

**Fiscal Years 2022-2024
Overall Goal for
Disadvantaged Business Enterprise
Participation in Federal Transit Administration
Assisted Programs
(Including Goal Setting Methodology)**

Prepared by
Golden Empire Transit District (GETD)
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Adopted by
GET Board of Directors
August 17, 2021

Submitted to
U.S. Department of Transportation
Federal Transit Administration
San Francisco, California
August 1, 2021

GOLDEN EMPIRE TRANSIT DISTRICT
OVERALL DBE GOAL FOR FFYS 2022-2024

I. EXECUTIVE SUMMARY

The U.S. Department of Transportation (DOT) prescribes its Disadvantaged Business Enterprise (DBE) program and requirements for recipients of Federal funds from DOT in the Code of Federal Regulations (CFR) Title 49, Part 26 (Regulations). Specific instructions are found in Section 26.45 entitled “How do recipients set overall goals.”

As a recipient of DOT financial assistance via the Federal Transit Administration (FTA), Golden Empire Transit District (GETD) has established a recommended overall DBE goal for FYs 2022-2024 of 3.86% based on all FTA-assisted contracting funds anticipated to be awarded between October 1 - September 30.

The goal is based on demonstrable evidence of the availability of ready, willing and able DBE’s relative to all businesses ready, willing and able to participate in our FTA-assisted contracts. The overall goal reflects GETD’s determination of the level of DBE participation expected to be achieved absent the effects of discrimination. GETD intends to meet this goal to the maximum extent feasible through race-neutral measures and does not intend to establish specific goals for any contracts unless needed.

II. DBE GOAL FOR FY 2022-2024

The proposed **overall DBE Goal for FY 22-24 is 3.86%**. The goal applies to FTA-funded contracts awarded by GETD from October 2021 through September 30, 2024. The analysis described herein indicated the proposed goal of 3.86% could be achieved entirely through race and gender neutral measures. In accordance with the decision by the U.S. Court of Appeals, USDOT recipients in the Ninth Circuit in *Western States Paving Company v. United States and Washington State Department of Transportation*, USDOT recipients in the Ninth Circuit, which includes California, cannot consider the use of race or gender conscious goals unless a finding of statistically significant disparity (disparity study) has been made for the ethnic and gender groups to be included in the race or gender conscious goal. GETD has not conducted a disparity study and, therefore, did not consider the use of a race or gender conscious goal as part of the overall goal. However, based on the results of the analysis described in sections IV and V of this report, GETD believes it can achieve the weighted goal figure calculated in Step One entirely through race and gender neutral measures. A summary of disparity studies conducted by Caltrans and the Los Angeles County Metropolitan Transportation Authority is provided in section V of this report.

III. METHODOLOGY FOR SETTING THE OVERALL DBE GOAL

As noted in Section I (Executive Summary), the DBE goal was calculated using the two-step process described in the “Tips for Goal Setting” guidance provided by USDOT. The two-step process for calculating the overall DBE goal is to:

- Step 1: Calculate a base figure to determine the relative availability of DBE’s and
- Step 2: Adjust the base figure if necessary.

The DBE Directory and Census Data method was used to calculate the base figure of the relative availability of DBEs to perform the types of contracts that GETD intends to do. A detailed description of the methodology used in Step One and associated calculations and assumptions are provided in Section IV. In Step Two, past DBE participation and projects from previous years in relation to projects proposed in **FYs 22-24** was utilized to determine if the base figure should be adjusted. A description of this analysis conducted for Step Two is provided in Section V.

Determination of Local Market Area

Bakersfield is located in California’s 23 Congressional District, which is represented by Kevin McCarthy. Bakersfield is a significant hub for both agriculture and oil production. Industries included in this area are natural gas and other energy extraction Aerospace, mining petroleum refining and food processing. Although the region hosts abundant green and leafy vegetation due to the hydrology of the Tulare Basin, Bakersfield has a hot desert climate with long, hot, dry summers and brief cool slightly moist winters.

Local market area where a majority of our contractors and subcontractors come from District 6 which includes Madera, Fresno, Tulare, Kings and Kern Counties.

The boundaries of the local market area is determined by examining the area in which the substantial majority of the contractors and subcontractors that are more likely to submit bids for the type of projects that will be performed in the upcoming years.

List of Anticipated Projects
FY 2022-2024

FEDERAL GRANTS WITH FY 21-2023 CONTRACTING OPPORTUNITY

Project	Antic. Federal Grants FY 22-24 Capital & Planning	3-Yr Total Maintenance & Planning	Amount with Contracting Opportunity	Relative Weight
A	B	C	D	
Permanent Hydrogen Infrastructure	\$3,048,000		\$3,048,000	0.79624
Bus Stop Improvements (including shelters, amenities, etc.)	\$64,000		\$64,000	0.01672
Electronic Dynamic Signs	\$240,000		\$240,000	0.06270
Primary and secondary firewalls	\$36,000		\$36,000	0.00940
TOTALS	\$3,388,000		\$3,388,000	

PLANNING GRANTS

Transit Planning & Programming				
Relocation study downtown & Southwest (Consulting Services)	\$240,000		\$240,000	0.06270
Environmental study for East Bakersfield transit center (Consulting Services)	\$200,000		\$200,000	0.05225
TOTALS	\$440,000		\$440,000	

SUMMARY

Capital Totals	\$3,388,000		\$3,388,000	
Planning Totals	\$440,000		\$440,000	
TOTALS	\$3,828,000		\$3,828,000	

Table 2: Procurement Opportunities, NAICS and Availability of Ready Willing and Able Firms (DBEs and Non-DBE's) for Years 2022-2024

Procurement Opportunities	NAICS	DBE FIRMS	ALL FIRMS	Availability of DBE divided by All Firms
Industrial Gas Manufacturing	325120	0	1978	0.00000
Bus Stop Improvements (including shelters, amenities, etc)	236220	20	660	0.03030
Data Processing, Hosting, and Related Services	518210	50	1355	0.03690
Software Publishing	511210	6	9	0.66667
Software Publishing	511210	6	9	0.66667
Administrative Management and General Consulting Services	541611	102	202	0.50495

Goal Calculation	Relative Value	Availability	Relative Value x Availability
	0.79624	0.00000	0
	0.01672	0.03030	0.000506634
	0.06270	0.03690	0.002313503
	0.00940	0.66667	0.006269592
	0.06270	0.66667	0.041797283
	0.05225	0.50495	0.026381949
			0.077268961

7.72 % / 2 = 3.86% Goal Step 1

IV. STEP ONE – BASE FIGURE CALCULATION

The purpose of Step One is to determine what percentage of DBEs represents all firms that are ready, willing, and able to compete for USDOT-assisted contracting. This percentage is calculated by dividing the number of DBEs ready, willing and able to bid for the types of work to be funded during a three-year period, by the number of all firms (DBEs and non-DBEs) ready, willing and able to bid for the types of work to be funded during the same three-year period. The calculation is summarized in the equation below.

$$\text{Step One-Base Figure} = \frac{\text{Ready, Willing and Able DBEs}}{\text{All Firms Ready, Willing and Able (Including DBEs and non-DBEs)}}$$

To complete the calculation, the first item of work was to develop a list of contracts that GETD intends to do in **FYs 22-24**. This list of anticipated projects/contracts is provided, the total of 6 anticipated contracts were identified the total \$3,828,000.

Data Sources and Assumptions

The DBE firms that are ready, willing and able to perform the anticipated work were identified using the California Unified Certification Program (CUCP) Statewide DBE Directory. DBE firms that indicated willingness to work in Caltrans District 6 (Madera, Fresno, Tulare, Kings & Kern Counties) were selected. North American Industry Classification (NAICS) codes were then assigned to each project to help identify DBEs and all firms that are ready, willing and able to compete for the anticipated projects. NAICS codes were obtained from the US Census Bureau web page located at: <http://www.census.gov/eos/www/naics/>.

USDOT recommends that weighting be used to help ensure that the Step One Base Figure is as accurate as possible. Weighting increased the base figure from 1% to 3.86%.

The calculations for Step One – Base Figure and Weighted Figure calculation of 0.00% and 7.72% are shown above.

V. STEP TWO BASE FIGURE ADJUSTMENT

The purpose for Step Two of the goal setting calculation is to adjust the Step One figure to make it more precise, if necessary. The factors listed below were considered to determine whether such an adjustment is necessary.

- Past DBE participation;
- Disparity studies conducted in the local market area.

Past DBE Participation

The DBE goals achieved in the previous three federal fiscal years were examined to determine the median DBE participation although GETD did not have any examples of the proposed project type in these years. The DBE goals achieved in the past three fiscal years are:

FY 17/18 = 0

FY 18/19 = 0

FY 19/20 = 0

Median = 0.0%

The median DBE participation goal for the previous three-year period was 1.95%. However, GETD believes that with the projects that are proposed will allow us to achieve our overall goal of 3.86% this is due, in part, to the construction of the maintenance facility as compared to past years.

Disparity Studies Conducted in the Local Market Area

The Disparity Studies which is defined as the local market area, the Los Angeles County Metropolitan Transportation Authority (Metro) conducted a disparity study in 2012. GETD did not use the study because the cases are not in our local market and our volume is substantially different.

Based on the factors listed above to consider whether to adjust the Base Figure, it is determined that no adjustment should be made. Therefore, the overall goal for FYs 22-24 is proposed at 3.86% to be achieved through race and gender neutral measures.

VI. Public Notice and Consultation

The public notice and consultation process will be conducted for setting the DBE Goal for FFYs 2022-2024 is provided. Copies of all correspondences are incorporated into attachment.

Public Notice and Consultation

GETD published its Disadvantaged Business Enterprise Goal on August 4, 2021 in our local paper, Bakersfield Californian, which is available online and in hardcopy. The notice was also posted on our website and in our lobby of our Administration office and on the public board located just outside our building for 30 days.

GETD made every concerted effort, as required, to obtain public participation for its DBE Goal.

**NOTICE TO DISADVANTAGED BUSINESS ENTERPRISE
RESOURCE AND ASSISTANCE AGENCIES**

August 1, 2021

In accordance with Federal Regulations 49 CFR Part 26, Golden Empire Transit District (GETD) is committed to enabling participation of Disadvantaged Business Enterprises (DBEs) in its contracting opportunities as reflected in the GETD Disadvantaged Business Enterprise (DBE) Program.

It is the policy of GETD to ensure nondiscrimination based on race, color, sex or national origin in the award and administration of contracts assisted by the U.S. Department of Transportation (DOT). It is the intention of GETD to create a level playing field on which DBEs can compete fairly and participate in the performance of contracts and subcontracts relating to GETD's procurement activities. The DBE Program is the result of GETD's commitment to the participation of small business firms owned and controlled by socially and economically disadvantaged individuals for purchasing and contracting opportunities.

In this regard, GETD wishes to notify your organization and all interested parties that it is proposing to establish an overall DBE goal for Federal fiscal years 2022-2024. This DBE goal will be applicable to contracts and procurements financed, in whole or in part, by the U.S. DOT, Federal Transit Administration (FTA).

In establishing its overall DBE goal, GETD wishes to consult with minority, women and general contractor groups, community organizations and other groups that may have information that will be useful to GETD in its procurement efforts. In this regard, we solicit your assistance by providing GETD with information concerning:

- a. DBEs and non-DBEs that may wish to participate in GETD's contracting opportunities.
- b. The effects of discrimination on opportunities for DBEs.
- c. GETD's efforts to establish a level playing field for the participation of DBEs.

Please direct your input to: Golden Empire Transit District
Attn: Denise Sailes, Finance Administrator (DBE Liaison)
1830 Golden State Ave.
Bakersfield, CA 93301

Thank you for your assistance and, if you have any comments or questions, please call me at (661) 869-6322, and refer to the DBE Program.

Denise Sailes

A handwritten signature in blue ink that reads "Denise Sailes". The signature is written in a cursive, flowing style.

DBE Liaison

PUBLIC NOTICE
DISADVANTAGED BUSINESS ENTERPRISE GOAL
August 4, 2021

Golden Empire Transit District (GETD), in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR, Part 26 proposes an overall goal of 3.86% for participation by Disadvantaged Business Enterprises (DBEs) on Federal Transit Administration (FTA) assisted contracts during the federal fiscal years from October 1, 2022 to September 30, 2024.

The proposed goal and its rationale are available for inspection during normal business hours at GETD's Administrative Offices, located at 1830 Golden State Avenue, Bakersfield, CA 93301 for thirty (30) days from the date of this notice. Written comments should be directed to Denise Sailes, Finance Administrator/ DBE Liaison, Golden Empire Transit District, 1830 Golden State Avenue, Bakersfield, CA 93301 and/or Regional Director, U.S. Department of Transportation, Federal Transit Administration, 201 Mission Street, Suite 2210, San Francisco, CA 94105. Comments will be received for thirty (30) days from the date of this publication.

Aviso público
Objetivo de La Empresa de Negocios Desfavorecidos

4 de agosto, 2021

El distrito de tránsito de Golden Empire (GETD), de acuerdo con las regulaciones del Departamento de Transporte de los Estados Unidos (DOT), 49 CFR, parte 26 propone una meta global del 3.86% para la participación de las empresas de negocios desfavorecidas (DBE's) en el Administración Federal de (FTA) contratos asistidos durante los años fiscales federales del 1 de octubre de 2022 al 30 de septiembre de 2024.

El objetivo propuesto y la lógica están disponibles para ser inspeccionados durante las horas normales de trabajo en las oficinas administrativas de GETD, se encuentran en 1830 Golden State Avenue, Bakersfield, CA 93301 durante treinta (30) días a partir de la fecha de este aviso. Los comentarios por escrito deben dirigirse a Denise Sailes, Finance Administrator/DBE Liason, Golden Empire Transit District, 1830 Golden State Avenue, Bakersfield, CA 93301 y/o Regional Director, U. S. Department of Transportation, Federal Transit Administration, 201 Mission Street, Suite 2210, San Francisco, CA 94105. Los comentarios serán recibidos por treinta (30) días a partir de la fecha de esta publicación.

May 28, 2021

To: Potential Contracting Partners
From: Golden Empire Transit District
Subject: **GETD Disadvantaged Business Enterprise**

Hello, my name is Denise Sailes and I am the DBE Liaison for Golden Empire Transit District. I wanted to discuss with you opportunities that GETD may have for small business owners; if possible, I would like to send you some information on how you can participate in the development of GETD's Disadvantaged Business Enterprise (DBE) goal. GETD is very interested in meeting directly with your organization to get your suggestions for our goal.

Should you have any questions, or to schedule a separate meeting, please do not hesitate to contact Denise Sailes Finance Administrator/DBE Liaison at (661) 869-6350. We hope to meet with you shortly.

Sincerely,

A handwritten signature in blue ink that reads "Denise Sailes". The signature is written in a cursive, flowing style.

Denise Sailes
Finance Administrator /DBE Liaison

Resource Agency List

Greater Bakersfield Chamber of Commerce 1725 Eye Street Bakersfield, CA 93303
Delano Chamber of Commerce 931 High Street Delano, CA 93215
Wasco Chamber of Commerce 675 Oak Ae. Wasco, CA 93280
Arvin Chamber of Commerce 800 Walnut Drive Arvin, CA 93203

Log of DBE Consultation

Agency	Phone Number	When Called	Outcome
Greater Bakersfield Chamber of Commerce	661-327-4421	05/28/2021 11:00AM	Spoke to Hillary Hanes to see when they will start back hosting the annual Business Expo. And what virtual events they have coming up
Fresno SBA District Office	661-487-5791	05/28/2021 1:15PM	Left a message in regards to when their next in person or webinar to small business owners get registered as a DBE.
Kern County Black Chamber of Commerce	661-326-1529	06/08/2021 3:00PM	E-mailed Richard Heath, in order to see when they will have another workshop in order to discuss with Small Business owners about becoming a DBE.

