

# Disadvantaged Business Enterprise Program FY 2017 - 2019 Goal Setting Methodology Plan REVISED August 6, 2018

# For Public Review & & Comment

950 BIG TREE ROAD ~ SOUTH DAYTONA, FLORIDA 32119-8815 (386-756-7496 ~ Fax (386) 756-7487 August 6, 2018

Ms. Doretha Foster FTA Civil Rights Officer, Regions IV FTA Civil Rights, Regions IV 230 Peachtree Street, Suite 800 Atlanta, GA 30303

Dear Ms. Foster:

The following Plan identifies the 2017-2019 Goal Methodology for Votran's Disadvantaged Business Enterprise Program. Your assistance in preparing our goal methodology is very much appreciated.

Votran intends to meet the overall goal through a combination of race/gender neutral and race/gender conscious methods. Race/gender conscious goals will be applied to those contracting opportunities, which have a sufficient number of ready, willing, and able contractors or subcontractors to successfully accomplish the project. In each instance, the contract goal will be set for each project.

We will continue to coordinate with the network of business advocacy groups in the community to offer DBE participation on contracting opportunities and help them to understand our goals. These efforts will be documented in semi-annual reports and, as needed, a shortfall analysis.

If additional information is needed, please contact me at 386-852-3545 or jubet@bellsouth.net. Again, thank you for your guidance, assistance, and cooperation.

Sincerely,

Julio W. Holness DBE Liaison Officer

Attachments

Cc: Rob Stephen, General Manager, Votran Heather Blanck, Assistant General Manager, Votran

### Votran Disadvantaged Business Enterprise Program FY2017-2019 Goal Setting Methodology

## Contents

1.0 Introduction	. 2
2.0 Contracting Program for Fiscal Year 2017 to 2019	. 2
3.0 Goal Methodology	. 2
Determination of Base Figure Step 1	. 2
Adjusting the Base Figure Step 2	.4
4.0 Race/Gender-Neutral And Race/Gender-Conscious Division Of Goal	.5
5.0 Race/Gender-Neutral Methods	. 5
6.0 Goal Advertisement and Public Participation Process	.7
Appendix 1 – Legal Notice	.9
Appendix 2 – Web Site Information1	10

## **1.0 Introduction**

The purpose of the Disdadvantaged Business Enterprise (DBE) goal setting process is to ensure nondiscrimination in the award and administration of funds received from the U.S. Department of Transportation (DOT). The methodology describes how Votran will create a level playing field on which DBEs can compete fairly for those contracts, and to ensure the DBE Program is narrowly tailored in accordance with applicable law.

Votran is a recipient of Federal Transit Administration funding in excess of \$250,000. Title 49 Code of Federal Regulations (CFR) Part 26 requires the development of this Triennial Overall DBE goal for its grant funds.

## 2.0 Contracting Program for Fiscal Year 2017 to 2019

Table 1A represents grant funded contracting program included in this methodology. These projects are anticipated to be awarded during the triennial period.

		Base Figure Table	e 1A	
1A	Determine the we	ight of each type of work by NAIC	CS Code:	
*En	ter all FTA-assisted	project below. Project amounts sho	ould be assigned relevant NA	AICS Code(s)
	NAICS Code	Project	Amount of DOT funds on project:	% OF Total DOT funds (weight)
1)	485991	Para Transit Services	\$1,675,000	0.4431
2)	541612/541618	Consultant Services	\$57,000	0.0151
3)	236210/236220	Rehab/Renov Admn/Maint Facility	\$2,048,251	0.5418
	Total FTA-Assisted	Contract Funds	\$3,780,251	1.0

## **3.0 Goal Methodology**

#### Determination of Base Figure Step 1 §26.45 (c)

To establish a base figure of the relative availability of DBEs to all comparable firms available to participate in Votran contracting opportunities, Votran used the bidder's list approach. Votran contracts are procured by the Volusia County Finance Department, tracking and recording all

bidders, both successful and unsuccessful. The base figure expresses the availability of DBEs as a percentage of all firms for each NAICS code for which there will be a contracting opportunities.

- A. Votran analyzed the DOT -assisted contracting data from the past year to determine in which NAICS / Commodity Code categories contracts would probably be awarded in the next year.
- B. The estimated expenditures for each NAICS Commodity Code category was calculated as a percent of the total estimated expenditures.
- C. A listing by each NAICS / Commodity Code or all "ready, willing. and able" firms in the local geographic area that registered as bidders was compiled
- D. From this list, the number of Disadvantaged Business Enterprises (DBE) were extracted for each NAICS / Commodity Code.
- E. The number of DBEs was divided by the total number of bidders in the NAICS / Commodity Code Category to arrive at a percentage for each category.
- F. The NAICS Commodity Code category anticipated spending percentage was multiplied by the percentage of DBEs in each category
- G. The results from each NAICS / Commodity Code were summed and multiplied by 100 to arrive at the Base Goal Figure.

	-	Base Figure Table	1B	-	
1B	Determine the v	veight of each type of work by NAICS	Code:		
*Us	e DBE Directory, ce	ensus data and/or a bidders list to enter the	number of availa	ble DBE firms &	Available firms.
Thi	s table shows th	ne bidders list DBE firms			
	NAICS	Project	Number of DBEs available to perform this work	Number of all firms available (including DBEs)	Relative Availability
1)	485991	Para Transit Services	1	8	0.1250
2)	541612/541618	Consultant Services	1	8	0.1250
3)	236210/236220	Rehab/Renov Admn/Maint Facility	2	2 20	0.1000
	Combine	ed Totals	4	36	11.11%
				(	Overall DBE Availability

	Base Figure Table 1C					
1C	(Weight) X (Availa	bility) = Weighted Base Figure				
	NAICS	Project	Weight	х	Availability	Weighted Base Figure
1)	485991	Para Transit Services	0.4431	х	0.1250	0.0554
2)	541612/541618	Consultant Services	0.0151	х	0.1250	0.0019
3)	236210/236220	Rehab/Renov Admn/Maint Facility	0.5418	х	0.1000	0.0542
					Total	0.1115
		Base F	Figure E	xpre	essed as %	11.15%

#### Adjusting the Base Figure Step 2 §26.45 (d)

Subsequent to establishing the base figure, Votran examined the available evidence to determine whether an adjustment would be required to ensure a narrowly-tailored goal. The following paragraphs describe factors considered for adjusting the base figure.

There has been a continuous decrease in the number of small and disadvantaged businesses taking advantage of the SBA Small Business Development Center services located at the Daytona State College (DSC). The program and has implemented a training program that ensures DBE opportunities.

The Paratransit Contracted Services have continued to decrease the percentage of service for operated at Votran due to the loss of a certified vendor, even though there has been continued growth in transportation caused by an increased influx in population in our County.

For these reasons we have used past participation to find the historical median for the calculation of the 7.72% DBE goal shown below.

		Table 2	
	Ad	just Base Figure	
Past pa	articipation		
2014	•	Historical Median	4.30%
2015	5.30%	Base Figure	11.15%
2016	4.30%	Sum	15.45%
DBE Goal	(average of histor	ical and Base Figure from Table 1C	7.72%

# 4.0 Race/Gender-Neutral And Race/Gender-Conscious Division Of

Goal (§ 26.45(F)(3))

The guidance from FTA concerning use of Race/Gender Conscious methods is for circumstances when the goal cannot be met through race neutral methods.

To calculate the race/gender-neutral and race/gender-conscious split of the overall goal, Votran analyzed DBE participation over prior years over the stated goals. The median amount of attainment of DBE participation was 4.3% in the prior years, compared with a stated prior goal of 3.18%. The amount by which the median participation exceeded the goal was 1.62%, representing the participation that could then be expected to be achieved through Race/Gender Neutral methods. The overall goal of 7.72% will be split into the Race/Gender Neutral goal of 1.62% and 6.10% Race/Gender Conscious.

# 5.0 Race/Gender-Neutral Methods (§ 26.51(b))

Recognizing that the DBE Program goals should be met through a mixture of race conscious and race neutral methods and, that by definition, DBE firms are Small Businesses, Votran seeks to implement a Small Business element (Objective (49 CFR Part 26.39) into its current DBE policy in accordance with applicable law. Votran is including this element to facilitate competition by and expand opportunities for small businesses. Votran is committed to taking all reasonable steps to eliminate obstacles to small businesses that may preclude their participation in procurements as prime contractors or subcontractors.

The Votran will meet its objectives using a combination of the following methods and strategies:

- Standards for bidders on the prime contract in multi-year, design-build contracts or other large contracts (e.g., for "megaprojects") to specify elements of the contract or specifics that are of a size that small businesses, including DBEs, can reasonably perform.
- Requirement for prime contractors on contracts with no DBE goals to provide subcontract opportunities of a size that small businesses, including DBEs. could reasonably perform, rather than self-performing all the work involved.
- Identification of alternative acquisition procurements strategies structured to facilitate the ability of consortia or joint ventures consisting of small businesses, including DBEs, to compete for and perform prime contracts.
- Procedures to meet the portion of the overall goal projected through a race-neutral measure which ensures that a reasonable number of prime contracts are of a size that small businesses, including DBEs, can reasonably perform.
- Steps to eliminate unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors.

Since many DBE firms are small business enterprises some additional measures are being taken with the Volusia County Procurement Office. The following procurement and process modifications have the objective to attract and assist local small and disadvantaged businesses:

- Contracts with total value less than \$3,000.00 require only a single quote;
- Designing service contract bids as performance-based contracts instead of rigorous, detail specifications-based contracts;
- Arranging bid closing dates and times and pre-bid conference times for convenience of DBEs;
- Unbundling large procurements packages so that more firms have an opportunity to bid on small projects;
- In order to ensure prompt payment of invoices including provisions for same week payments; Removing / reducing performance bonding requirements from bids when not required by law or to protect the taxpayers interests (health, safety or welfare)[100% performance and pay bonds are required by Florida Statute 255.05 for public construction projects greater than \$200,000];
- Removing bid bond requirements when not required by law;
- Reducing insurance requirements to a minimum to protect taxpayer's and worker's interests;
- Removal of contract retainage requirements when practical and feasible (balancing or risk to taxpayers with benefits to DBEs) and increase draw allotments when practical and feasible;
- Drafting the solicitation requirements for specifications and quantities to maximize opportunities by DBEs;
- Payment using VISA cards so vendors have access to their funds within 24-48 hours;
- Payment to invoices by electronic funds transfers when requested;
- Workshops and seminars on conducting business, with local governments;
- Workshops and information exchanges between DBEs and prime contractors;
- Pre-bid conferences to explain requirements and to solicit input and ideas on contract requirements and other options;
- DBE trade fairs so DBE vendors can show their goods and services to the people that may need their services and to increase communications between suppliers and users;
- Publishing and distribution of the DBE directory to all local construction and consulting firms and on electronic disk-updated every January (new changes to the web site are in the process)
- Close coordination with Small Business Development Centers at Daytona State College and University of Central Florida for training and education opportunities; Close coordination with Bethune Cookman University, a historical minority college, for training and education opportunities, for new start up and developing business.
- Working with numerous business incubator programs (City of Daytona Beach, City of DeLand) to assist with new business incubator start-ups and expansions; The Central Florida Community Development Corporation (CFCDC) which is the only Certified U.S. Small Business Administration Micro Loan Provider in Central Florida.
- Assisting DBEs in preparing proposals through historical and market research and debriefing on prior contract awards;

## 6.0 Goal Advertisement and Public Participation Process (§ 6.45(G)(1)(2))

In accordance with the goal-setting and public participation regulatory requirements, Votran conducted the following activities:

- Advertised the proposed goal via the Votran website. The DBE page on www.votran.org was implemented in March 2017 <u>http://www.votran.org/about-us/doing-business.stml</u>. A link was provided to this methodology document.
- Published a legal notice in the Daytona Beach News Journal.
- Votran participated in the Daytona Chat Radio program, where the community was informed of the opportunity to participate in the DBE Program of VOTRAN. It was identified who to contact for information regarding applying for certification and opportunity for participating in contracts. Our Goal was identified for the period of 2017-2019. There were numerous calls requesting information on how to apply for the DBE certification and where to apply.

To date, there have not been any comments received about the methodology. Votran is committed to ongoing community outreach efforts.

To further our efforts of increasing DBE/SBE participation, Votran will host a town hall-type forum. The focus of this forum will be to interview DBEs who have been successful in bidding as prime contractors, and ascertaining from other DBEs the barriers they attribute to their reluctance to embrace the "prime" contractor role.

The following is an overview on how Votran will work toward achieving and updating our DBE goals:

Votran will work with the Volusia County Purchasing Office to conduct outreach
programs targeted at local small and disadvantaged businesses to encourage them to
participate in the Votran contracting processes. These outreach programs will be run in
conjunction with the U.S. Small Business Administration (SBA), Daytona State College
(DSC), Small Business Development Center (SBDC), Bethune Cookman University
(BCU), the Volusia County School Board, the Cities and County Economic Development
offices and all of the area Chambers of Commerce. All of these business groups have
representation from minority, women's and general contractor groups. The objective of
the outreach programs will be to contact local small and disadvantaged businesses that
are not currently involved in the DBE program, including individuals that may want to
start a new business, and assist in getting them actively involved in the contracting
processes. This will increase the quantity of available small and disadvantaged businesses
that can be solicited by potential prime contractors and subcontractors. These outreach

efforts will also serve as a feedback mechanism to listen to individuals and firms and make necessary changes to any obstacles they may have encountered. Workshops and seminars provide opportunities for DBEs to find out how to conduct business with local government. These information exchanges between DBE's and prime contractors, along with trade fairs, let DBE vendors show their goods and services to the people that may need, thereby improving communications between suppliers and users.

- Along with the outreach programs, Votran will provide technical assistance to existing
  and potential DBEs in order for each of them to increase their probability of success. This
  will include not only coordination with the business advocacy organizations cited above,
  but facilitation of expertise by specific providers that can assist the individual or firm in
  areas such as accounting, banking, project management, sales and marketing, risk
  management, insurance and bonding, and other specific technical issues. This initiative
  will also include assisting DBEs in preparing proposals by researching prior contract
  awards relative to costs, prices, vendor performance and other data each may need to
  offer a complete, competitive bid proposal.
- The Central Florida Community Development Corporation (CFCDC) is the only certified U.S. Small Business Administration Micro Loan provider in Volusia County. The CFCDC and the County's DBE Minority & Small Business Program promoted several Business Assistance Fair's in cooperation effort between, the Cities, Chambers of Commerce, Community Base Organizations, U.S. SBA, SCORE; SBDC-DBSC, Legal firms, Banking Institutions and Procurements Departments, to advise and offer DBE's information on how to start or expand your business, and what is required for business loans through Central Florida Community Development Corporation (CFCDC).

The Volusia County Procurement Office has established an electronic listing of small & disadvantaged businesses to email contracting opportunities whenever a bid is opened. The site has links to active bids, and describes resources available to become a bidder. https://www.volusia.org/services/financial-and-administrative-services/purchasing/doing-business-with-volusia-county/. The site provides access to historical contract data that is available to small disadvantaged businesses.

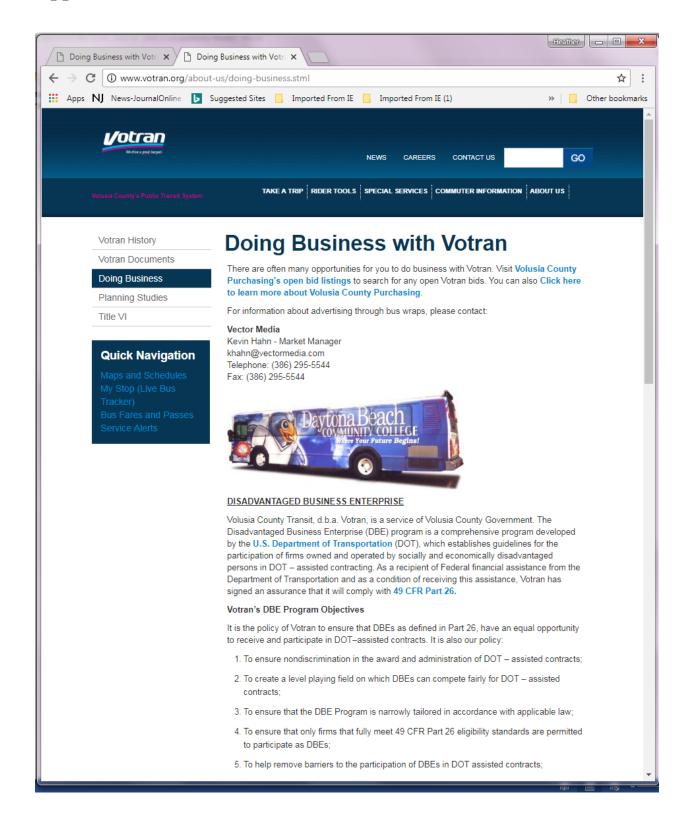
Participation by Votran in the Florida Unified Certification Program (FUCP) has assisted in expanding the opportunities for utilization of more registered DBEs listed on the (FUCP) Biz Net System. Votran participates in Business Development Programs sponsored by the Central Florida Community Development Corporation (CFCDC), and the City of Daytona Beach for economic development grants and assistance. Other opportunities include the Halifax Chamber of Commerce Business workshop and the local Community Minority Contract Compliance Forum.

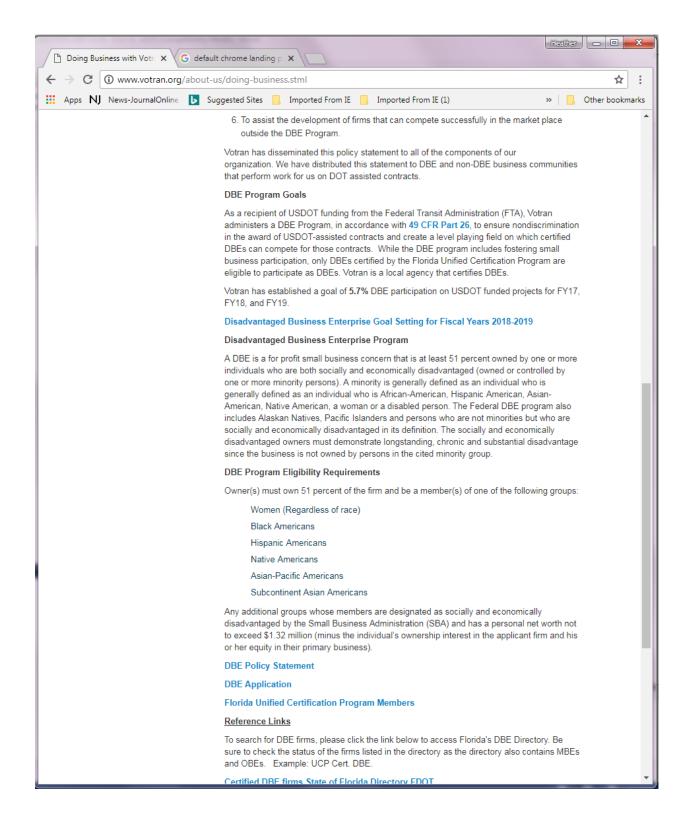
## **Appendix 1 – Legal Notice**

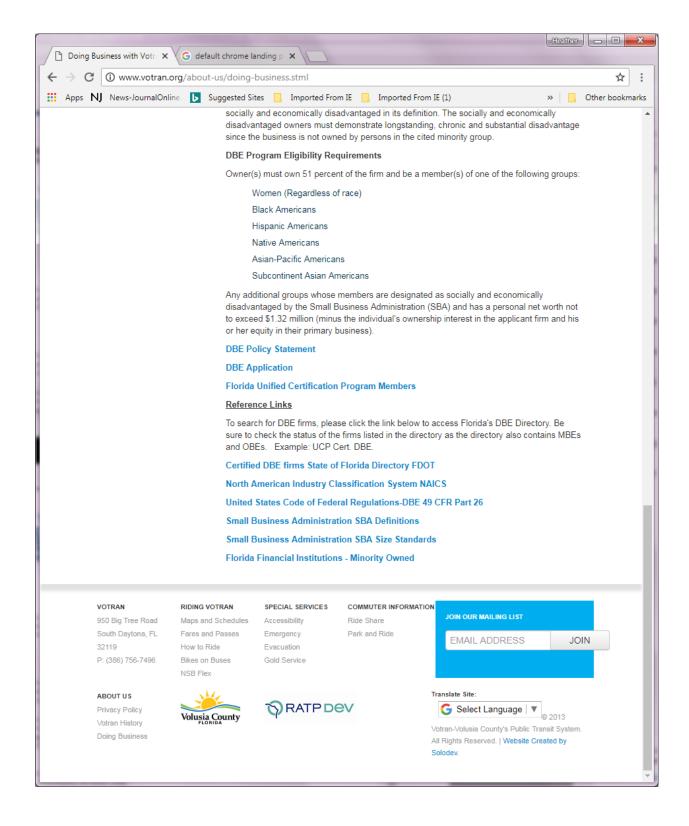
# **LEGAL NOTICE**

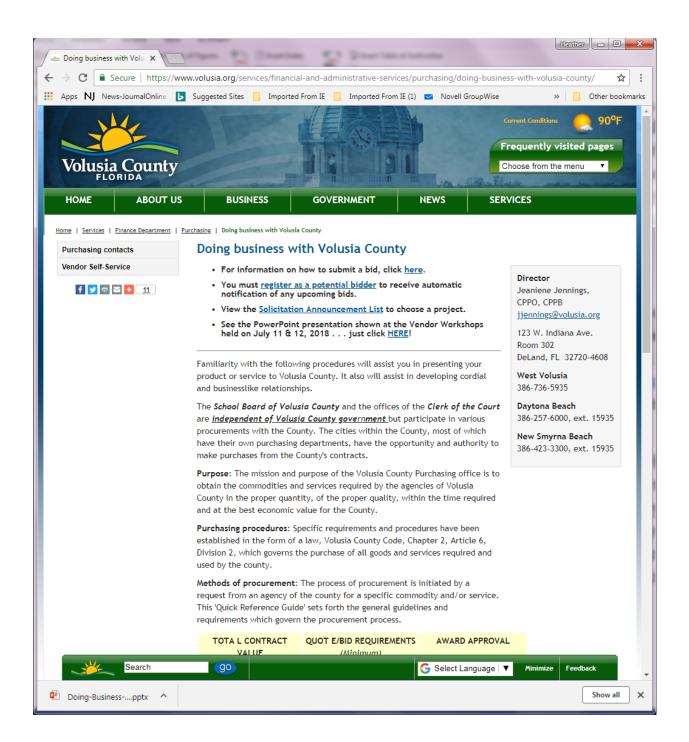
In accordance with the U.S. Department of Transportation Rules, and 49 CFR Part 26, Votran has established a (7.72%) annual Goal for participation by Disadvantaged Business Enterprise in Votran'S FY 2017/2019 Contracts. The Methodology and proposed goal are available for inspection on the votran.orgwebsitevotran.org1about-us/doing business.stml. Votran will accept public comments to the proposed goal and methodology for a period of forty-five days from the date of this publication. Comments should be addressed in writing to the Volusia Transit Authority (Votran) to the Disadvantaged Business Enterprise Program Liaison Officer, 950 Big Tree Road, South Daytona, FL 32119. (Facsimile Acceptable: 386-756-7487).

### **Appendix 2 – Web Site Information**









Apps NJ News-JournalOnline. 🕟	Suggested Sites 📙 Imported	From IE 📙 Imported From IE (1)	🔽 Novell GroupWise	» 📙 Other bookn
	requirements which govern			
	TOTA L CONTRACT VALUE	QUOT E/BID REQUIREMENTS (Minimum)	AWARD APPROVAL	
	\$0 - \$999. <sup>99 *</sup>	Single Quote Purchasing Card	Division Director or Designee	
	\$1,000. <sup>00</sup> - \$3,000. <sup>00</sup>	Single Quote	Purchasing Agent and Division Director or Designee	
	\$3,000. <sup>01</sup> - \$10,000. <sup>00</sup>	3 Verbal Quotes Minimum	Purchasing Agent and Division Director or Designee	
	\$10,000. <sup>01</sup> - \$25,000. <sup>00</sup>	3 Written Quotes Minimum	Purchasing Director and Department Director or Designee	
	\$25,000. <sup>01</sup> - \$50,000. <sup>00</sup>	3 Written Quotes Minimum. obtained through Purchasing	Purchasing Manager and County Manager or Designee	
	Over \$50,000. <sup>00</sup>	Formal, Advertised Invitations	County Council	
	\$50,000. <sup>01</sup> - \$125,000	Formal, Advertised Invitations for Housing Rehab. Projects	County Manager, County Council must approve projects > \$125,000.00	
	* amount may be set lower	by Department/Division/Activi	ty Director	
		of any commodity or services n ts Director, the County Manage applicable.		
	has adopted policies which Disadvantaged Business Ent services. The county encou and qualified disadvantaged encouraged to select one o	erprise Program (DBEP): The Vo assure and encourage the full p erprises (DBE) in the provision rages joint ventures between n d / minority / women-owned fi r more <u>business type(s)</u> associa or updating information in VSS.	participation of of goods and najority-owned firms rms. Vendors are ted with their	
	Florida, General Services A	e county purchases from establi dministration (GSA), and other ut the requirement to solicit qu	cooperative	

