



**Marin County Transit District**  
**Overall Disadvantaged Business Enterprise (DBE) Goal**  
**Federal Fiscal Years 2023-25\***

\*DBE Liaison Officer Update April 2023

**Marin Transit**  
**Overall Disadvantaged Business Enterprise (DBE) Goal**  
**for Federal Fiscal Years 2023-25**

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## Introduction

Under the requirements of the Code of Federal Regulations 49 C.F.R. Part 26.45 (Participation by Disadvantaged Business Enterprises in U.S. Department of Transportation (USDOT) Programs), Marin County Transit District developed an overall Disadvantaged Business Enterprise (DBE) goal for DBE participation from Federal Fiscal Year (FFY) 2023 through FFY 2025 in contracting opportunities that may include federal funding. Marin Transit's proposed overall DBE goal for FFY 2023-2025 is 1.63% of the federal financial assistance for FTA-assisted contracts, exclusive of contracts related to the purchase of transit vehicles.<sup>1</sup>

The regulations require federal recipients to prepare the overall goal using a two-step process. According to the *USDOT Tips for Goal Setting*, the recipient must first determine a base figure for the relative availability of certified DBEs and potentially certified Minority and Woman-owned Business Enterprises, hereafter collectively referred to as Disadvantaged Business Enterprises (DBEs), in the relevant market area. The base figure is intended to be a measurement of the current ready, willing, and able DBEs as a percentage of all businesses ready, willing, and able to perform the recipient's anticipated FTA-assisted contracts.

Next, the recipient must examine all relevant evidence to determine what adjustment, if any, is needed to the base figure in order to arrive at an overall goal. The final adjusted figure is the recipient's overall goal and represents the proportion of federal transportation funding that the recipient is expected to allocate to DBEs during the subsequent three federal fiscal years. Once the agency determines the adjusted overall goal, the process requires considering what portion of the goal will be met by race- and gender-neutral measures.

The District evaluates whether to maintain a race- and gender-neutral goal in accordance with 2005 case law<sup>2</sup> affecting federal recipients in California. A review of disparity studies will inform the recommendation.

This *Overall DBE Goal Setting Report* is based on the DBE regulations contained in 49 CFR Part 26.45, as amended, the decisions of the United States Federal Court, and the *USDOT Guidance Memorandum*. The goal identifies the relative availability of DBEs based on evidence of ready, willing, and able DBEs in relationship to all comparable businesses known to be available to compete in the Marin Transit's FTA-assisted contracts.

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<sup>1</sup> Effective February 28, 2011, the USDOT amended the DBE regulations set forth in 49 CFR Part 26 as described in the Federal Register, Volume 76, Number 22 and Vol.79 No. 221 October 2, 2014, Part II Disadvantaged Business Enterprise Program Implementation Modifications; 49 CFR Part 26 [Docket No. OST-2-12-0147]

<sup>2</sup> *Western States Paving Co. v. United States & Washington State Department of Transportation*, 407 F. 3d 983 (9th Cir. 2005).

Between April and June 2022, Marin County Transit District participated with peer Bay Area transit and transportation agencies in outreach sessions to obtain public participation and input in developing DBE goals. The overall DBE goal reflects staff's determination of the availability of DBE opportunities and the level of DBE participation expected absent the effects of discrimination.

Marin County Transit District will submit this goal methodology for FFY 2023-2025 to the Federal Transit Administration (FTA) for review. The District's recommended overall DBE goal for the period is 1.6%, which reflects the weighted base figure. The 1.6% goal will be achieved through race-neutral methods. The FTA reporting period for the recommended overall goal will be October 1, 2022 to September 30, 2025.

### **Marin Transit Federally Assisted Contract Opportunities from Fiscal Years 2023 through 2025**

Marin Transit has calculated the projected number, types of work, and dollar amounts of contracting opportunities that will be funded, in whole or in part, by U.S. DOT federal financial assistance for the three-year reporting period. Exclusive of contracts for vehicle purchases, FTA-assisted contracting opportunities for Fiscal Years 2023 through 2025 are expected to primarily consist of new fixed route operating contracts, improvements to ADA accessible bus stops, and paratransit services consulting. Additional projects may be undertaken if additional federal revenue becomes available, and Marin Transit will adjust the overall DBE goal if necessary. The anticipated contracts and purchases are listed below in **Table 1**. Note that DBE goals for Transit Vehicle Manufacturers are established through a separate FTA process.

**Table 1**

**Actual and anticipated value of FFY 2023-25 FTA-assisted contracts and percent of total amount**

<b>Project</b>	<b>Federal Dollars</b>	<b>Percent of Total</b>
Fixed Route Operations – Trunk Service	\$1,575,000	26.99%
Fixed Route Operations – Rural & Seasonal	\$2,800,000	47.97%
Landscaping	\$3,714	0.06%
Bus Shelters	\$139,285	2.39%
Concrete and Bus Stop Related Materials	\$485,577	8.32%
Bus Stop Construction	\$136,996	2.35%
Site Demolition	\$39,743	0.68%
Traffic Signal Modification	\$92,857	1.59%
Real Time Information Signs	\$50,000	0.86%
Marin Access Innovation Incubator	\$375,000	6.43%
ADA Paratransit Operations & Maintenance	\$112,500	1.93%
Vehicle Inspections	\$25,830	0.44%
<b>Total Anticipated Federal Value of New Contracts and Purchases</b>	<b>\$5,836,502</b>	<b>100%</b>

The total amount of anticipated funds available for DBE opportunities in federally assisted contracts and purchases is \$5,836,502 during the three-year reporting period. This amount excludes transit vehicle purchases.

### **Overall DBE Goal Methodology**

The overall goal is expressed as a percentage of the total amount of U.S. DOT funds Marin Transit anticipates expending in the three forthcoming fiscal years. As described below, Marin Transit used a two-step process to establish the overall DBE goal.

#### **Step 1: Compute Base Figure**

As specified in 49 CFR 26.45(c), Marin Transit developed a base figure to determine the relative availability of DBEs to perform work on the anticipated contracts and purchases. The formula for calculating the relative availability of DBEs for each project is:

$$\text{Base figure} = \text{Ready, willing, and able DBEs} / \text{divided by} \\ \text{All firms ready, willing and able (including DBEs and non-DBEs)}$$

Based on guidance from FTA and the U.S. DOT Office of Small and Disadvantaged Business Utilization, Marin Transit computed a weighted base figure that considers the relative size of the anticipated contracts.

The weighted base figure was developed by:

1) Using the **2022** California Unified Certification Program Directory to identify the number of registered DBEs willing to perform work in Marin County Transit District's market area for each of the anticipated procurements, based on the NAICS (North American Industry Classification System) code(s) most relevant to each contract or purchase. Marin County Transit District's market area is determined based on where the substantial majority of bidders are located, as documented in the District's Bidders List. For the purposes of the DBE goal, the market area is defined as the San Francisco–Oakland–Hayward, CA Metropolitan Statistical Area (MSA) combined with the Santa Rosa, CA Metro Area MSA. This combined area includes six counties: Alameda, Contra Costa, Marin, San Francisco, San Mateo, and Sonoma Counties. The number DBEs in the market area, by NAICS code, is listed in **Table 2**.

2) Using **2019** County Business Patterns (CBP) data from the U.S. Census Bureau to identify the total number of businesses available in Marin County Transit District's market area for work on each contract, based on the same NAICS codes. This data was released on April 19, 2018. **Table 2** lists the number of businesses in the market area, by NAICS code.

3) Dividing the number of DBEs by the number of all businesses to determine the relative availability of DBES in the market area for each contract and weighted for contracts with more than one identified work category. The proportion of DBEs available by each procurement type is listed under "% DBE" in **Table 3**.

**Table 2: Data on Availability of DBEs and Businesses for Anticipated Contracts by NAICS Code**

Anticipated Contracts	NAICS Code	Available Businesses in the CBP	# of Registered DBEs <sup>1</sup>
Fixed Route Operations – Trunk Service	485113-Bus & Other Motor Vehicle Transit Systems	11	0
Fixed Route Operations – Rural & Seasonal	485210-Interurban & Rural Bus Transportation	9	0
Landscaping	561730-Landscaping	1,403	17
Bus Shelters	332311-Portable Buildings, Prefabricated Metal, Manufacturing	5	0
Concrete and Bus Stop Related Materials	238110-Poured Concrete Foundation & Structure	224	31
Bus Stop Construction	237310-Highway and Street Construction	121	79
Site Demolition	238910-Site Preparation and Demolition	358	46
Traffic Signal Modification	334290-Other Communications Equipment Manufacturing	6	1
Real Time Information Signs	334220-Radio & Television Broadcasting & Wireless Communications Equipment Manufacturing	22	4
Marin Access Innovation Incubator	624120-Services for the Elderly and Disabled	673	0
ADA Paratransit Operations & Maintenance	485991-Special Needs Transportation	50	0
Vehicle Inspections	811198-All Other Automotive Repair and Maintenance	135	0
Notes:			
1) Available Business in Six County Business Census Patterns (Two MSA's Combined) by NAICS Code			
2)Based on DBEs in California Unified Certification Program			

**Table 3** extracts all the NAICS codes from the anticipated projects and identifies the proportion of DBEs available to work in Marin County using the CUPC database of DBEs and the data from U.S. Census County Business Patterns for the two Metropolitan Statistical Areas by code.

**Table 3: Relative Availability by NAICS Code for FFY 2023-25**

NAICS	Description	Available Businesses in the CBP	Available DBEs	DBE% of Available Businesses by NAICS
485113	Bus & Other Motor Vehicle Transit Systems	11	0	0.00%
485210	Interurban & Rural Bus Transportation	9	0	0.00%
561730	Landscaping	1403	17	1.21%
332311	Portable Buildings, Prefabricated Metal, Manufacturing	5	0	0.00%
238110	Poured Concrete Foundation & Structure	224	31	13.84%
237310	Highway and Street Construction	121	79	65.29%
238910	Site Preparation and Demolition	358	46	12.85%
334290	Other Communications Equipment Manufacturing	6	1	16.67%
334220	Radio & Television Broadcasting & Wireless Communications Equipment Manufacturing	22	4	18.18%
624120	Services for the Elderly and Disabled	673	0	0.00%
485991	Special Needs Transportation	50	0	0.00%
811198	All Other Automotive Repair and Maintenance	135	0	0.00%
<b>Total</b>		<b>3017</b>	<b>178</b>	<b>5.90%</b>

**Table 4** aggregates anticipated contract expenditures by NAICS code identified for contracting and possible subcontracting opportunities. The table assigns both a proportionate dollar amount for each code and a percentage of the total anticipated estimate of federal dollars.

**Table 4: Summary of Anticipated Dollar Amounts by NAICS Code**

NAICS	Description	Anticipated Contract Dollars	% of Total
485113	Bus & Other Motor Vehicle Transit Systems	\$1,575,000	26.99%
485210	Interurban & Rural Bus Transportation	\$2,800,000	47.97%
561730	Landscaping	\$3,714	0.06%
332311	Portable Buildings, Prefabricated Metal, Manufacturing	\$139,285	2.39%



238110	Poured Concrete Foundation & Structure	\$485,577	8.32%
237310	Highway and Street Construction	\$136,996	2.35%
238910	Site Preparation and Demolition	\$39,743	0.68%
334290	Other Communications Equipment Manufacturing	\$92,857	1.59%
334220	Radio & Television Broadcasting & Wireless Communications Equipment Manufacturing	\$50,000	0.86%
624120	Services for the Elderly and Disabled	\$375,000	6.43%
485991	Special Needs Transportation	\$112,500	1.93%
811198	All Other Automotive Repair and Maintenance	\$25,830	0.44%
<b>Total</b>		<b>\$5,836,502</b>	<b>100%</b>

The Base Figure is derived by dividing the number of ready, willing, and able DBE firms identified for each work category by the number of all firms identified for each corresponding work category (relative availability), weighting the relative availability for each work category by the corresponding work category weight from **Table 4** (weighted ratio), and adding the weighted ratio figures together.

$$\text{Base Figure} = \frac{\sum (\text{Number of Ready, Willing, and Able DBEs}) \times \text{Weight}}{\text{Number of All Ready, Willing, and Able Firms}} \times 100$$

**Table 5: \_Weighted-Base Figures for FTA-Assisted Contract Expenditures FFY 23-25**

NAICS	Industry Description	NAICS Base Figure	% Total Expenditures	Weighted Base Figure
485113	Bus & Other Motor Vehicle Transit Systems	0.00%	26.99%	0.00%
485210	Interurban & Rural Bus Transportation	0.00%	47.97%	0.00%
561730	Landscaping	1.21%	0.06%	0.00%
332311	Portable Buildings, Prefabricated Metal, Manufacturing	0.00%	2.39%	0.00%
238110	Poured Concrete Foundation & Structure	13.84%	8.32%	1.15%
237310	Highway and Street Construction	65.29%	2.35%	1.53%
238910	Site Preparation and Demolition	12.85%	0.68%	0.09%
334290	Other Communications Equipment Manufacturing	16.67%	1.59%	0.27%
334220	Radio & Television Broadcasting & Wireless Communications Equipment Manufacturing	18.18%	0.86%	0.16%
624120	Services for the Elderly and Disabled	0.00%	6.43%	0.00%
485991	Special Needs Transportation	0.00%	1.93%	0.00%
811198	All Other Automotive Repair and Maintenance	0.00%	0.44%	0.00%
<b>Total</b>			<b>100%</b>	<b>3.19%</b>

As shown in **Table 5** above, the **Weighted Base Figure** is equal to the sum of the **Weighted Ratios** for all NAICS Work Categories and is calculated at 3.19%.

## Step 2: Adjust Base Figure

Per 49 CFR 26.45(d), following calculation of a base figure, all available evidence must be examined to determine what adjustment, if any, is needed to the base figure to arrive at the overall DBE goal. The primary form of evidence available is the past participation of DBEs in Marin Transit contracting.

### **Bidders' List - Section 26.45(c.3)**

Marin Transit maintains a Bidder's list as set forth in 49 CFR Part 26.11 of bidders for its federal and non-federally assisted projects. Marin Transit has reviewed this list and determined that the data derived from this list substantiates the market area for contractors, including DBE contractors, as outlined above.

### **Sources from Organizations and Institutions - Section 26.45(g.1)**

Directly and through the Business Outreach Committee, Marin Transit communicates with various contractor associations, minority business associations, and the DBE and SBE business communities in general.

### **Applicability of Disparity Studies**

In developing the FFY 2023-25 DBE goal, Marin Transit staff reviewed two disparity studies. Findings from the Caltrans and SFMTA studies are described below. In both cases, the size and nature of their projects differ significantly from Marin Transit's projects. Marin Transit will consider the findings of these and future disparity studies in the conduct of its DBE participation program, including outreach and education activities with the Bay Area Business Outreach Committee, to ensure access to bid opportunities for all eligible MBE/WBE's.

Caltrans commissioned an FTA Disparity Study in July of 2020. The study was completed in August 2021. The study found that minority-and woman-owned businesses participation in transit-related contracts that Caltrans and subrecipient local agencies awarded during the study period was substantially lower than what one might expect based on the availability of those businesses for that work. Results did vary substantially across individual groups as follows:

- Five groups exhibited disparity indices substantially below parity: Asian Pacific American-owned businesses, Black American-owned businesses, Hispanic American- owned businesses, Native American-owned businesses, and Subcontinent Asian American-owned businesses.
- Non-Hispanic white woman-owned businesses did not exhibit a disparity on all Caltrans and subrecipient local agency contracts considered together.

The Caltrans study also analyzed the results separately for transportation-related construction and professional services contracts. It found overall that minority-and woman-owned businesses participation was higher in construction work than in professional services work.

San Francisco Transportation Authority (SFMTA) completed a disparity study in early 2016. The SFMTA marketplace for construction and related goods contracts consists of four Bay Area counties (San Francisco, Alameda, San Mateo, and Santa Clara) and Los Angeles County. SFMTA's marketplace for professional services contracts are the same four Bay Area counties of San Francisco, Alameda, San Mateo, and Santa Clara. Marin Transit's market area includes the North Bay and does not include Santa Clara or Los Angeles Counties.

The SFMTA Disparity Study's findings include:

- SFMTA's race/gender-neutral measures appear to be effective for Minority-owned businesses (MBEs) in construction and professional services contract categories with two exceptions.
- Evidence supports a conclusion that race-neutral measures have not assisted Black American construction contractors to participate fully and equitably in SFMTA federally assisted construction contracts.
- Women-owned businesses (WBEs) are substantially underutilized on SFMTA FTA-funded contracts, whether WBEs participate as prime contractors or subcontractors in either construction or professional services contract categories, inclusive of goods.

Marin Transit will continue to participate in the DBE research, educational, and outreach activities with its San Francisco Bay Area peers in the Business Outreach Committee. Marin Transit will monitor its current and future procurements to identify possible trends in DBE participation, progress in meeting its race neutral goal, and determine whether a race conscious goal is needed in the future.

### **Historic DBE Participation in Marin Transit Contracts**

Marin Transit became a direct federal recipient in 2013. The District has had a limited number of federally assisted contracts.

The District submitted its third DBE goal and methodology to FTA in August 2019 for FFY 2020-2022, with an identified a DBE goal of 3.3 percent. Marin Transit's largest federally supported procurement for FFY 2020-22 was the issuance of an ADA Paratransit Operations and Maintenance contract.

The remaining projects for FFY 20-22 primarily consisted of highly specialized equipment purchases for new buses: fareboxes, on-board camera systems, driver radios, automated vehicle location systems, and regional electronic smart card readers. These are consistent with current equipment technologies and systems at the local Marin Transit and regional level. Two other projects required highly specialized skills and experience: a Travel Navigator program so support mobility management and information technology to support the paratransit program.

There is DBE participation in Marin Transit's rural 5311 contract through a subcontract, which the District has historically reported to Caltrans. Beginning April 1, 2020, Caltrans agreed to allow Marin Transit to report its DBE participation in a

Section 5311 supported contract directly to FTA for FFY 20-22. Marin Transit expects to continue this practice for the FFY 23-25 period.

The District’s experience with efforts to secure DBE participation in professional services contracts consists of the general engineering services contract and paratransit operations contract. Marin Transit encouraged bidders on both contracts to assist the District in meeting its 3.3% overall DBE goal. After extensive efforts to reach out to DBEs, the successful bidders were able to identify and subcontract with six certified DBE businesses as identified in Table 6.

**Table 6: DBE Business Contracted with in FFY 2020-22**

<b>DBE Firm</b>	<b>Service Provided</b>	<b>Contract</b>	<b>% of Contract</b>
Geocadd	Aerial Surveys	General Engineering Services	1.0%
Monument ROW	Real Estate Right of Way	General Engineering Services	5.0%
PARIKH Consultants, Inc.	Geotechnical Engineering	General Engineering Services	1.0%
Pennino Design Group	Construction Management	General Engineering Services	7.5%
CAPP Uniform Services	Uniforms	Paratransit Operations	0.05%
LJ's Cleaning Solutions, Inc.	Janitorial	Paratransit Operations	0.30%

In the US DOT Tips for Goal Setting in the Disadvantaged Business Enterprise Program, page 7 suggests that an agency can make a Step 2 adjustment by averaging the base figure with the past median DBE participation.

Excluding the rural 5311 program reported to Caltrans, the DBE participation rate in Marin Transit’s federally assisted contracts is based on the proportion of new federally assisted contracts awarded to DBEs during FFY 2020-22 as follows:

- FFY 2020: 0.06%
- FFY 2021: 0.30%
- First half of FFY 2022:0%

Using the method in the *Tips for Goal Setting*, the median of .06% percent is the historic participation rate in federally supported procurements. An adjusted goal would be determined in the following formula:

1. FFY 2023-25 Base Figure = 3.19%
2. Median Past Participation = .06%
3. Adjustment Factor = (3.19%) +(.06%) divided by 2 = 1.63%

## **Consideration of an Adjusted Overall DBE Goal for FFY 2023-25**

Marin County Transit District has concluded that the 3.19 percent figure should be adjusted. This is based on the Step 2 analysis; experience with DBE participation in the District's general services contract (GES) and paratransit operations contract.

The District's experience with efforts to secure DBE participation in its contracts include the on-call general engineering services (GES) contract and paratransit operations contract. In these procurements, Marin Transit encouraged bidders to assist the District in meeting its 3.3 percent overall DBE goal. After extensive efforts to reach out to DBEs, the successful GES bidder was able to identify and subcontract with four consultants for approximately 14.5 percent of the total value of anticipated funding. The successful paratransit operations bidder was able to identify and contract with two companies for approximately .35% of the total value of anticipated funding.

### *FFY 23-25 Procurements and DBE Opportunities*

In FFY 2023-25, anticipated federally funded contract awards are for fixed route service, ADA bus stop improvements, paratransit planning consulting services, and vehicle inspections.

Marin Transit's DBE officer has identified three possible areas for unbundling the operations contracts: uniforms, information technology support, and janitorial services. Marin Transit's DBE officer has identified four possible areas for unbundling the ADA Bus Stop Improvements project: professional services, materials, demolition, and landscaping.

## **Use of Race-Neutral Methods and DBE Contract Goals**

The U.S. DOT regulations require that race-neutral methods be used to the maximum extent feasible to achieve the DBE overall goal. Race-neutral methods include making efforts to assure that bidding and contract requirements facilitate participation by DBEs and other small businesses; unbundling large contracts to make them more accessible to small businesses; encouraging prime contractors to subcontract portions of the work that they might otherwise perform themselves; and providing technical assistance, communications programs, and other support services to facilitate consideration of DBEs and other small businesses.

Because of the emphasis on race-neutral methods, Marin County Transit District does not propose to set contract-specific DBE goals on FTA-assisted contracts to be awarded in Federal Fiscal Year 2023 through Fiscal Year 2025. Instead, the District will focus on developing race-neutral methods for facilitating DBE participation. The District will advise prospective contractors of areas for possible subcontracting, and of the availability of ready, willing, and able subcontractors, including DBE firms, to perform such work. The District will carefully monitor its progress during the year and may establish contract-specific goals if race-neutral methods do not appear sufficient to achieve the overall DBE participation goals for Federal Fiscal Year 2023

through Fiscal Year 2025. It is anticipated that the DBE goal for FTA-assisted contracts will be achieved through race-neutral methods.

### **Public Participation in Setting the Overall DBE Goal**

Under 26.45(g), Marin Transit participates in various professional services and/or construction outreach and assistance events throughout the year. Marin Transit is a member of the Business Outreach Committee (BOC) a group of 38 transit and transportation agencies located in the San Francisco Bay Area that includes BART, SFMTA, Caltrans, Golden Gate Bridge, Highway and Transportation District, SamTrans/JPB, AC Transit, Alameda CTC, Sonoma County, Central Contra Costa Transit Authority, the Metropolitan Transportation Commission, and other smaller agencies.

The BOC held a joint online community-based organization and public participation meetings on June 7, 2022 to receive comments pertinent to the FFY 2023-2025 goal-setting processes. Six member agencies presented their upcoming procurements along with other opportunities projected for FFY 2023 and beyond, and members of the public were given opportunities to provide comments. The purpose of these sessions was to obtain input in the goal-setting process, specifically on the availability of ready, willing, and able DBEs relative to all businesses ready, willing, and able to compete for U.S. DOT-assisted contracts.

The BOC conducted the consultation meeting and public participation sessions to provide information about the DBE program applicable to U.S. DOT-funded contracts, and to obtain pertinent input from businesses and organizations that are most impacted by the DBE goals established for U.S. DOT-assisted contracts.

The BOC and other participating agencies disseminated copies of a notice inviting representatives of various groups, organizations, and agencies to attend the public participation session. These included minority, women's and general professional and trade organizations, and other organizations that could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the District's efforts to establish a level playing field for the participation of DBEs.

Copies of the notice were emailed in May 2022 to disadvantaged, minority, and women-owned businesses and to over 190 general contractor groups and community organizations. These organizations are knowledgeable about the availability of disadvantaged and non-disadvantaged businesses and the effects of discrimination on contracting opportunities for DBEs. In the North Bay, these organizations include the Marin Small Business Development Center, North Bay Black Chamber of Commerce, Hispanic Chamber of Commerce of Marin, the Chambers of Commerce for individual Marin Cities and Towns, and the North Coast Builders Exchange.

The session provided information about the goal DBE goal setting process, including history of the DBE legal environment and explanation of the data used in goal

calculation. The session also provided information about the availability of certified and potential DBEs willing and able to compete for DOT-assisted contracts, an opportunity to discuss their concerns, and perspectives on how DOT recipients might more effectively administer their programs to improve DBE participation. During the public participation session, BOC member agencies discussed their respective DOT-assisted contracting opportunities projected for FFY 2023, and a forecast of contracting opportunities through FFY's 2023/2024 and 2024/2025.

104 firms registered and 59 firms attended the June 7, 2022, public participation meeting, many emphasizing the need for more outreach to the DBE community and for additional notification about upcoming procurement activities. Concern was also expressed regarding the efficacy and methodology of the Federal DBE program. Questions and comments included:

- Multiple statements and comments that the DBE goals and certification processes are complicated, regressive, ineffective, and in need of change. A congressional review is needed to address racial disparities in the FTA procurement processes.
- Request to the panelists to address availability and effectiveness of DBE certification mentor / protege programs at their respective agencies.
- Across all agencies, why are the goals so low? Low goals are discouraging to DBEs and an impediment to participation in the program. Goals should be over 20%. Less than 10% will discourage DBEs and lead to reduced participation.
- Comment that DBE certification is costly in terms of time commitment necessary to prepare documents and attend public outreach meetings. The costs yield unsustainable returns on investment in terms of new business.
- Scheduling of public DBE outreach meetings should take into consideration smaller mom-and-pop businesses that find it challenging to attend meetings during regular business hours; daytime meeting attendance will be low because small businesses do not have sufficient staff to both run their businesses and attend meetings.
- Funding is needed to allow transit agencies to hire more staff dedicated to DBE outreach, education, and mentor programs.
- Dismal results of disparity studies are not sufficiently considered during the goal setting process in a way that will increase DBE participation.
- Positive DBE participation outcomes in individual FTA funded projects should be highlighted on social media as a means to attract greater DBE participation.
- Staff at the agency level need to innovate new ways to put DBEs in contact with prime contractors and advocate for DBEs with their respective boards and other stakeholders.
- Please include specific NAICS codes in RFPs.
- Is it possible to have the NAICS code assigned to my business changed or re-evaluated?
- Caltrans has minor contracts and emergency contracts that are often smaller in size dollar wise. Do the panel agencies have similar sized projects that may be more accessible for DBEs to prime on?
- Transit staff need more agency to respond immediately to feedback from Caltrans, DBEs, internal stakeholders and the FTA.

Additional comments included requests to improve notification of upcoming opportunities a general lack of effectiveness of the DBE program.

The BOC advised the participants that it holds quarterly events, such as networking sessions, insurance and bonding, how to get certified, etc. The BOC issues a quarterly newsletter with upcoming contracting opportunities, helpful hints on how to respond to bids, information on no-cost educational courses, and contact information for each BOC member's DBE Liaison and/or Contract Administrators.

On June 16, 2022, Marin Transit posted a Public Notice of the availability of the proposed revised DBE goal methodology in English and Spanish, with a link to this document, for public review and comment on the District's website at [www.marintransit.org](http://www.marintransit.org). The notice also informs the public that the proposed goal and rationale are available for inspection during normal business hours for 30 days following the date of the Public Notice.

## **Conclusion**

Marin Transit has prepared this goal setting and methodology report for submission to FTA, in compliance with the procedures outlined in 49 CFR Part 26, as amended, requiring DOT grantees to establish a DBE overall goal as a percentage of all FTA funds expected to be expended in the three forthcoming federal fiscal years. A 1.63% DBE overall goal has been established for all FTA-funded contracts anticipated to be awarded for FFY 2023-2025.

Marin Transit will monitor progress on the DBE overall goal by tracking each individual contract throughout the term of the contract for DBE participation and payments respective to the federal fiscal year of award.

Interested parties are encouraged to submit comments to:

Cliff Cortes, DBE Liaison Officer  
Marin County Transit District  
711 Grand Avenue, Suite 110  
San Rafael, CA 94901

Or

Federal Transit Administration, Region IX  
Attention: Civil Rights Officer  
San Francisco Federal Building  
90, 7th Street, Suite 15-300



San Francisco, CA 94103

## Attachment 1

### Public Notice Disadvantaged Business Enterprise (DBE) Goal For Federal Fiscal Years 2023-2025

In accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26, Marin County Transit District announces its proposed goal over the following Federal Fiscal Years 2023, 2024, and 2025 goal of 1.63% for DBE participation on contracts assisted by the Federal Transit Administration (FTA).

The proposed goal and its rationale are available for public review for the next 30 days during normal business hours from 8:30 a.m. to 5:00 p.m., Monday through Friday, at the offices of Marin County Transit District, 711 Grand Avenue, Suite 110 in San Rafael, CA 94901, and on our web page at [www.marintransit.org/purchasing.html](http://www.marintransit.org/purchasing.html).

Written comments will be accepted by Marin County Transit District and FTA for 30 days following publication of this notice. The District's Federal Fiscal Year 2023-2025 goal may be adjusted by any comments received.

Interested parties are encouraged to submit comments to:  
Cliff Cortes, DBE Liaison Officer  
Marin County Transit District  
711 Grand Avenue, Suite 110  
San Rafael, CA 94901

Comments may also be submitted to the Federal Transit Administration, Region IX, Attention: Civil Rights Officer, San Francisco Federal Building, 90, 7th Street, Suite 15-300, San Francisco, CA 94103.

### **Empresa Comercial en Desventaja (DBE) meta de Marin Transit para los años fiscales 2023-2025**

De acuerdo con las regulaciones del Departamento de Transporte de los EE. UU. (DOT), 49 CFR Parte 26, el Distrito de Tránsito del Condado de Marin (Marin Transit) anuncia su objetivo propuesto para los siguientes Años Fiscales Federales 2023, 2024 y 2025 objetivo de 1.63% para la participación de DBE en contratos asistidos por la Administración Federal de Tránsito (FTA).

La meta propuesta y su justificación están disponibles para revisión pública durante los próximos 30 días durante el horario laboral normal de 8:30 a. m. a 5:00 p. m., de lunes a viernes, en las oficinas del Distrito de Tránsito del Condado de Marin,

711 Grand Avenue, Suite 110 en San Rafael, CA 94901, y en nuestra página web en **[www.marintransit.org/purchasing.html](http://www.marintransit.org/purchasing.html)**.

El Distrito de Tránsito del Condado de Marin y la FTA aceptarán comentarios por escrito durante los 30 días posteriores a la publicación de este aviso. La meta del año fiscal federal 2023-2025 del Distrito puede ajustarse por cualquier comentario recibido.

Se anima a las partes interesadas a enviar comentarios a:

Cliff Cortes, DBE Liaison Officer  
Marin County Transit District  
711 Grand Avenue, Suite 110  
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Los comentarios también pueden enviarse a la Administración Federal de Tránsito, Región IX, Atención: Oficial de Derechos Civiles, Edificio Federal de San Francisco, 90, 7th Street, Suite 15-300, San Francisco, CA 94103.

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