

San Francisco Bay Area Rapid Transit District



Triennial DBE Goal for FFY20-FFY22 for the Federal Transit Administration



Prepared by the
BART Office of Civil Rights
August 1, 2019

San Francisco Bay Area Rapid Transit District Triennial DBE Goal for FFY 2020-2022

Executive Summary

Pursuant to 49 CFR Part 26, the San Francisco Bay Area Rapid Transit District (“BART” or the “District”) is required to establish an overall Triennial Disadvantaged Business Enterprise Goal (Triennial Goal) for its federally-assisted contracting activity and submit the applicable methodology to the Federal Transit Administration (FTA) for approval on August 1st, 2019. Disadvantaged Business Enterprise (DBE) goals are set and managed on a Federal Fiscal Year (FFY) basis and this document reflects activity planned for FFY20-22 (October 1, 2019 through September 30, 2022).

This document presents the District’s Triennial Goal for FFY20-22 as well as the methodology used to establish the goal. The District’s methodology follows a three-step process, consistent with the requirements contained in the regulations (49 CFR § 26.45 (c)):

1. Step One – Determine the Base Figure;
2. Step Two – Adjust the Base Figure;
3. Step Three – Project race/gender-neutral and race/gender-conscious DBE attainment.

The District proposes a Triennial DBE Goal for FFY20-22 of 16%, of which 10% is planned to be attained using race/gender-conscious (RC) means and 6% race/gender-neutral (RN) means.

1. Step One – Determination of the Base Figure (49 CFR § 26.45(c))

The first step of the goal setting process is to determine the base figure. BART’s methodology consist of three sub-steps:

- Project FTA funded contracting activity for FFY20-22
- Establish the total spend and FTA portion of the total spend
- Apply the established availability of DBEs in the appropriate market area

The Base Figure must be based on evidence of the availability of Ready, Willing, and Able DBEs relative to all businesses Ready, Willing, and Able to participate on District contracts. 49 CFR Part 26 contemplates five options for determining DBE availability:

- DBE Directories and Census Bureau Data
- Bidders List
- Use data from a disparity study
- Use to goal of another DOT recipient
- Alternative methods

In January 2017, the findings of the District’s current Disparity Study were adopted by the District’s Board of Directors. As part of this study the consultant identified, among other things, the District’s

Market Area¹ and DBE Availability in the District's five major procurement categories, Construction, Procurement, Architecture and Engineering (A&E), Professional Services (non-engineering), and Other Services. The Disparity Study established DBE availability for the District for each of the above-referenced contracting categories.

Base Figure - Project FTA funded contracting activity for FFY20-22

To calculate the "Step 1 Base Figure" (Base Figure), District staff compiled a list of projected, FTA funded contracts expected to be awarded in the period covering FFY20-22 (see Table 1). This list of projected contracting opportunities was received in March 2019 and included the applicable procurement category, a brief description of the project scope, projected contract amount (in dollars) and the projected FTA funding amount (in dollars) for each contract planned for award during the applicable triennial period.

This list was obtained from internal project staff with direct knowledge of the District's contracting activities and was reviewed by a separate cross functional team that included an internal analytics group and contract compliance staff.

In late June 2019, the FTA notified the District that a substantial amount of FTA funding would be allocated for the District's Transbay Corridor Core Capacity Project. As a result, non-trivial funding changes in the planned contracting portfolio for FFY20-22 were identified. Staff subsequently incorporated this new information into the Triennial Goal setting process. As such, this list provides the most up to date snapshot of the District's FTA funded contracting activity for the period covered by the forthcoming Triennial Goal. The final FTA-funded project list which includes the applicable contracting category, project name, and the expected amount of FTA funding for FFY20-22 can be seen in Table 1 below.

Carry Forward Contracts

Upon review of the District's projected FFY20 FTA funded contracts, the District identified five contracts that have already been advertised with an established contract goal. One of the five contracts will be awarded during FFY20-22. The remaining four contracts are on-call agreements that have already been awarded; however, they will have FTA funded task orders issued against them during FFY20-22. As a result, the five contracts have been included in the FFY20-22 contracts list and are identified as "Other" on the contracts list in Table 1. Since these contracts already have established contract goals, the District determined to account for them on an individual contract basis when calculating the Base Figure. The District will expand on how these Other contracts will be accounted for when calculating the Base Figure in section "Base Figure: 'Other' - Work Types" below.

¹ Miller3 Consulting, Inc. established the District's Market Area by using the District's bidder lists, vendor lists, and awardee lists. Miller3 Consulting, Inc. examined the locations of the District's bidders, vendors, and winners of contract awards, to determine the area(s) containing a preponderance of commercial activity pertaining to the District's contracting activity.

Nature of Project Portfolio

Most of the projected contracts for FFY20-22, reflect similar scopes of work as those the District has awarded recently. For example, the District expects to award wayfinding, traction power, train control, and accessibility contracts which are all normal scopes of work that the District awards contracts for. However, the Train Control Modernization Project (TCMP) is the exception. TCMP Design-Build, identified as “Other-TCMP DB” in Table 1, is an extremely large Design-Build contract that is now estimated to be funded with \$435M in FTA funding. This design-build contract is by far the largest contract the District plans to award during FFY20-22. In fact, this contract is nearly four times larger than any other contract the District plans to award in FY20-22 and will have a significant impact on the District’s overall DBE goal.

Table 1: FTA Projects List

<u>Count</u>	<u>Project Name</u>	<u>Work Type</u>	<u>Estimate FTA Amount</u>
1	On Call Design Support During Construction	A&E	\$26,100,000
2	Sustaining Architecture (RFSOQ)	A&E	\$7,200,000
3	Sustaining CM (RFSOQ)	A&E	\$7,200,000
4	Sustaining Systems Engineering (RFP)	A&E	\$9,600,000
5	Sustaining Facilities Engineering (RFSOQ)	A&E	\$4,800,000
6	15NU-140 Accessibility Improvement Program - Phase 1	Construction	\$1,325,000
7	15NU-145 Accessibility Improvement Program - Phase 2	Construction	\$2,000,000
8	15NU-150 Accessibility Improvement Program - Phase 3	Construction	\$850,000
9	15NU-155 Accessibility Improvement Program - Phase 4	Construction	\$1,125,000
10	Safety Barriers Phase 3	Construction	\$511,000
11	Furnish two new TPSS M Line	Construction	\$9,000,000
12	Furnish 8 traction power facilities (R, A, C Lines)	Construction	\$63,000,000
13	Pitts/BP Elevator Renovation	Construction	\$725,237
14	TUNNEL WATERPROOFING W-LINE	Construction	\$1,200,000
15	ROW FENCING REPLACEMENT	Construction	\$1,600,000
16	CONV TO DIGITAL CCTV - SF STAN	Construction	\$3,616,300
17	ENG SVS PHASED RADIO REPLCMNT	Construction	\$3,360,000
18	TBT CP Upgrade/Replace Equipment	Construction	\$3,000,000
19	Tail Track Extensions-Millbrae and Dublin/Pleasanton	Construction	\$2,125,000
20	Phase 1 - Existing Bldg. Demolition	Construction	\$1,512,834
21	Phase 2 - Fdn, Shell & Core, & Yard	Construction	\$83,829,177
22	Phase 3 - NRVE Shop	Construction	\$11,108,640
23	Phase 4 - Partial Tenant Improvement	Construction	\$11,534,000
24	Phase 5 - Remaining Tenant Improvement	Construction	\$11,534,000

25	Vehicle Overhaul & Heavy Repair Shop	Construction	\$124,356,008
26	01RQ-102 - Civil Grading	Construction	\$20,000,000
27	01RQ-103 - East Storage Yard	Construction	\$25,000,000
28	01RQ-104 - Flyover & Systems	Construction	\$70,000,000
29	OCY Wheel Truing Facility	Construction	\$1,408,019
30	Accessibility Improvement Program - Phase 1	Construction	\$1,325,000
31	Accessibility Improvement Program - Phase 2	Construction	\$2,000,000
32	PA System Improvements	Construction	\$1,500,000
33	Wayfinding Phase 4	Construction	\$9,600,000
34	Enabling - Switch Machine Cable and Train Control Power Supply Cable	Construction	\$22,447,442
35	Track Cir Monitoring Phase II	Procurement	\$2,147,200
36	TRAIN CNTRL CROSSOVER REHAB	Procurement	\$2,400,000
37	Euro-pay Mastercard Visa	Procurement	\$5,633,931
38	Back Office Server/Disaster Recovery	Procurement	\$2,000,000
39	BART Only Smart Card (BOSC)	Procurement	\$1,600,000
40	BHU Replacement - Phase 1	Procurement	\$3,917,822
41	UPS for Automatic Fare Collect	Procurement	\$693,178
42	BARTNET/CONTROL SYS HARDENING	Procurement	\$8,133,199
43	CCTV @ WEST OAKLAND	Procurement	\$3,430,640
44	Portable traction power substations	Procurement	\$7,600,000
45	Mobile high voltage substation	Procurement	\$3,300,000
46	FY 17 NRVE Procurement	Procurement	\$8,640,000
47	ATO YARD WHISTLE STOPS	Procurement	\$1,600,000
48	SAFETY ASSESSMENT TC SOFTWARE	Procurement	\$800,000
49	Battery Replace for TC Rooms Pt 2	Procurement	\$1,551,674
50	TRAIN CNTRL HUT REPLACE/IMP	Procurement	\$2,400,000
51	01RQ-101 - Trackwork Procurement	Procurement	\$10,000,000
52	Wheelchair Vehicle	Professional Services	\$725,000
53	On Call Construction Management	Professional Services	\$21,750,000
Other Contracts			
54	Other – A&E #1	A&E	\$37,140,480
55	Other – A&E #2	A&E	\$92,258,940
56	Other - Planning #1	Professional Services	\$5,587,923
57	Other – Planning #2	Professional Services	\$1,746,226
58	Other - TCMP DB	Design-Build	\$434,702,558
		Total	\$1,205,251,427

Base Figure: Work Types

The District’s list of projected contracts has been consolidated by procurement type to conduct Base Figure weighing. It is important to note that, five contracts were listed separately as they already have

an established contract goal (one of which is the TCMP DB contract noted earlier). This is largely due to schedule changes that moved the award of these FTA funds into the FFY20-22 triennial period. As a result, the District has taken this into account in its calculation of the Base Figure to ensure that these contracts are treated correctly in the calculation of the Base Figure and the determination of the RC/RN split.

To establish the Base Figure, BART consolidated the projected FTA funded contracts by Work Type to identify the total estimate FTA spend amount by Work Type. By doing this, BART can apply each Work Type's DBE availability during the Base Figure weighing process, creating a more accurate projection of DBE attainment for FFY20-22. BART consolidated these contracts into four Procurement Categories (A&E, Construction, Procurement, Professional Services).

Base Figure: "Other" Work Types

Expected DBE Attainment

Five contracts were not included into the four Work Type categories. These five contracts are identified as "Other" in the consolidated contract list (Table 2 below). These contracts were listed separately as they have already been advertised with an established contract goal. Therefore, to more accurately calculate the Base Figure, the District replaced the "DBE Availability" percentage for these contracts with the expected DBE attainment for these contracts based on their contract goal and historical attainment for similar contracts (the District will refer to this percentage as "DBE Availability/Attainment" throughout this narrative).

Estimate FTA Amount

The estimate FTA amount for contracts identified as Other were determined as follow:

- **Other - TCMP DB:** Based off estimated FTA funding amount provided by project team.
- **Other – A&E #1/#2:** Both contracts are on-call agreements that will have task orders issued against them throughout FFY20-22. BART reviewed past on-call A&E agreements with similar scopes, calculated the rate at which dollars were awarded, and used this rate to calculate the total amount that is expected to be awarded over FFY20-22. BART also calculated the FTA funding percentage for agreement task-orders in FFY19 and used this rate to determine the estimate FTA funding amount.
- **Other – Planning #1/#2:** Both contracts are project specific on-call planning agreements with 5-year terms. BART has not awarded similar planning agreements recently; therefore, the expected award amounts were evenly divided over the 5-year terms. BART also calculated the FTA funding percentage for agreement task-orders in FFY19 and used this rate to determine the estimate FTA funding amount.

Table 2: Work Type by DBE Availability/Attainment

Work Type	Estimate FTA Amount	DBE Availability / Expected DBE Attainment
A&E	\$54,900,000	29.82%
Construction	\$490,592,656	22.91%
Procurement	\$65,847,643	2.93%
Professional Services	\$22,475,000	11.89%
Other – TCMP DB	\$434,702,558	5.00%
Other – A&E #1	\$37,140,480	22.00%
Other – A&E #2	\$92,258,940	30.00%
Other – Planning #1	\$5,587,923	11.89%
Other – Planning #2	\$1,746,226	11.89%
Total	\$1,205,251,427	

Weighted Base Figure

As shown below in Table 3, to determine Work Type weights (percent of all work), the District summed the projected contracts by Work Type to identify the total estimate FTA amount by Work Type.

Next we divided each Work Type total by the total estimate FTA amount which resulted in the Percent of All Work for each Work Type as detailed below.

The Weighted Availability/Attainment was calculated by multiplying the Percent of All Work by the corresponding DBE Availability/Attainment percentage.

Example Calculation for A&E (as shown in Table 3):

- **Percent of All work:** $\$54,900,000 / \$1,205,251,427 = 4.6\%$
- **DBE Availability:** Based on availability identified in Disparity Study 29.82%
- **Weighted Availability:** $4.6\% \times 29.82\% = 1.36\%$

Table 3: Weighted Base Figure

Work Type	Estimate FTA Amount	Percent of All Work	DBE Availability / Expected DBE Attainment	Weighted Availability / Attainment
A&E	\$54,900,000	4.6%	29.82%	1.36%
Construction	\$490,592,656	40.7%	22.91%	9.33%
Procurement	\$65,847,643	5.5%	2.93%	0.16%
Professional Services	\$22,475,000	1.9%	11.89%	0.22%
Other – TCMP DB	\$434,702,558	36.1%	5.00%	1.80%
Other – A&E #1	\$37,140,480	3.1%	22.00%	0.68%
Other – A&E #2	\$92,258,940	7.7%	30.00%	2.30%
Other – Planning #1	\$5,587,923	0.5%	11.89%	0.06%
Other – Planning #2	\$1,746,226	0.1%	11.89%	0.02%
Total	\$1,205,251,427			15.92%

The Weighted Availability/Attainment for each Work Type were summed to obtain a Weighted Base Figure of **16%** (the percent was rounded as the District prefers an integer goal).

2. Step Two – Adjustment of the Base Figure (49 CFR § 26.45(d))

Step 2 adjustment using “Past Participation method”

The District did not use the Past Participation method to adjust the FFY20-22 Base Figure because previous contracting activity is not substantially similar due to the large TCMP DB project.

Although most of the contract scopes of work are similar to years past, the District’s FFY20-22 contracting activity is not comparable as it includes the extremely large TCMP DB project. The District reviewed the contracting environment for previous years and did not identify a design-build contract of this size. As noted earlier, TCMP DB is estimated to receive \$435M of FTA funding (36% of all estimated FFY20-22 FTA funding). This contract was previously included on the District’s FFY17-19 triennial goal setting narrative and a 5% DBE contract goal was set on this contract in early 2017. However, delays have resulted in this contract being carried over into the FY20-22 period. As a result, this uncharacteristically large design-build contract is expected to impact the District’s overall DBE attainment in FFY20-22.

Table 4: Past DBE Participation FFY16-18

FFY	Past Participation
FFY16	27%
FFY17	24%
FFY18	30%

As shown in Table 4, over the past three federal fiscal years, median past participation was 27% (FFY16). The percentage of contracting by work type varies greatly when compared to the projected contracting activity during FFY20-22, as shown in the Table 5. Most notably, design-build contracting which has not occurred in years past. Also, in FFY16 Procurement contracting was 21% of all work, which is well above the 5% of Procurement contracting that the District projects during FFY20-22. A&E is typically the Work Type the District can rely on for high DBE attainment due to the 29.82% DBE availability. As noted in Table 5, A&E contracting activity was 40% of the contracting activity in FFY16, however, the District calculates that it will only be 15% during FFY20-22.

Table 5: Contracting Activity FFY20-22

Work Type	Percent of Work	
	FFY20-22 (Projected)	FFY16
A&E	15% ²	40%
Construction	41%	36%
Procurement	5%	21%
Professional Services	3% ³	3%
Other – TCMP DB	36%	N/A

The only Work Types that are expected to be of a similar portion of work are Construction and Professional Services. However, the large variances among all other work types make the data sets substantially different; therefore, the past participation method cannot be used for adjustment purposes.

Evidence from disparity studies conducted anywhere within your jurisdiction, to the extent it is not already accounted for in your base figure (49 CFR § 26.45(d)(2)(ii))

The District reviewed Disparity Studies produced by other local transportation agencies (including CalTrans, SFMTA, and VTA). However, the District determined that all Disparity Studies reviewed were completed prior to the District’s Disparity Study (completed in 2017). Also, the jurisdictions did not have as many Procurement Types as the District or the same relevant geographic market areas as the District. No evidence was identified in these studies that was not already accounted for in the District’s study. Therefore, the District determined not to make adjustments based off of the Disparity Studies completed by other jurisdictions.

² As noted in Table 1, “Other – A&E #1” and “Other – A&E #2” are categorized as A&E contracts, therefore, they have been included in the A&E Work Type calculation for comparison purposes.

³ As noted in Table 1, “Other – Planning #1” and “Other – Planning #2” are categorized as Professional Services contracts, therefore, they have been included in the Professional Services Work Type calculation for comparison purposes.

Public Comment (49 CFR § 26.45(g)(1)(i))

Consultation with minority, women’s and general contractor groups, community organizations, and other officials or organizations (49 CFR § 26.45(g)(1)(i))

Pursuant to the regulations, the District conducted extensive outreach and public participation seeking:

1. Any information that any entity may possess that would aid in the setting of the District’s Triennial Goal
2. Input from minority, women’s and general contractor groups, community organizations, and other officials or organizations.

To engage the community and receive public comment regarding the District’s Triennial DBE goal and methodology, the District conducted a total of four face-to-face events which were open to the public. The District sought to receive information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and efforts to establish a level playing field for the participation of DBEs. As mentioned in the following sections, various agencies and members of the community were notified of these events. This includes but is not limited to, minority and women-owned business as well as small businesses. These notifications also informed the public that their comments could be sent to the District via email, mail, or fax (See Attachment A). These events were held on the following dates:

1. May 14, 2019
2. June 12, 2019
3. July 9, 2019
4. July 10, 2019

Business Outreach Committee (BOC)

On April 2, 2019, the District partnered with the BOC⁴ to conduct two face-to-face public meetings. The first meeting was a consultation meeting with Community Based Organizations (CBOs) to discuss information they may have concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and agency efforts to establish a level playing field. 173 CBOs were invited to this event.

The second meeting included a presentation to small businesses to provide information on upcoming contracting opportunities, receive input on the goal-setting process and to discuss information they may have concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and agency efforts to establish a level playing field. Public comments received can be found in Attachment B.

⁴ The BOC is a consortium of Bay Area transit and transportation agencies whose goal is to assist small and disadvantaged companies in doing business with Bay Area Transportation Agencies.

Business Advisory Council (BAC)

The District consulted with minority, women's and general contracting groups through the BAC, which also includes community organizations. The District presented the proposed Triennial DBE Goal and Methodology at the face-to-face BAC meeting April 10, 2019 and June 11, 2019. Attendees of this meeting were given opportunity to provide comment regarding the District's goal setting process. The District also notified participants that comments could be provided anonymously and could be provided after the event via email. No comments were received.

Government Agencies

The District consulted by email with various government agencies. Invites were sent to 30 agencies from around the Bay Area and State of California. Agencies invited ranged from local cities and counties to the State of California's Department of Transportation. We requested that these agencies provide comment and invited them to attend the District's Public Participation meetings. Emails were sent on May 10, 2019 and July 3, 2019. No comments were received.

Chamber of Commerce

The District consulted with the local Chamber of Commerce community by email. The email invited them to attend the District's upcoming public participation meetings, to share the meeting invite with their networks, as well as provide public comments regarding the District's triennial DBE goal setting methodology. Emails were sent on April 30, 2019 and July 3, 2019.

In order to ensure an appropriate dialogue was available, the District also engaged local Chamber of Commerce by telephone call to solicit information, feedback or offer an in-person discussion on the proposed methodology and Triennial Goal. These telephone calls were used to notify the Chamber of Commerce community of the DBE goal setting process, methodology, and answer any questions the Chambers had about this process. A diverse group of Chambers were contacted. Examples of those contacted include the Hispanic Chamber of Commerce of San Francisco and the Oakland African American Chamber of Commerce. Chambers were also invited to provide any information that they had regarding the contracting environment. These phone calls took place during the week of June 24, 2019. No comments were received.

Business Community

The District consulted with small and disadvantaged firms by email using the District's outreach data bases. In total, 1,416 firms were notified via email about the public participation meetings. The District composed an email that referenced the Triennial Goal study and notified firms that they could provide public comment via telephone, email or fax if they chose not to attend a public participation meeting. The email was sent to the firms on April 30, 2019. To solicit additional feedback, the District also contacted business associations directly via telephone calls. Examples of business associations contacted include the Association of General Contractors and the National Association of Minority Contractors.

The following persons provided public comment in response to the District:

Table 6: Comment Log (Phone Calls)

Date	Name	Company	Email	Comment
5/1/2019	John Eidinger	G&E Engineering Systems Inc	eidinger@earthlink.net	Please set the goal to hire the best qualified and most cost effective. Please provide transit service.
5/1/2019	Michelle Self	CAD Masters Inc	Michelle@cadmasters.com	Could there be a set percentage of the cost of any project that can be attributed to software and technical services? Many more and a wider variety of firms would be able to participate as small businesses if this were the case.
5/20/2019	Carroll Burdett	Silverman & Light Inc	carrollb@silvermanlight.com	Please consider adding the LGBTBE to your DBE language to increase your diversity contributions.
6/3/2019	Josephine Hughes	"Josephine's Professional Staffing, Inc.	Josephine@jps-inc.com	Notified the District of its concern that the District does not award projects with NAICS codes which align with their company.
7/5/2019	Rachael Keish	Keish Environmental	Rachael@keishenv.com	The latest research by the Society of Women Engineers (SWE) indicates that college freshmen intentions to Major in Engineering, Math, Statistics, or Computer Science are strongly gender biased as follows: <ul style="list-style-type: none"> • 2006: 18.4% (men); 3.5% (women) • 2014: 26.9% (men); 7.9% (women)
7/3/2019	Barbara Goldstein	Barbara Goldstein & Associates	barbara@artbuildscommunity.com	What didn't work for me was the paperwork -- which could take me several hours a month -- and the long wait to get paid and the uncertainty about whether I would be paid.

A published notice announcing your proposed overall goal before submission to the operating administration on August 1 (49 CFR § 26.45(g)(1)(ii))

The District published a notice regarding its overall goal on the main landing page of the Office of Civil Rights, <http://www.bart.gov/about/business/ocr>, (see Exhibit A below), from June 3, 2019, until the present.

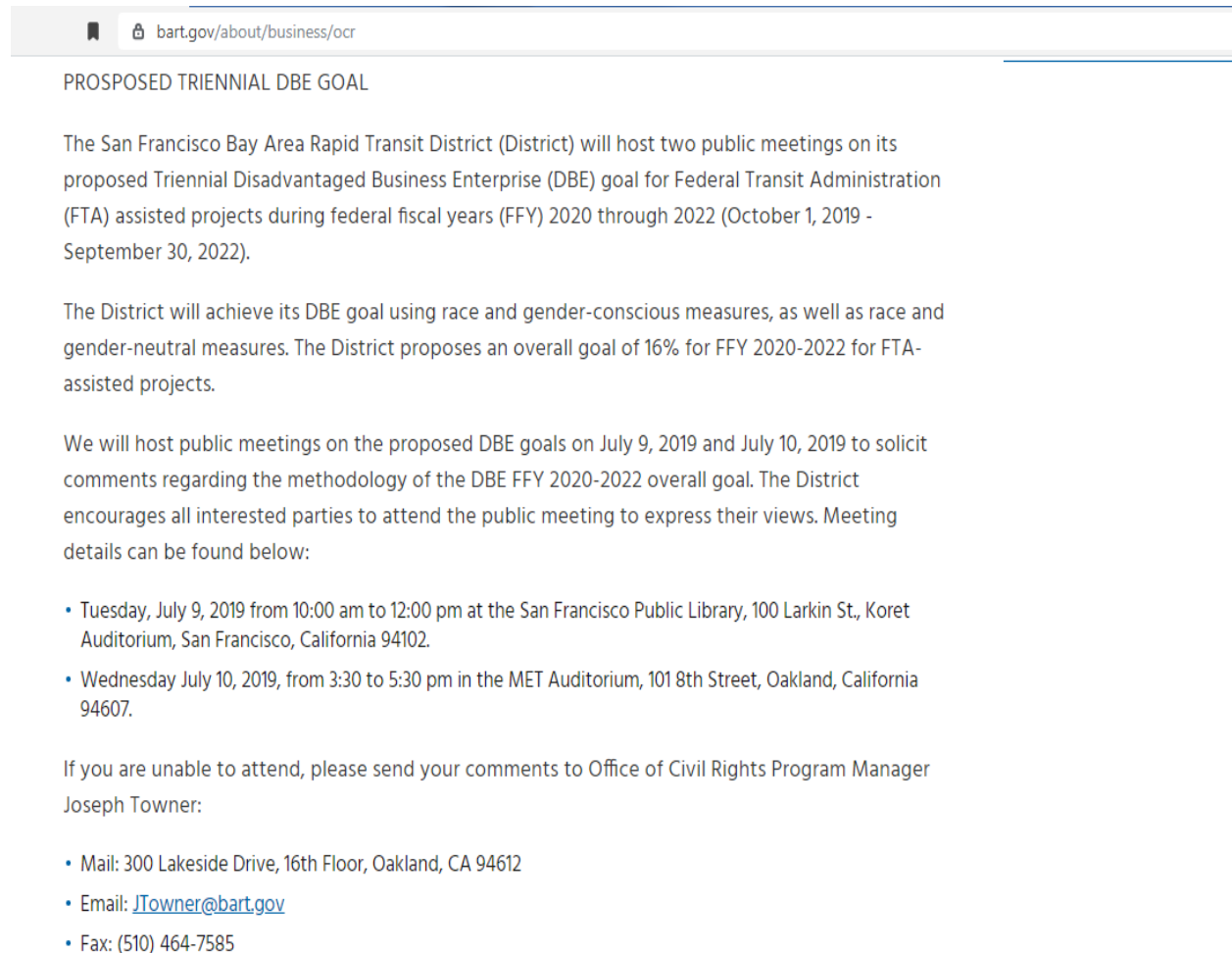
The District also published its proposed overall DBE goal in the following publications:

- The Oakland Post
- Sing Tsao
- Small Business Exchange
- El Mundo

The District received no responses from the public notice on its website and in the newspaper.

Based on the consultation and the published notice, BART does not believe that further adjustments need to be made to its Triennial Goal based on public comment. **Following the Public Comment period, the District concludes that its FFY20-22 DBE Goal is 16%.**

Exhibit A: District Public Notification on BART.gov Website (July 1, 2019)



The screenshot shows a web browser window with the address bar displaying "bart.gov/about/business/ocr". The page content is as follows:

PROPOSED TRIENNIAL DBE GOAL

The San Francisco Bay Area Rapid Transit District (District) will host two public meetings on its proposed Triennial Disadvantaged Business Enterprise (DBE) goal for Federal Transit Administration (FTA) assisted projects during federal fiscal years (FFY) 2020 through 2022 (October 1, 2019 - September 30, 2022).

The District will achieve its DBE goal using race and gender-conscious measures, as well as race and gender-neutral measures. The District proposes an overall goal of 16% for FFY 2020-2022 for FTA-assisted projects.

We will host public meetings on the proposed DBE goals on July 9, 2019 and July 10, 2019 to solicit comments regarding the methodology of the DBE FFY 2020-2022 overall goal. The District encourages all interested parties to attend the public meeting to express their views. Meeting details can be found below:

- Tuesday, July 9, 2019 from 10:00 am to 12:00 pm at the San Francisco Public Library, 100 Larkin St., Koret Auditorium, San Francisco, California 94102.
- Wednesday July 10, 2019, from 3:30 to 5:30 pm in the MET Auditorium, 101 8th Street, Oakland, California 94607.

If you are unable to attend, please send your comments to Office of Civil Rights Program Manager Joseph Towner:

- Mail: 300 Lakeside Drive, 16th Floor, Oakland, CA 94612
- Email: JTowner@bart.gov
- Fax: (510) 464-7585

3. Step Three – Race/Gender-Neutral and Race/Gender-Conscious Components of the Overall DBE Goal (49 CFR § 26.51(a))

Pursuant to (49 CFR § 26.51(a)), the District,

“must meet the maximum feasible portion of your overall goal by using race-neutral means of facilitating race-neutral DBE participation.”

As mentioned previously, the primary means of race/gender-neutral attainment for the District is in Professional Services and Architecture and Engineering (A&E). For the FFY20-22 period, less Professional Services and A&E projects are expected relative to the Construction and Procurement categories, further, as shown previously the overall contracting environment is expected to be much different than in past years. This makes it extremely difficult to use past achievement to predict future achievement.

As a result, the District calculated its projected race/gender-neutral attainment by determining how much of each Work Type’s Weighted Availability could be achieved using race/gender-neutral means based on historical attainment by category rather than in the aggregate. This method provides a more detailed view of the District’s contracting activities relative to its DBE availability. This was accomplished by following the steps below for each Work Type (A&E will be used in the example below):

A&E Race/Gender-Neutral Calculation

As shown in Table 3, the Percent of Work by DBE Availability for A&E is 1.36%. This 1.36% represents the portion of the 16% Base Figure that the District expects to attain through its A&E contracting activities during FFY20-22. To calculate the expected race/gender-neutral portion for A&E’s 1.36% (and each subsequent Work Type) the District analyzed race/gender-neutral DBE attainment on similar race/gender-neutral contracts using the following steps:

1. Identify the Availability/Expected DBE Attainment for each Work Type
 - a. As indicated in Table 2, A&E’s Availability is **29.82%**
2. Analyze comparable past contracts (with the same Work Type) to determine what percentage of the availability was attained race/gender-neutrally.
 - a. The District reviewed past A&E contracts which were race/gender-neutral. DBE attainment on these contracts supported that **100%** of A&E’s DBE Availability could be met race/gender-neutrally.
3. Multiply the corresponding Percent of Work by DBE Availability (1.36%) by the percentage of the availability that was attained race/gender-neutrally in the past (100%). The resulting number indicates the weighted race/gender-neutral DBE attainment for A&E.
 - a. $1.36\% \times 100\% = \mathbf{1.36\%}$ (Weighted race/gender-neutral attainment for A&E)
4. Complete these steps for all Work Types and sum the percentages.

As shown in the example above, historical DBE attainment supported that all DBE attainment for the District’s A&E subcontracting could be achieved race/gender-neutrally in FFY20-22. Historical data also supports that all DBE attainment for the District’s subcontracting could be achieved race/gender-neutrally on all Work Types except Construction, Procurement, Other-TCMP DB, and Other-A&E #1. These contracts are further explained below which breaks down all race/gender-neutral calculations.

Table 7: Weighted Race/Gender-Neutral Calculation

Work Type	DBE Availability / Expected DBE Attainment (A)	Expected RN DBE Availability / Expected DBE Attainment (B)	Percent of Availability/ Expected DBE Attainment to be Attained RN (C)	Weighted Availability/ Attainment (D)	Weighted RN Attainment (E)
<i>Calculations</i>			(B)/(A) = (C)		(C)/(D) = (E)
A&E	29.82%	29.82%	100%	1.36%	1.36%
Construction	22.91%	4.00%	17.46%	9.33%	1.63%
Procurement	2.93%	0.00%	0.00%	0.16%	0.00%
Professional Services	11.89%	11.89%	100%	0.22%	0.22%
Other - TCMP DB	5.00%	0.00%	0.00%	1.80%	0.00%
Other – A&E #1	22.00%	0.00%	0.00%	0.68%	0.00%
Other – A&E #2	30.00%	30.00%	100%	2.30%	2.30%
Other – Planning #1	11.89%	11.89%	100%	0.06%	0.06%
Other – Planning #2	11.89%	11.89%	100%	0.02%	0.02%
				Total Expected RN Portion:	5.58%

Work Types with Projected Race-Conscious Attainment

Procurement

The District confirmed that race/gender-neutral Procurement contracts have not attained DBE commitments in the past. Therefore, 0 percent of this Work Type is expected to be achieved using race/gender-neutral means. This is evidenced by both the extremely low DBE availability for Procurement which is 2.93% and the relatively low participation of DBEs in the District’s procurement contracting in general.

Construction

The District has not awarded a race/gender-neutral FTA funded Construction contract in many years. Therefore, the District reviewed its previous 2009 Disparity Study to identify past attainment on race/gender-neutral Construction contracts which was indicated at 4%. Therefore, the District projects that 4% of its Construction DBE commitment can be attained race neutrally.

Other – TCMP DB & A&E #1

Both Other – TCMP DB and Other – A&E #1 are contracts that have a DBE goal attached to them. Therefore, these contracts were projected to receive zero race neutral attainment since they will be awarded as race/gender-conscious contracts.

Race/Gender-Neutral Summary

The race/gender-conscious portion was calculated by subtracting the race/gender-neutral portion (rounded-up from 5.58% to 6%) from the proposed DBE goal. A summary of the (rounded) proposed goal can be found in Table 8 below.

Table 8: Proposed Goal Breakdown (FFY20-22)

Race/Gender-Neutral Goal	6%
Race/Gender-Conscious Goal	10%
Overall Goal	16%

Review of the Project Portfolio

Staff conducted an initial review of the proposed portfolio to determine, among other things, if the nature of the project portfolio was similar or discordant from prior years contracting activity. This was accomplished by conducting a holistic review of the District’s contracting activity for the past three (3) FFYs.

Most of the projected contracts for FFY20-22, reflect similar scopes of work as those the District has awarded recently. For example, the District expects to award wayfinding, traction power, train control, and accessibility contracts which are all regular scopes of work that the District routinely contracts for.

However, the nature and extent of the distribution of the FTA dollars was not like prior years. To determine this, staff reviewed prior years contracting portfolios and compared the percentage each procurement category represented of the overall portfolio to the current proposed portfolio. A summary of the breakdown of the total, estimated value of the portfolio may be seen in Table 9.

Table 9: Distribution of FTA Dollars

Work Type	FFY20-22 (Projected)	FFY18	FFY17	FFY16
A&E	15%	42%	78%	40%
Construction	41%	47%	10%	36%
Procurement	5%	5%	6%	21%
Professional Services	3%	6%	6%	3%
Other – TCMP DB	36%	N/A	N/A	N/A

As described in Table 9, TCMP DB alone represents a significant portion (greater than 30%) of the projected FFY20-22 portfolio. Staff were unable to identify a similar contracting environment after reviewing nearly a decade of contracting data as there has never been a project of a similar nature in the history of the organization and this project is a significant outlier.

Race/Gender-Neutral Support

The District also considered the impact of any initiatives on the planned RC/RN attainment. A summary of the major items is below:

Small Business Support Services (SBSS)

In 2018 the District awarded, for the first time, a multi-year contract to a consultant to the BART Office of Civil Rights to provide Small Business Support Services (SBSS). The SBSS contains both pre- and post-bid support to small businesses (including all DBEs and potential DBEs) in areas to help firms successfully prepare for, bid, win, and execute work on BART projects. This program approach has been successfully applied by the District on major capital programs such as the recently opened Warm Springs extension. At this time, the impact of the SBSS on RC/RN attainment is unknown as this is a new initiative. As a result, no adjustment to the RC/RN split due to this new program has been made. It is anticipated that BART will have greater detail on the impact(s) of the program within a year and will have full data on the success of this program and the areas impacted as the District prepares to establish its FFY23-25 Triennial Goal.

Micro Small Business Entity (MSBE) Set-Aside Contracts

For FFY20-22, the District plans to set-aside up to 10 MSBE contracts. Due to the relatively low dollar value of these contracts, no adjustment to the RC/RN split has been made.

Future

The District is committed to maintaining its disparity study on a regular basis to ensure that the data and conclusions from it remain relevant. BART has established a five (5) year cycle of updating this data to ensure this. BART currently plans to complete its 5-year update and adoption by the BART Board in FFY 22, which ensures that when the District prepares its subsequent triennial goals the data remains applicable.

In conclusion, after a thorough review of the District's projected race/gender-neutral attainment, current and future initiatives, and as a result of the unique nature the contracting environment for FFY20-22, BART does not believe that there is a basis to adjust its race/gender-neutral goal up or down from 6%. Correspondingly, the race/gender-conscious goal will remain at 10%, with an overall goal of 16%.

Outreach Management: View Outreach Campaign

Outreach Information

OUTREACH CAMPAIGN TITLE	Updated BART Triennial Goal Setting Meetings July 9 and July 10, 2019
OUTREACH SUBJECT	Updated BART Triennial Goal Setting Meetings July 9 and July 10, 2019
STATUS	Outreach complete
SYSTEM TRANSACTION NUMBER	04452660-0001
DATE CREATED	7/2/2019 6:25:55 PM

Contact Person

CONTACT PERSON	Fernando Flores
ORGANIZATION	San Francisco Bay Area Rapid Transit District
USER NUMBER	30000379-0012
EMAIL	FFlores@bart.gov
PHONE	510-464-7503
FAX	

Outreach Campaign Content

Hello,

The San Francisco Bay Area Rapid Transit District (District) will host two additional public meetings on its updated proposed Triennial Disadvantaged Business Enterprise (DBE) goal for Federal Transit Administration (FTA) assisted projects during federal fiscal years (FFY) 2020 through 2022 (October 1, 2019 - September 30, 2022).

The District will achieve its DBE goal using race and gender-conscious measures, as well as race and gender-neutral measures. The District proposes an overall goal of 16% for FFY 2020-2022 for FTA-assisted projects.

We will host public meetings on the proposed DBE goals on July 9, 2019 and July 10, 2019 to solicit comments regarding the methodology of the DBE FFY 2020-2022 overall goal. The District encourages all interested parties to attend the public meeting to express their views. Meeting details can be found below:

Tuesday, July 9, 2019 from 10:00 am to 12:00 pm at the San Francisco Public Library, [100 Larkin St., Koret Auditorium, San Francisco, California 94102](#).

Wednesday July 10, 2019, from 3:30 to 5:30 pm in the MET Auditorium, [101 8th Street, Oakland, California 94607](#).

If you are unable to attend, please send your comments to Office of Civil Rights Program Manager Joseph Towner:

Mail: 300 Lakeside Drive, 16th Floor, Oakland, CA 94612

Email: JTowner@bart.gov

Fax: (510) 464-7585

Respectfully,

BOC PUBLIC PARTICIPATION MEETING –
TRIENNIAL OVERALL DBE GOAL FFY 2020-2022

April 2, 2019 2:00PM-3:00PM

COMMENT CARD

Please use this form for comments or suggestions. Indicate general comment or for a specific agency(ies).

Firm Name: Brooke Reflex Design Collective.

Contact Name: Brooke Stator

E-mail: brooke@reflexdc.com

Phone No. 443-695-5355

Agency: _____

General Comment:

Comment/Suggestions

Hi,
Great meeting today. Given all of the conversation about collecting feedback on the process of DBE goal setting, information sharing, and visibility, we wanted to let you know that our firm facilitates multi-stakeholder design processes where we lead groups through deliberative processes through interactive workshops. We specialize in creating accessibility for underrepresented stakeholders, so please contact us if that is of interest.

Please submit your comments/suggestions to Artemise Davenport, GGBHTD, DBE Program Administrator, at adavenport@goldengate.org or via facsimile at 415-257-4555.

BOC PUBLIC PARTICIPATION MEETING –
TRIENNIAL OVERALL DBE GOAL FFY 2020-2022
April 2, 2019 2:00PM-3:00PM

COMMENT CARD

Please use this form for comments or suggestions. Indicate general comment or for a specific agency(ies).

Firm Name: AIR & LUBE SYSTEMS
Contact Name: MIGUEL MICHELTORENA
E-mail: MMICHELTORENA@AIRANOLUBE.COM
Phone No. (916) 642-7201
Agency: _____
General Comment:

Comment/Suggestions

THANKS FOR THE PRESENTATION! VERY INFORMATIVE.
- MIGUEL

Please submit your comments/suggestions to Artemise Davenport, GGBHTD, DBE Program Administrator, at adavenport@goldengate.org or via facsimile at 415-257-4555.

BOC PUBLIC PARTICIPATION MEETING –
TRIENNIAL OVERALL DBE GOAL FFY 2020-2022
April 2, 2019 2:00PM-3:00PM

COMMENT CARD

Please use this form for comments or suggestions. Indicate general comment or for a specific agency(ies).

Firm Name: Charstech Eng & Const. LLC

Contact Name: Jennifer Mariani

E-mail: jmariani@charstech-ec.com

Phone No. 510-415-5150

Agency: _____

General Comment:

Comment/Suggestions

My first BOC. Very informative.
Would like to see info beyond getting a DBE^{cert.}
helping DBE's succeed, by having workshops
in getting insurance, Strategic planning.

Please submit your comments/suggestions to Artemise Davenport, GGBHTD, DBE Program Administrator, at adavenport@goldengate.org or via facsimile at 415-257-4555.

**BOC PUBLIC PARTICIPATION MEETING –
TRIENNIAL OVERALL DBE GOAL FFY 2020-2022**
April 2, 2019 2:00PM-3:00PM

COMMENT CARD

Please use this form for comments or suggestions. Indicate general comment or for a specific agency(ies).

Firm Name: Social Dynamism
Contact Name: Candice T. W.
E-mail: _____
Phone No. _____
Agency: DBE
General Comment:

Comment/Suggestions

Informational, interested in prime partnership ops.

Please submit your comments/suggestions to Artemise Davenport, GGBHTD, DBE Program Administrator, at adavenport@goldengate.org or via facsimile at 415-257-4555.

**BOC PUBLIC PARTICIPATION MEETING –
TRIENNIAL OVERALL DBE GOAL FFY 2020-2022**
April 2, 2019 2:00PM-3:00PM

COMMENT CARD

Please use this form for comments or suggestions. Indicate general comment or for a specific agency(ies).

Firm Name: SH MECHANICAL INC
Contact Name: SEAN FRAZIER
E-mail: SEAN@SHMECHANICALINC.COM
Phone No. 707.718.0941
Agency: _____
General Comment:

Comment/Suggestions

PLEASE TRY NOT TO HAVE PLA'S ON SET ASIDE PROJECTS.

Please submit your comments/suggestions to Artemise Davenport, GGBHTD, DBE Program Administrator, at adavenport@goldengate.org or via facsimile at 415-257-4555.

**BOC PUBLIC PARTICIPATION MEETING –
TRIENNIAL OVERALL DBE GOAL FFY 2020-2022**
April 2, 2019 2:00PM-3:00PM

COMMENT CARD

Please use this form for comments or suggestions. Indicate general comment or for a specific agency(ies).

Firm Name: AE3 PARTNERS
Contact Name: KIM DIPKIN
E-mail: KIMP@ae3partners.com
Phone No. 415. 255. 5715
Agency: AU + Golden Gate Ferry
General Comment:

Comment/Suggestions

1) Can you explain which agencies require that firms be located in their respective geographical areas to be awarded contracts?

2) Golden Gate Ferry
Why is there no wifi on the ferry to Marin?

Please submit your comments/suggestions to Artemise Davenport, GGBHTD, DBE Program Administrator, at adavenport@goldengate.org or via facsimile at 415-257-4555.

BOC PUBLIC PARTICIPATION MEETING –
TRIENNIAL OVERALL DBE GOAL FFY 2020-2022
April 2, 2019 2:00PM-3:00PM

COMMENT CARD

Please use this form for comments or suggestions. Indicate general comment or for a specific agency(ies).

Firm Name: VSCE, INC.
Contact Name: ADAM GEHLERT
E-mail: agehlert@vsceinc.com
Phone No. 628-888-4583
Agency: _____
General Comment:

Comment/Suggestions

EACH AGENCY COULD IMPROVE ON THEIR ~~THE~~
METHODS FOR CONTACTING POTENTIAL ~~DBE/SUBE/DBE~~
VENDORS. TYPICAL COMMENTS FROM THESE
FIRMS ARE THAT THEY DIDNT KNOW
ABOUT UPCOMING OPPORTUNITIES.

Please submit your comments/suggestions to Artemise Davenport, GGBHID, DBE Program Administrator, at adavenport@goldengate.org or via facsimile at 415-257-4555.