

Community Connector Goal for DBE Participation
DBE Goal: 1.1%

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

Determining a Base Figure

Excerpts from §26.45

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

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

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

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

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

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

Methodology for Determining a Base Figure

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

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

The table on the following page provides a description of relevant services by NAICS Code, and it includes the total number of firms in that category included in the 2014 County Business Patterns - Maine. The fourth column in the table includes MaineDOT’s DBE list according to the selected NAICS codes.

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

NAICS Code	Description	Total Firms*	DBE Firms on MaineDOT List
52421	Insurance Agencies & Brokerages	472	Leslie Saunders Insurance Agency, Inc.
			Market International Insurance Agency
			Swanson & Associates, Inc.
448190/81233	Uniforms	66 (54/12)	None
811213	Radio Repair	5	Trafinfo Communications, Inc.
			Trinity Technology Services, Inc.
541613	Marketing Consulting Services	117	19 Oaks LLC
			Advoqt, LLC
			Alternate Transit Advertising, Inc.
			Conover & Gould Strategic Communications Inc.
			Cushman Transportation Consulting, LLC
			Forte Development Corporation
			KFH Group Incorporated
			Leslie Saunders Insurance Agency, Inc. (<i>duplicate</i>)
			Mary A. Lynch
			Nancy Montgomery Design, Inc.
			Rinck Advertising, Inc.
54181	Advertising and Related Services	43	TRS & I Group, Inc.
			Cay Kendrick Design
			Morris Communications, Inc.
54121	Audit/Accounting	532	Rinck Advertising, Inc.
			Bronner Group, LLC
4851/485991	ADA Contract	19 (2/17)	Securance LLC
			Cushman Transportation Consulting, LLC (<i>duplicate</i>)
5171	Telephone	192	None
5172	Cell Phone	38	None
45431	Fleet Fuel & Fluids; Vehicle Fuel	285	None
4413	Parts	362	None
45321	Office Supplies	21	None
811111/423120/ 423830/423850	Garage Equipment	754 (587/49/ 99/19)	Baseline Supply, LLC
			Heritage Construction & Supply
			Transit Auto Parts, LLC

			Workplace Essentials, Inc.
4529	Custodial Supplies; Misc. Supplies	224	None
6214	Drug/Alcohol Testing	290	None
541614	Process, Physical Distribution, and Logistics Consulting Services	20	Cushman Transportation Consulting, LLC (<i>duplicate</i>)
			E-Squared Consulting Corporation
			Elite Professionals, LLC
			Fitzgerald & Halliday, Inc.
			KFH Group Incorporated (<i>duplicate</i>)
			Lazaro & Noel, LLC
			M. McHatten Consulting, LLC
			MLD Services, Inc.
			Montgomery Consulting Group, Inc.
			Savant Consulting, Inc.
			Trafinfo Communications, Inc. (<i>duplicate</i>)
			Trinity Technology Services, Inc. (<i>duplicate</i>)
Total		3440	39

The DBE goal is derived by dividing the total number of firms shown in the table (3440) into the total number of DBE firms (39) to arrive at a DBE goal of 1.1%.

Adjustments to Base Figure

Excerpts from §26.45

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

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

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

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

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

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

Adjustments

Based on a review of the requirements of §26.45, above, there are no adjustments to be made to the base figure of 1.1%.

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

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

Historical Data on Community Connector bids. Bidders that submitted either prime or subcontract bids on FTA-funded work for FY13 and FY14:

Contract	Bidder
Transit Hub Study	Tom Crikelair Assoc.
TPA Worker’s Comp	Maine Municipal Association FutureComp Synernet Cannon Cochran Mgt. Services Cross Insurance
Phone Carrier Services	Time Warner OTT Communications Oxford Networks FairPoint Communications
Uniform Rental	Cintas Unifirst
Vehicle Lifts	Drummond Automotive Equipment Services Automotive Garage Tools Hustus Shop Equipment Power Washer Sales, Inc. Gray Manufacturing

The City typically bids contracts for three-year terms, with an option to extend for another three years.

Expression of Overall Goal

Excerpts from §26.45

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

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

Expression of DBE Goal

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

Public Participation

Excerpts from §26.45

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

(i) Consultation with minority, women's and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and your efforts to establish a level playing field for the participation of DBEs. The consultation must include a scheduled, direct, interactive exchange (e.g., a face-to-face meeting, video conference, teleconference) with as many interested stakeholders as possible focused on obtaining information relevant to the goal setting process, and it must occur before you are required to submit your methodology to the operating administration for review pursuant to paragraph (f) of this section. You must document in your goal submission the consultation process you engaged in. Notwithstanding paragraph (f)(4) of this section, you may not implement your proposed goal until you have complied with this requirement.

(ii) A published notice announcing your proposed overall goal before submission to the operating administration on August 1st. The notice must be posted on your official Internet Web site and may be posted in any other sources (e.g., minority-focused media, trade association publications). If the proposed goal changes following review by the operating administration, the revised goal must be posted on your official Internet Web site.

(2) At your discretion, you may inform the public that the proposed overall goal and its rationale are available for inspection during normal business hours at your principal office and for a 30-day comment period. Notice of the comment period must include addresses to which comments may be sent. The public comment period will not extend the August 1st deadline set in paragraph (f) of this section.

Public Participation Plan

Call-in Period. Several interested stakeholders were notified directly by email of the draft goal publication, including current service providers. A meeting was scheduled on July 15, 2016 at 3pm to receive comments on the methodology from stakeholders. _____ interested persons or organizations attended the meeting.

Public Notice. The public was notified by publication on July 1 and 2, 2016 in the local newspaper, the Bangor Daily News. Additionally, the public notice was posted on Community Connector's website. Public comment was accepted for 45 days following the last date of publication. _____ public comments were received. The notice was as follows:

CITY OF BANGOR PUBLIC NOTICE

DBE Goal for Fiscal Years 2017-2019

In accordance with 49 CFR Part 26, Community Connector's overall goal for FY 2017 through FY 2019 for Disadvantaged Business Enterprise (DBE) participation will be 1.1% for participation in U. S. Department of Transportation, Federal Transit Administrative (FTA) assisted contracts. The proposed goal and its rationale are available for public inspection during administrative hours at Community Connector's headquarters, located at 481 Maine Avenue, Bangor, Maine or on the City of Bangor's website <http://www.bangormaine.gov> for 30 days following the date of this notice. Community Connector will accept public comments on the proposed goal for a period of 45 days from the date of this notice. There will be a meeting in the City Hall Council Chambers on July 15, 2016 at 3pm.

Comments may be directed to:

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

And/or

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

July 1, 2, 2016

Agency Actions to Encourage DBE Participation. Community Connector plans to provide notice of bidding opportunities in the categories listed in the table on pages 2-3 to the DBE firms listed on pages 2-3 as well as any DBE firms added to MaineDOT's DBE list during the period FY 2017 through 2019.