the DBE program.
- Works with all departments to set an overall annual DBE goal.
- Ensures that bid notices and requests for proposals are available to DBEs and all interested vendors in a timely way.
- Identifies contractors and procurements to include DBE goals in solicitations.
- Analyzes TARTA's progress toward goal attainment and identifies ways to improve progress.
- Participates in pre-bid meetings.
- Advises the Chief Executive Officer on DBE matters and achievement.
- Participates with legal counsel and others to determine contractor compliance with good faith efforts.
- Provides DBEs or coordinates the dissemination of information and assistance in preparing bids.
- Maintains TARTA's updated bidders' list of certified DBEs

3.4 Federal Financial Assistance Agreement Assurance

TARTA has signed the following assurance, applicable to all FTA-assisted contracts and their administration. In addition, this language will appear in financial assistance agreements with sub-recipients.

TARTA shall not discriminate based on race, color, national origin, or sex in the award and performance of any FTA-assisted contract or in administering its DBE programs or the requirements of 49 CFR part 26. The recipient shall take all necessary and reasonable steps under 49 CFR part 26 to ensure non-discrimination in FTA-assisted contracts' award and administration. As required by 49 CFR part 26 and approved by FTA, the recipient's DBE Program is incorporated by reference in this agreement. Implementation of this program is a legal obligation. Failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to TARTA of its failure to carry out its approved programs, the Department may impose sanctions as provided for under part 26. In addition, it may, in appropriate cases, refer the matter for enforcement under 18 USC 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 USC 3801 et seq.).

3.5 Directory (26.25)

TARTA utilizes the Ohio Department of Transportation (ODOT) DBE directory. This directory will be used as a source document when soliciting proposals for contracts.

3.6 Over concentration (26.33)

This does not apply. Required Contract Clauses (26.13, 26.29)

3.7 Contract Assurance

TARTA will place the following clause in every FTA assisted contract and subcontract:

The contractor or subcontractor shall not discriminate based on 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 the FTA-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, resulting in the termination of this contract or such other remedy as the recipient deems appropriate.

3.8 Prompt Payment

TARTA will include the following clause in each FTA-assisted prime contract.

The prime contractor agrees to pay each subcontractor no later than 30 calendar days from each payment the contractor receives from TARTA for the satisfactory performance of its contract. The prime contractor agrees to return retainer payments to each subcontractor within 30 days after the subcontractor's work is satisfactorily completed. Any delay or postponement of such amount from the above referenced time frame may occur only for a good cause following written approval by TARTA. This clause applies to both DBE and non-DBE subcontractors.

3.9 Monitoring and Enforcement Mechanisms (26.37)

TARTA staff will notify the FTA of any false, fraudulent, or dishonest conduct connected with the DBE program. This will enable the FTA to take the steps (e.g., referral to the Department of Justice for criminal prosecution; referral to the FTA Inspector General; action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in Section 26.109.

TARTA will also consider similar action under its legal authorities, including responsibility determination in future contracts. In addition, TARTA will review the DBE bidders list with the certified FTA list to maintain and monitor DBEs.

3.10 Overall Goals (26.45)

3.11 Amount of Goal

TARTA's overall goal for the three years starting F.Y. 2021 – F.Y. 2023 is 11.65% of the Federal financial assistance it will expend in FTA-assisted contracts.

3.12 Method

The following is a summary of the method used to calculate this goal.

TARTA has derived, from the Bureau of Census figures, the percentage of businesses in this region and the rate of disadvantaged businesses. This comparison resulted in a calculation of DBE businesses divided by the total business. Therefore, based upon this data and further calculations, TARTA will set 11.65% for its goal for the three years (FY2021-2023).

Please see section 7 of this program titled, "7. DBE Goal Methodology (Calculation of DBE Percentage)" for full details of goal calculation.

3.13 Process (26.51)

TARTA is required to submit its overall goal to the FTA.

TARTA will make the overall goal available to the public in the form of a notice. This notice will include the goal, calculations, and rationale and be available for 30 calendar days.

The notice will be available to any party showing interest or requesting a copy. These parties include but are not restricted by the following:

- Toledo Public Schools 420 E. Manhattan Blvd, Toledo
- Aurora Gonzales Community Center 1205 Broadway St, Toledo
- Senior Centers, Inc. 2308 Jefferson Ave, Toledo
- Asian Resource Center 7036 Mourning Dove Court, Toledo
- Mobility Alliance of Northwest Ohio P.O Box 792, Toledo
- United Way of Greater Toledo 424 Jackson Blvd, Toledo
- Advocates for Basic Legal Equity, Inc. 525 Jefferson Ave, Toledo

This notice will also appear on TARTA's website <https://tarta.com/news-alerts/tarta-business/>. It will be available for public viewing during regular business (office) hours at TARTA's Central Avenue premises 1127 Central Ave, Toledo, OH 43610 and TARTA's transit hub, 612 N Huron St Toledo, OH 43604.

The notice will appear once in a newspaper and/or electronic media that features a general audience and once in two newspapers with a minority audience on each newspaper's highest weekly or monthly circulation day. In addition, the notice will feature in the Public Notices (or equivalent) section.

These newspapers and other print and/or electronic media include, but are not restricted by the following:

- Sojourner's Truth (Minority paper)
- La Prensa (Spanish language paper)
- Mass Transit
- APTA

For a total of 45 calendar days from the date of the notice, TARTA will accept public comment. The notice will include TARTA's address and office hours, the DBELO name and contact information, and TARTA's website address.

TARTA's overall goal submission to the FTA will summarize information and comments received during this public participation process and subsequent agency responses.

Unless otherwise instructed by the FTA, TARTA will begin using its annual goal on October 1st. Should the goal be established on a project basis, TARTA will start using the goal by soliciting the FTA-assisted contract.

3.14 Breakout of Estimated Race-Neutral and Race-Conscious Participation

TARTA will meet the maximum feasible portion of its overall goal by using race-neutral facilitating DBE participation. TARTA uses the following race-neutral means to increase DBE participation:

- Provide assistance to overcome obstacles that would make it difficult or preclude a DBE from participating in contracting opportunities. This would include not being overly burdensome in the requirements of bonding and surety bonds.
- Establish adequate time constraints to permit the DBE to participate in the process adequately.
- Break down large projects into more minor elements to provide bid opportunities for DBE and small business firms.
- DBE directories are available to staff from the DBELO.

TARTA will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see Section 26.51(f)). TARTA will track and report race-neutral and race-conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following:

- DBE participation through a prime contract obtained through customary competitive procurement procedures;
- DBE participation through a subcontract on a prime contract that does not carry DBE.
- goals;
- DBE participation on a prime contract exceeding a contract goal; and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

3.15 Contract Goals (26.51)

TARTA will use contract goals to meet any portion of the overall goal. TARTA does project to meet its goal using race-neutral means. Contract goals are established to cumulatively result in meeting any part of TARTA's overall goal.

TARTA will establish contract goals only on those FTA-assisted contracts that have subcontracting possibilities. TARTA may not set a contract goal on every such contract. TARTA may adapt the size and circumstances of each contract (e.g., type and location of work, availability of DBEs to perform the particular kind of work)

TARTA will express its contract goals as a percentage of the total amount of FTA-assisted funds.

3.16 Good Faith Goals (26.53)

TARTA treats bidders' compliance with good faith efforts requirements as a matter of responsiveness.

Before the execution of the contract, or in the event of existing contracts, each solicitation that establishes a contract goal requires the bidders to submit the following information. This information must be submitted within terms as defined by TARTA in the contract solicitation.

- The names and addresses of DBE firms participating in the contract.
- A description of the work each DBE will perform.
- Each DBE firm's dollar amount.
- Written and signed commitment whenever feasible to use a DBE.

- Subcontract whose participation it submits to meet a contract goal.
- Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment; and
- If achieving the contract goal is not possible, provide evidence of good faith efforts.

3.17 Demonstration of Good Faith Efforts

The bidder must make good faith efforts. The bidder can demonstrate that it has done so by meeting the contract goal or documenting these efforts.

The TARTA DBELO is responsible for determining whether a bidder who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive.

TARTA will ensure that all information is complete and accurate and adequately documents the bidder's good faith efforts before it commits to the performance of the contract by the bidder.

3.18 Administrative Reconsideration

Within thirty days of a bidder being informed that it is not responsive as it has not documented sufficient good faith efforts, the bidder may request administrative reconsideration. The bidder should make this request in writing to the following reconsideration official address:

TARTA Chief Executive Officer

Kim Dunham (c/o Debbie Schubert Executive Assistant)

1127 West Central Avenue

Toledo, Ohio, 45610

Phone: 419 245 5223

Email: dschubert@tarta.com

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

As part of this reconsideration, the bidder will have the opportunity to provide written documentation or argument concerning whether it met the goals or made adequate good faith efforts to do so. In addition, TARTA will give the bidder a written description of reconsideration. This will detail the basis for finding that the bidder met the goal or made adequate good faith efforts.

The result of the reconsideration process is not able to be appealed to the FTA.

3.19 Good Faith Efforts When Replacing a DBE on the Contract

TARTA will require a contractor to make good faith efforts to replace a terminated DBE with another certified DBE to the extent needed to meet the contract goal. In addition, TARTA will require the prime contractor to notify the DBELO immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, TARTA will require the prime contractor to obtain prior approval of the substitute DBE and provide copies of new or amended subcontracts or documentation of good faith efforts.

Should the contractor fail or refuse to comply in the time specified, TARTA's contracting officer will issue an order stopping and/or limiting work and payment until the contractor has taken satisfactory action. If the contractor still fails to comply, the contracting officer may issue a determination for default proceeding.

3.20 Counting DBE participation (26.55)

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

3.21 Certification (26.61-26.91)

TARTA uses DBEs certified through the OHIO DBE Unified Certification Program.

3.22 Process

Unified Certification Program

FTA and TARTA have DBE programs in place. Contractors and bidders qualified as DBEs by FTA or any other recognized certifying agency will not need to replicate the certification/qualification process. The TARTA DBELO or FTA decision shall determine who is a "recognized" certifying agency.

3.23 Certification Appeals

Any firm or complainant may appeal a decision in the certification matter to FTA. Please send appeals to:

U.S. Department of Transportation

Departmental Office of Civil Rights

Disadvantaged Business Enterprise Division (S-33)

1200 New Jersey Ave, S.E.

Washington, DC 20590

United States

TARTA will promptly implement any certification appeal decisions affecting the eligibility of DBEs for TARTA FTA-assisted contracting.

3.24 “No Change” Affidavits and Notices of Change

TARTA will require all DBEs to inform it, in a written affidavit, of any change to its circumstances affecting its ability to meet size, disadvantaged status, ownership, or control criteria of 49 CFR Part 26, or of any material changes in the information provided with such DBE’s application for certification.

3.25 Information Collection and Reporting

Bidders list

TARTA will create a bidders list consisting of all DBE and non-DBE firms bidding or quoting on FTA-assisted contracts. The purpose of this requirement is to allow the use of the bidder’s list approach to calculating overall goals. The bidders’ list will include:

- Bidder’s name
- Bidder’s trade
- Bidder’s contact
- Bidder’s website (if available)

TARTA will collect this information in the following ways:

TARTA will include a clause requiring disclosure of names, addresses, and other information about the FTA-assisted contract. Prime contractors must include such a clause in sub-contracting agreements.

3.26 Compliance & Enforcement (26.109)

3.27 Monitoring payments to DBEs

TARTA 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 forthright representative of TARTA or FTA. This reporting requirement also extends to any certified DBE subcontractor.

TARTA will keep a running tally of actual payments made to DBE firms for work committed to them at the time of contract award.

TARTA will perform interim desk 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 amount stated in the schedule of DBE participation.

3.28 Confidentiality

TARTA will safeguard third-party disclosure information, which may be regarded as confidential business information, consistent with federal, state, and local law. Notwithstanding any contrary provisions of state or local law, TARTA will not release personal financial information submitted in response to the personal net worth requirements to third parties (other than FTA and its authorized state FTA agencies) without the written consent of the submitter.

3.29 TARTA's Reporting to FTA

TARTA will report DBE participation to FTA as follows:

- FTA Recipients - TARTA will report DBE participation on a semi-annual basis, using FTA Form 4630. These reports will reflect payments made to DBEs on FTA-assisted contracts.
- FHWA Recipients - TARTA will report DBE participation on a semi-annual basis, using FTA Form 4630.

4. Disadvantaged Business Enterprise Program – Small Business Provision

TARTA initiated a Disadvantaged Business Enterprise (DBE)/Small Business Enterprise (SBE) Development Program following section 26.39 Fostering Small Business Participation.

The principle purpose of the program is to create business opportunities to move DBEs and SBEs into non-traditional areas of work and/or to become independently competitive in the marketplace outside of the DBE and SBE programs and within TARTA's purchasing system in areas that have historically laced DBE and SBE participation, and to provide assistance in achieving this goal to DBEs and SBEs.

The TARTA business development plan permits certified DBEs, as defined in Title 49 CFR part 26.2, to participate in the program. In addition, per Title 49 CFR part 26.39, the program has opened to other small business concerns.

TARTA is developing a "How to Do Business with TARTA" outreach program in conjunction with Ms. Lisa Washington, Northwest Regional Outreach Manager FTA. This program is designed to provide the Small Business contracting community with supportive services and information to facilitate their participation in TARTA's contracting opportunities.

TARTA is involved in the Toledo Lucas County Port Authority's Diversified Contractors Accelerator Program. This program provides funding to participating small businesses to foster their participation in projects.

TARTA also has a working partnership with the Toledo Chamber of Commerce Business Development Services to develop more relationships with the local small business owner. TARTA anticipates that this program will result in an increased level of DBE/SBE participation in contracts with TARTA.

5. TARTA Finance Personnel and Critical Task Matrices

The following matrices list Finance Department staff and consultant resources and the performance of critical tasks as referenced in the Disadvantaged Business Enterprise Program:

5.0 Finance Department Staff & Consultants

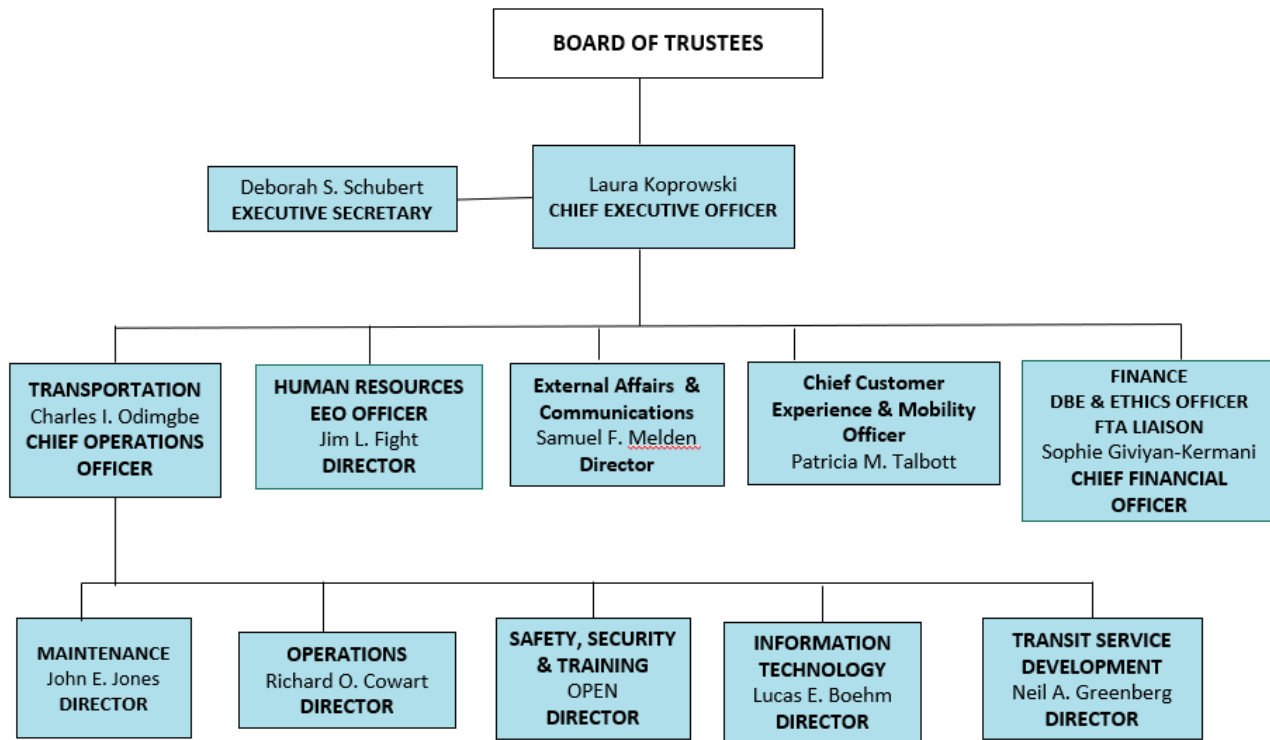
Position	Name
CHIEF FINANCIAL OFFICER	Sophie Giviyani-Kermani
DEPUTY CHIEF FINANCIAL OFFICER	Open
FINANCE ANALYST	Christopher C. Kirk
FINANCE ANALYST	Colleen C. Moser
ACCOUNTANT	Shari A. Price
PAYROLL	Lisa Schell (Staffing Agency)
PROCUREMENT SPECIALIST	Open
FINANCE III	Kellie A. Comstock
FINANCE IV	Open
FINANCE	Andrea Sharp (Staffing Agency)
REVENUE PROCESSOR (PT)	Open

5.1 Disadvantaged Business Enterprise Program Critical Tasks

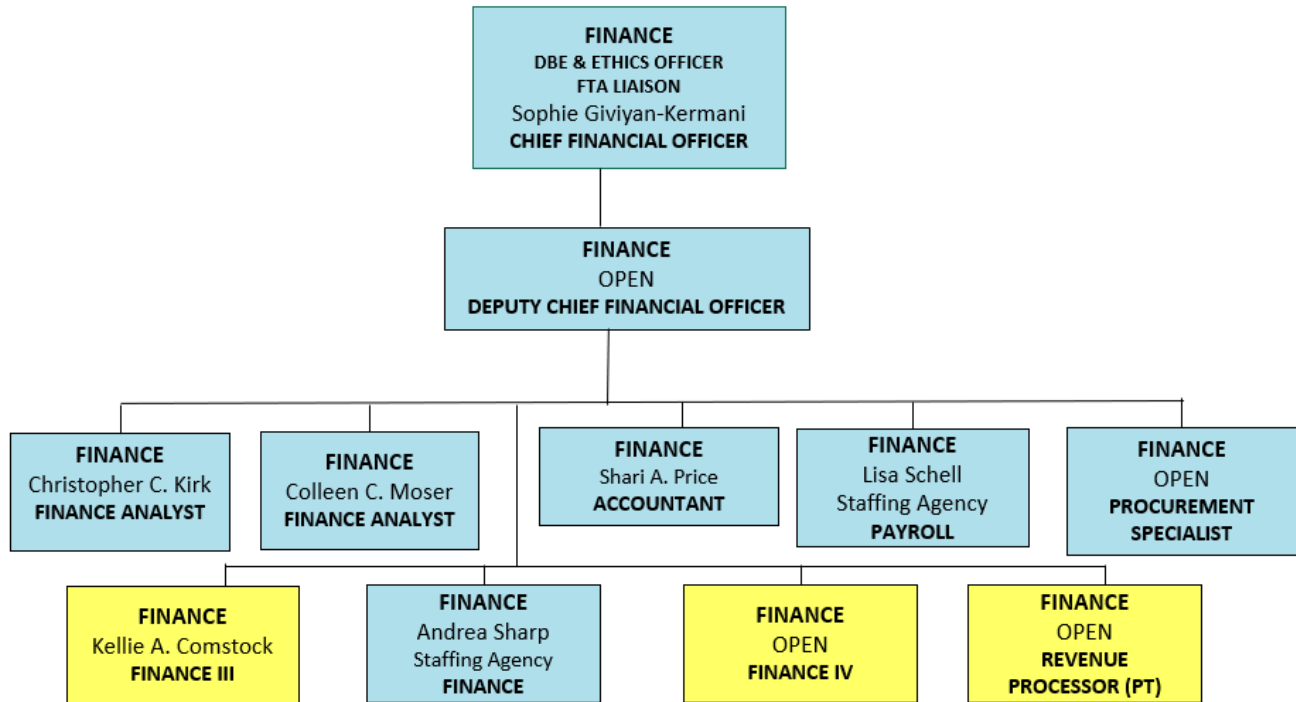
Position	Responsibility	Actions & Notes
CHIEF FINANCIAL OFFICER	DBE Program & Goal review.	Review the DBE program and its percentage goal at a minimum every three years. As necessary, edit the program and recalculated the DBE percentage goal.
CHIEF FINANCIAL OFFICER	FTA Disadvantaged Business Enterprise Liaison Officer.	The main point of regular 2-way contact between TARTA and the FTA/ODOT regarding all DBE matters.
CEO	Administrative Reconsideration.	The reconsideration official will not have played any role in the original determination that the bidder did not make sufficient good faith efforts.
FINANCE ANALYST	DBE Database.	This task was allocated to C.Kirk. Maintain an active list of local DBE businesses. This may be regular access to a city, region, or state database and/or an agency-maintained database.
FINANCE ANALYST	DBE advertise and mail out (propagate) Database.	This task was allocated to C.Kirk. Maintain an active list of media, community organizations, businesses, and individuals that the agency may mail RFP or other opportunities for TARTA-DBE engagement.
CHIEF FINANCIAL & CHIEF COMMUNICATIONS, MOBILITY & CUSTOMER EXPERIENCE OFFICER	How to do business with TARTA.	Develop and then action a business plan of outreach to DBE and potential DBE businesses. As possible, assist in developing DBE businesses suitable for the transit industry. The development and actioning of this plan are in concert with TARTA Communications Department.

6. TARTA Organizational Charts

6.0 TARTA Executive Organizational Chart



6.1 TARTA Finance Organizational Chart



7. DBE Goal Methodology (Calculation of DBE Percentage)

7.0 DBE Goal Methodology for Fiscal Years 2021 - 2023

TARTA's overall goal for Fiscal Years-2021 through 2023 (beginning October 1st) is a percentage of FTA funds that TARTA projects it will expend in FTA-assisted contracts (exclusive of rolling stock/transit vehicles).

TARTA expects to spend \$ 6,400,000.00 for total contracting in Fiscal Years 2021-2023, subject to DBE participation requirements. ***The projected triennial DBE goal is 11.65%.***

The following is a summary of the method used to establish TARTA's annual goal.

7.1 Summary

According to USDOT rules and regulations, 49 CFR PART 26, TARTA has adopted percentage goals for DBE participation which are consistent with TARTA's spending patterns with motor buses, equipment, supplies, and construction and with the amount of DBE participation that would be expected to be achievable in a Race Neutral marketplace.

The rules and regulations require that goals be based upon verifiable evidence of relative availability of DBE's in the TARTA geographical and product markets.

STEP ONE

- a) Availability Analysis: TARTA consulted the U.S. Census throughout the counties near Toledo, Ohio, and Southern Michigan to include: Fulton, Henry, Lucas, Ottawa, Wood, Ohio and, two Michigan Counties, Lenawee and Monroe, to determine the total number of business establishments available in its marketplace identified by North American Industrial Classification Codes (NAICS). Then TARTA used the state's DBE directories to determine the number of ready, certified DBE's in its marketplace to assist in the projects TARTA has planned. The objective is to determine how many businesses in the region serve as TARTA's primary marketplace for supplies and services. How many and what percentage of all available businesses are DBE's in each relevant NAICS.
- b) "Weighting" of relative availability to reflect the amount to be spent in each NAICS area: TARTA utilized due diligence to select DBE's from the directories by NAICS, which were likely to be interested in the FTA-assisted contracting. This narrow-tailoring aspect ensured that a more accurate availability figure would emerge from the Step One calculation. More emphasis was placed on the NAICS, which made up the majority percentage of the total TARTA budget. TARTA has identified the relevant NAICS code services and commodities approximated for acquisition these fiscal years.

TARTA utilized the following formula in establishing this goal: percentage of the budget, multiplied by the number of firms listed in the various Ohio Department of Transportation DBE Directory, divided by the available contractors of able and willing firms in the industry.

TARTA'S MAJOR CONTRACTS PROJECTED FOR FEDERAL FISCAL YEAR 2021-2023

NAIC	Project Description	Budget Amount	Total Dollar %	ODOT DBE Directory	Census Data by Region	NAIC DBE %
541511	Computer Programing	\$500,000	8%	75	67,451	.01
423430	Computer WHOLESALERS equipment, and software	\$1,000,000	15.5%	6	8	75
443142	Computer RETAILERS equipment, and software	In above		1	62	.16
441310	Automotive parts and accessories	\$250,000	4%	1	137	.07
541330	Engineering Services	\$300,000	4.5%	68	113	60
236220	Commercial Construction Contractor	\$1,400,000	22%	30	69	43
238310	Drywall Contractors	In above		14	39	36
238130	Framing Carpenters	In above		7	20	35
238350	Finish Carpenters	In above		8	54	15
238320	Painting Contractors	In above		19	66	29
238330	Flooring Contractors	In above		13	24	54
238140	Masonry	\$400,000	6%	11	37	30
238210	Electrical Contractors	\$250,000	4%	15	141	17
238220	Plumbing Heating Contractors	\$50,000	1%	15	234	6.5
424720	Petroleum and petroleum products	\$1,000,000	15.5%	1	8	12.5
561720	Janitorial Services	\$250,000	4%	2	134	1.5
541614	Consulting services	\$1,000,000	15.5%	38	28	135
	Totals	\$6,400,000	100%	324	68,625	.005%
	Totals without Computer Programmers and Consultants			206	1146	18%

The total projected expenditures for Fiscal Years 2021, 2022, and 2023 = \$ 6,400,000.00

Assumptions of the dollar projections are based on:

- a) Increases in local funding in sales tax.
- b) Ability to use federal funding for increased amounts in capital projects.
- c) Likely, this increased goal will not be attainable in F.Y. 2021 and early F.Y. 2022. Still, if the above assumption holds, the F.Y. 2023 and forward should have the increased obtainable.
- d) Percentages rounded to the nearest 100th thousandth.
- e) The number of programmers and consultants are the outliers in the statistical analysis due to the over-concentration of non-DBE's on programmers and over-concentration of consultants in DBE's. To make a more realistic statistical count, you remove both groups. Then the percent of DBE compared to non-DBEs is 18%. This has tailored the number to a realistic amount of opportunity.

Without weighting:

The COMPUTED RATE is calculated using the percentage (100%) multiplied by the DBEs listed in the directories (206), which equals 20600. The 20600 is divided by the number of firms (1146) identified in the U. S. Census Bureau's County Business Pattern for the particular NAIC classification. Equation: 100% X 206 = 20600/1146 = 17.9

Weighting:

TARTA did the calculation with weighting without the outliers, and the numbers came in with eight-tenths of a percent from the count. TARTA has decided to keep the base at 18%.

The calculation of the goal is based on the results from the following formula to establish the Base Rate from the U.S. Census index of the counties of Fulton, Henry, Lucas, Ottawa, Wood, Ohio and, two Michigan Counties, Lenawee and Monroe. All these counties border TARTA location in Lucas County divided by ODOT-UCP (DBE) Directory business in reasonable proximity to TARTA location and project activity type.

NAICS: Each NAICS Code varies by a percentage depending on estimated spending in that category planned for the F.Y.'s 2021-2023.

The step one base figure is calculated by dividing certified DBE's by all firms ready willing and able:

R, W, A DBE's / All R, W, A firms = step one base figure

18% represents the BASE RATE for TARTA's F.Y. 2021-2023 DBE utilization. This concludes the Step One calculation for the overall goal.

STEP TWO

According to Section 26.45 (d), the following calculation to determine the historical rate of DBE participation averaged over a three year period based on semi-annual reports. Examine all the evidence in the jurisdiction to decide if an adjustment is needed. TARTA has concluded no adjustment is necessary because:

Period	DBE % Awarded	DBE % Paid	Yearly Average Awarded
F.Y. 2017 (1 st half)	1.33%	100%	2017
FY 2017 (2 nd half)	8.18%	49.41%	5.3%
FY 2018 (1 st half)	3.16%	12.82%	2018
FY 2018 (2 nd half)	6.73%	18.83%	5.7%
FY 2019 (1 st half)	.13%	100%	2019
FY 2019 (2 nd half)	7.85%	7.37%	3.99%
FY 2020 (first half)	.79%	2.82%	
(2017-2020) MEDIAN for calculation per FTA guidance			5.3%

STEP THREE

Computation of overall rate and overall goal:

Averaging the base goal in step #1 of 18% with the median achievements of 5.3% to create a goal of 11.65%

TARTA OVERALL TRIENNIAL GOAL = 11.65%

**COMPUTATION OF TARTA PERCENTAGE OF GOAL MET BY RACE-NEUTRAL AND RACE-CONSCIOUS
METHODOLOGIES FOR FY 2021-2023**

Part # 1: Determine the Fiscal Year 2019 amount of DBE procurements achieved without contract goals. This will determine Race-Neutral means.

Part #2: Determine the Fiscal Year 2019 amount of DBE utilization achieved utilizing DBE contract goals. This will determine the Race-Conscious means.

TARTA attained a 3.99% Goal in the Fiscal Year 2019 by Race Neutral means; therefore, the amount achieved by Race-Conscious contract goals was= 0%.

Part #3: The amount awarded by R.N. means in F.Y. 2019 =.008%*

The amount awarded by R.C. means in F.Y. 2019 = 0%.

The amount paid out by R.N. means in F.Y. 2019 = 11%

The amount paid out by R.C. means in F.Y. 2019 = 0%

*The percentage is lower than average due to a large building and land purchase.

The amount awarded by R.N. means in F.Y. 2018 = 5.7%

The amount awarded by R.C. means in F.Y. 2018 = 0%.

The amount paid out by R.N. means in F.Y. 2018 = 16%

The amount paid out by R.C. means in F.Y. 2018 = 0%

Part #4: TARTA has established a Race-Neutral method that has produced acceptable levels of participation in the past. The method includes community outreach and pre-bid conferences on all proposed grant contracts. Community organizations, and DBEs, certified per 49 CFR Part 26, are invited to attend the pre-bid/proposal meetings enabling them to network with prime contractors and request clarification on any project questions.

Part #5: Of the overall goal of 11.65% DBE participation for Fiscal Years 2021, 2022, and 2023 as computed from steps 1 and 2, TARTA seeks to achieve the overall goal by Race Neutral means.

8. Public & Community Outreach for DBE Program and Goal Updates

In Fiscal Years 2021, 2022, and 2023, TARTA will continue to participate in ODOT contracting fairs, business development, and marketing efforts to contact DBEs and small businesses. The express purpose is to discover and assist these businesses in bidding for TARTA contracts.

For full details of TARTA's planned Public outreach for the DBE Program and Goal Updates, please see section 3.13 of this program, titled "*3.13 Process (26.51).*".

9. Census Data Source & Breakout

The census data from the 2018 American Community survey revealed the following statistics:

<https://data.census.gov/cedsci/profile?q=0500000US39095>

- | | |
|-------------------------------|----------------------------|
| • African American: | Lucas County – 18.9% |
| • Hispanics: | Lucas County – 7% |
| • Asian: | Lucas County – 1.8% |
| • American Indians and Alaska | Lucas County – 0.3% |
| • Total businesses: | Lucas County 32,125 = 100% |
| • Minority-owned firms: | Lucas County 5,648 = 17% |
| • Women-owned firms: | Lucas County 10,880 = 34% |

TARTA will prioritize its outreach effort to provide more significant opportunities in the targeted NAICS to ensure contracting opportunities are fully promoted before resorting to race-conscious contract goals to achieve the projected Overall Triennial DBE Goals.

This completes the analysis and calculation for the TARTA triennial DBE goal for

F.Y. 2021-2023.

Submitted: September 21st, 2020

Major Revision: July 19th, 2021

Final Revision: September 1st, 2021



TOLEDO AREA REGIONAL TRANSIT AUTHORITY

RESOLUTION NO. 36-21

ADOPTING THE TARTA DISADVANTAGED BUSINESS
ENTERPRISE (DBE) PROGRAM GOAL FOR THE FISCAL YEAR
STARTING OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2023

WHEREAS, the U.S. Department of Transportation issued its new Disadvantaged Business Enterprise (DBE) Program final rule (49 CFR Part 26) in February 1999, making extensive revisions to the former program administered under 49 CFR Part 23 that affect transit agencies and other business members who participate in the program; and

WHEREAS, TARTA, along with other affected agencies, are required to submit to the Federal Transit Administration annually a Disadvantaged Business Enterprise (DBE) Program Goal in accordance with 49 CFR Part 26; and

WHEREAS, TARTA has calculated its Disadvantaged Business Enterprise (DBE) Program Goal in accordance with current federal regulations and has established a goal for three years beginning in 2021 of 11.65% DBE participation in federal funds expended; and

WHEREAS, it is desirable that the Board of Trustees of TARTA adopt this goal of 11.65% subject to any revision prescribed by the Federal Transit Administration.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOLEDO AREA REGIONAL TRANSIT AUTHORITY, OHIO:

SECTION 1. That the Disadvantaged Business Enterprise (DBE) Program Goal for three years beginning in 2021 of 11.65% as calculated by the TARTA administration is hereby adopted, subject to any revisions prescribed by the Federal Transit Administration prior to its final approval.

SECTION 2. That the TARTA administration is hereby authorized to revise the goal of the Authority in accordance with the current regulations and in accordance with local conditions as prescribed in the program.

SECTION 3. That this resolution shall become effective immediately upon its adoption.

ADOPTED: September 23, 2021


President

ATTEST:


Secretary-Treasurer