SPOKANE TRANSIT AUTHORITY

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM AND GOAL

FEDERAL FISCAL YEARS (FFYs) 2023, 2024 and 2025

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SPOKANE TRANSIT AUTHORITY

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

POLICY

The Spokane Transit Authority (hereinafter referred to as "STA"), recipient of federal financial assistance from the U.S. Department of Transportation, Federal Transit Administration (hereinafter referred to as "FTA") is committed to a Disadvantaged Business Enterprise Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26.

It is the intention of STA that all businesses have equal access to Spokane Transit's contracts without discrimination and regardless of race, color, national origin or gender. Disadvantaged Business Enterprises (DBEs), as defined in 49 CFR Part 26, shall have the maximum practicable opportunity to participate in the performance of work relating to all of STA's activities. To this end, STA shall take all necessary steps in accordance with 49 CFR, Part 26, and as amended, to ensure Disadvantaged Business Enterprises an equal opportunity to receive and participate in FTA-assisted contracts. It is STA's policy to:

1. Ensure nondiscrimination in the award and administration of FTA assisted contracts;
2. Create a level playing field on which DBEs can compete fairly for FTA assisted contracts;
3. Ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. Ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs; and
5. Help remove barriers to the participation of DBEs in FTA assisted contracts.
6. Support small businesses in order to facilitate free and open competition in Spokane Transit's FTA assisted contracting opportunities.

In order to ensure a level playing field, STA has established an overall aspirational agency goal for participation by firms who are, in accordance with 49 CFR Part 26, socially or economically disadvantaged. STA will require that prime contractors make good faith efforts to utilize disadvantaged business enterprises if a contract goal is set and to remove obstacles to DBE participation on all procurement, construction, and consultant contracts for which federal funds are received.

The Disadvantaged Business Enterprise Program has been established for STA and is adopted by the STA Board of Directors. The program is reviewed on an annual basis and updated as necessary but not less than every three years. The program outlines the overall goal established by STA for the upcoming three fiscal year period, the review and update process, and how the program is administered. To assist in administration of the program, STA has designated a Disadvantaged Business Enterprise Liaison. The Disadvantaged Business Enterprise Liaison is responsible for provision of technical assistance to Disadvantaged Business Enterprise firms and will assist STA staff in their efforts to comply with STA's Disadvantaged Business Enterprise Program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the Spokane Transit Authority in its financial assistance agreements with the Department of Transportation.

Those disadvantaged businesses interested in receiving additional information or inclusion in STA's program, community organizations or agencies interested in giving or receiving program information, and individuals interested in giving or receiving program information are invited to contact the STA Disadvantaged Business Enterprise Liaison/Senior Procurement Manager, Jordan Hayes-Horton, at the STA Administrative Office, 1230 West Boone Avenue, Spokane, Washington, 99201-2686, or telephone (509) 325-6032, or electronically at jhorton@spokanetransit.com

DEFINITIONS

(All terms used in this program have the meanings defined in 49 CFR 26.5)

Disadvantaged Business Enterprise – means a for-profit small business concern –

1) That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged, or in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals; and
2) Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

Personal Net Worth - means the net value of the assets of an individual remaining after total liabilities are deducted. An individual's personal net worth does not include: The individual's ownership interest in an applicant or participating DBE firm; or the individual's equity in his or her primary place of residence. An individual's personal net worth includes only his or her own share of assets held jointly or as community property with the individual's spouse.

SBA means the United States Small Business Administration

Small Business Concern means, with respect to firms seeking to participate as DBEs in DOT-assisted contracts, a small business concern as defined pursuant to Section 3 of the Small Business Act and Small Business Administration regulations (13 CFR part 121) that also does not exceed the cap on average annual gross receipts specified in §26.65(b).

Socially and economically disadvantaged individual means any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who has been subjected to racial or ethnic prejudice or cultural bias within American society because of his or her identity as members of groups and without regard to his or her individual qualities. The social disadvantage must stem from circumstances beyond the individual's control.

1) Any individual who is a recipient finds to be a socially and economically disadvantaged individual on a case-by-case basis. An individual must demonstrate that he or she has held himself or herself out, as a member of a designated group if you require it.
2) Any individual in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged:
    a. "Black Americans," which includes persons having origins in any of the Black racial groups of Africa;
    b. "Hispanic Americans," which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;
    c. "Native Americans," which includes persons wo are enrolled members of a federally or State recognized Indian tribe, Alaska Natives, or Native Hawaiians;

d. "Asian-Pacific Americans," which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, The Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), Republic of the Northern Marianas Islands, Samoa, Macao, Fiji, Tonga, Kiribati, Tuvalu, Nauru, Federated States of Micronesia, or Hong Kong:
e. "Subcontinent Asian Americans," which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka:
f. Women;
g. Any additional groups whose members are designated as socially and economically disadvantaged by the SBA, at such time as the SBA designation becomes effective.

3) Being born in a particular country does not, standing alone, mean that a person is necessarily a member of one of the groups listed in this definition.

STA will make a rebuttable presumption that individuals in the above groups are socially and economically disadvantaged and may also determine on a case-by-case basis, through approval from the Washington State Office of Minority and Women's Business Enterprises, that individuals who are not members of the above groups are socially and economically disadvantaged.

DISADVANTAGED BUSINESS ENTERPRISE LIAISON

The Disadvantaged Business Enterprise Program shall be administered by STA's DBE Liaison, or such other person as designated by the Chief Executive Officer. In that capacity, the DBE Liaison is responsible for implementing all aspects of the DBE program and ensuring that STA complies with all provisions of 49 CFR Part 26. The DBE Liaison has direct, independent access to STA's Chief Executive Officer concerning DBE program matters. Other STA personnel responsible for execution of DBE guidelines shall include the Chief Financial Officer, the Sr. Financial Services Manager, the Chief Operations Officer, the Chief Planning and Development Officer, Capital Project Managers, the Sr. Maintenance Manager, the Sr. Facilities Manager, the Sr. Procurement Manager (current designated DBE Liaison), and other staff responsible for monitoring and administration of grants and construction projects. The Chief Financial Officer will further facilitate DBE participation by providing assistance in areas of financial matters to include the setting of appropriate and reasonable insurance and bonding requirements and the development and enforcement of prompt payment procedures. The DBE Liaison shall report progress of the DBE Program to the STA Board of Directors.

The specific responsibilities of the DBE Liaison shall include, but not be limited to, the following:

1. Gather and report statistical data and other information as required by FTA.
2. Develop, monitor, and evaluate the DBE Program.
3. Work with all departments to set overall agency goals.
4. Ensure that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Attend pre-bid conferences to explain DBE program and respond to questions.
6. Participate in bid and proposal review panels.
7. Follow DBE criteria set by FTA and act as liaison to the Uniform Certification Process in Washington as needed.
8. Work with other interested agencies, public and private, to further the outreach objectives of STA's DBE Program.

9. Provide assistance to contractors in identifying DBE firms.

10. Analyzes progress toward goal attainment and identify ways to improve progress if needed.

11. Maintain a bidders list, consisting of information about all DBE, non-DBE, firms that bid or quote on FTA-assisted contracts.

12. Review the updated DBE directory from the Washington State Office of Minority and Women Business Enterprises (OMWBE).

The DBE Liaison shall offer additional support services to DBEs including referral to financial institutions, insurance and bonding companies. He/she shall work closely with prime contractors in an effort to alleviate potential financial barriers to program participants, encouraging prime contractors to provide bonding for disadvantaged, women-owned subcontractors and suggesting alternatives such as stage bonding, which is bonding carried over from one project stage to the next, or wrap-up insurance.

The specific responsibilities for other STA staff, such as the Capital Project Managers, the Sr. Maintenance Manager, the Sr. Facilities Manager, and the Purchasing Manager (if separate from DBE Liaison) who are in daily contact with contracts involving DBEs or those eligible for DBE participation, shall include working with the DBE Liaison to give input for setting overall three-year aspirational goals.

The assigned DBE Liaison, if not also the Purchasing Manager, will work closely with the Purchasing Manager to ensure maximum feasible achievement of overall goal through race neutral measures by facilitating participation as listed below:

1. Arrange solicitations, time of bids, quantities and specifications to facilitate DBE and other small business participation.
2. Offer assistance, as specified above, for bonding, financing and surety costs.
3. Offer technical assistance and other services to DBEs.
4. Provide DBEs information on contract opportunities.
5. Implement a DBE and small business supportive services program, as appropriate.
6. Offer services to help DBEs expand and achieve self-sufficiency.
7. Assist DBE startup firms in areas with low participation.

PROCEDURES TO ENSURE OPPORTUNITY TO COMPETE

1. Advertisement of Notice to Bidders/Proposers

   STA, in addition to the bid advertisement required by law, will place ads on the STA website, in other publications and newspapers of general circulation and available DBE association newsletters and newspapers. STA shall also attempt to send bid notices as well as the contract specifications to DBE contractor associations, technical assistance agencies, minority economic development groups and DBEs with capabilities relevant to the contract procurement in a timely manner.

2. Pre-Bid/Pre-Proposal Conference

   For contracts involving major or complex procurements, STA shall hold a pre-bid/pre-proposal conference for all interested bidders/proposers. The conference will identify and emphasize agency DBE goals, explain the procurement process.

3. Information Service

   The DBE Liaison shall assist DBE firms in participating in STA projects as appropriate. This effort will endeavor to acquaint the DBE with the nature, scope and requirements of STA's procurement, construction and contracting activities through seminars and available information resources. The DBE Liaison will make every effort to familiarize himself/herself with small business problems and with local resources.

4. Technical Assistance

   Upon request by the DBE, the DBE Liaison will provide assistance in the organization and development of bid responses and will coordinate DBE contacts with appropriate STA staff to facilitate the preparation of bid responses.

FINANCIAL INSTITUTIONS

Currently, STA's banking services are provided by the Spokane County Treasurer, pursuant to the revised code of Washington. It is the policy of STA to utilize DBE financial institutions, if possible, within the requirements of State law. STA will continue to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community and will continue to monitor banking services in the local area, as well as explore what services minority or women-owned banks located outside the Spokane area can provide to STA and its contractors.

DISADVANTAGED BUSINESS ENTERPRISE DIRECTORY

STA will utilize the Directory of Certified Minority, Women and Disadvantaged Business Enterprises produced by the Washington State Office of Minority and Women's Business Enterprises (OMWBE), as long as the certifications are performed in accordance with 49 CFR Part 26, and as amended. This information is available by accessing the OMWBE website at https://omwbe.diversitycompliance.com

The directory will be made available to all bidders and proposers for use in their efforts to meet DBE requirements and will be utilized by STA staff for development of bid lists, requests for proposal and purchasing functions.

CERTIFICATION PROCEDURES FOR DBEs

In Washington State, a central "one-stop-shop" has been created to perform certification functions. The Washington State Office of Minority and Women Business Enterprises (OWMBE) has legislative authority to perform all minority, women and disadvantaged business enterprise certifications for all public agencies in the state. For DBE certifications, the office is required to utilize certification procedures that meet all federal requirements as defined in 49 CFR Part 26 and as amended to ensure eligibility of certified firms for Department of Transportation projects. Spokane Transit Authority obtains the directory of certified DBEs published by the Office on a regular basis. This directory is available to interested parties.

CERTIFICATION CHALLENGE PROCEDURES

The certification of any firm is subject to challenge by recipients, DOT and third parties. STA has established a challenge procedure to determine whether an individual presumed to be socially and economically disadvantaged is, in fact, socially and economically disadvantaged.

STA's challenge procedure shall be as follows:

(a) Any third party may challenge the socially and economically disadvantaged status of any individual presumed to be socially and economically disadvantaged if that individual is the owner of a firm certified or seeking certification from OWMBE as a disadvantaged business. The challenge shall be made in writing to STA.

(b) With its letter, the challenging party shall include all information available to it relevant to a determination of whether the challenged party is in fact socially and economically disadvantaged.

(c) STA shall determine, on the basis of the information provided by the challenging party, whether there is reason to believe the challenged party is in fact not socially and economically disadvantaged.

  (1) If STA determines that there is no reason to believe that the challenged party is not socially and economically disadvantaged, STA shall so inform the challenging party in writing. This terminates the proceeding.

  (2) If STA determines that there is reason to believe the challenged party is not socially and economically disadvantaged, STA shall notify the Washington State Office of Minority and Women's Business Enterprises (OMWBE) who will have the authority to investigate and resolve the challenge in accordance with the certification requirements of 49 CFR Part 26 and as amended.

(d) STA shall notify the challenged party in writing that his/her status as a socially and economically disadvantaged individual has been challenged. The notice shall identify the challenging party and summarize the grounds for the challenge. The notice shall also require the challenged party to provide to STA and OMWBE, within a reasonable time, rebutting information sufficient to warrant an investigation of social and/or economic disadvantage.

(e) STA shall actively participate with the OMWBE, if needed, until the investigation is concluded, and a determination has been finalized. The OMWBE is responsible for

decertification if a DBE no longer qualifies for the program under 49 CFR Part 26 and SBA small business criteria. During the period of a challenge under this section, the presumption that the challenged party is a socially and economically disadvantaged individual shall remain in effect.

(f) Any firm or complainant has the right to appeal a decision in a certification matter to the U.S. Department of Transportation, Departmental Office of Civil Rights, 1200 New Jersey Avenue SE, Washington, DC 20590-0001.

FEDERAL FISCAL THREE YEAR GOAL

STA has adopted an overall goal for FFYs 2023, 2024, and 2025 of 0.75300% disadvantaged business participation in federally assisted contracting opportunities, exclusive of FTA funds allocated for rolling stock. Given the amount of eligible DOT-assisted contracts STA expects to let during FFYs 2023, 2024, and 2025, which is $27,982,392, STA anticipates expending $210,707 with DBEs during the three fiscal-year term.

The DBE program does not use quotas. An overall program, consistent with both Federal requirements and Washington State Law, has been established for soliciting DBE participation in contracts and procurements involving federal funds. The following, more detailed, categories are established to better reflect the functional categories of project activity and to facilitate reporting.

Construction
Professional Services
Materials, Supplies & Equipment

Most of the bidders competing for STA contracts are from Spokane County or are within close proximity to Spokane County; therefore, the goal was established by comparing overall business availability for the Spokane area from the U.S. Census Bureau database with area DBEs, certified and capable of performing STA contracts. DBE information is obtained by North American Industry Classification System (NAICS) code from the DBE catalog issued by the Washington State Office of Minority and Women Business Enterprises.

FFYs 2023, 2024, and 2025 DBE GOAL ESTIMATION
FOR FEDERALLY FUNDED PROJECTS

Step One					
CONSTRUCTION					
Project - Contracting Opportunity	Budgeted Cost	NAICS Code	Number of DBEs NAICS Code	Number of Total Firms in NAICS Code	Percent DBE per Project
Central City Line Construction	667,834	541380	0	16	0.00%
	1,736,369	238130	0	60	0.00%
	267,134	238210	1	133	0.75%
	5,342,675	561990	2	32	6.25%
Park & Ride Expansion East of Sullivan	23,872	541380	0	16	0.00%
	23,872	541370	0	8	0.00%
	131,296	236220	0	85	0.00%
	71,616	238910	2	113	1.77%
	29,840	237310	0	17	0.00%
	11,936	238990	1	63	1.59%
	29,840	238110	0	67	0.00%
	17,904	327320	0	4	0.00%
	35,808	238210	1	133	0.75%
	23,872	238220	0	154	0.00%
	11,936	238160	0	52	0.00%
	11,936	238130	0	60	0.00%
	11,936	238310	0	45	0.00%
	11,936	238330	0	51	0.00%
	11,936	238320	0	95	0.00%
	23,872	238140	0	27	0.00%
	23,872	238350	0	76	0.00%
	11,936	444190	0	43	0.00%
	5,968	442299	0	18	0.00%
	11,936	561730	0	213	0.00%
	35,808	561990	2	32	6.25%
Division BRT Construction and Implementat	137,186	541380	0	16	0.00%
	503,015	236220	0	85	0.00%
	228,643	238910	2	113	1.77%
	228,643	237310	0	17	0.00%
	91,457	238990	1	63	1.59%
	228,643	238110	0	67	0.00%
	91,457	327320	0	4	0.00%
	228,643	238210	1	133	0.75%
	91,457	238220	0	154	0.00%
	45,729	238160	0	52	0.00%
	91,457	238130	0	60	0.00%
	91,457	238310	0	45	0.00%
	45,729	238330	0	51	0.00%
	45,729	238320	0	95	0.00%
	45,729	238140	0	27	0.00%
	91,457	238350	0	76	0.00%
	45,729	444190	0	43	0.00%
	22,864	442299	0	18	0.00%
	91,457	561730	0	213	0.00%
	91,457	541370	0	8	0.00%
	228,643	561990	2	32	6.25%
Boone NWG Battery Electric Bus (BEB) Ch	15,000	541380	0	16	0.00%
	60,000	236220	0	85	0.00%
	3,000	238110	0	67	0.00%
	1,500	327320	0	4	0.00%
	3,000	532412	0	7	0.00%
	172,500	238210	1	133	0.75%
Total Number of DBE's/Total Firms			**16**	**3,297**	**0.4853%**
Total Construction Contracts to let in 2023-2025	**$11,608,524**				
Number of DBE's in NAICS Codes	**16**				
Number of Total Firms in NAICS Code	**3297**				
Percentage of Available DBE's to perform Construction Contracts	**0.4853%**	Total DBE firms (16) divided by total firms in NAICS Code (3,297)			
Total DBE $	**$56,335**	Total Budgeted Cost multiplied by Percentage of Available DBE's ($11,608,524 * 0.4853%)			

PROFESSIONAL SERVICES					
Project - Contracting Opportunity	Budgeted Cost	NAICS Code	Number of DBEs NAICS Code	Number of Total Firms in NAICS Code	Percent DBE per Project
Central City Line Construction Consulting	5,342,675	541618	0	3	0.00%
E Sullivan P&R Engineering Services	179,040	541330	1	109	0.92%
E Sullivan P&R Consulting Services	119,360	541611	2	85	2.35%
E Sullivan P&R Real Estate Services	59,680	531210	1	263	0.38%
E Sullivan P&R Architectural Services	119,360	541310	0	39	0.00%
E Sullivan P&R Landscape Architectural Services	23,872	541320	0	3	0.00%
E Sullivan P&R Construction Consulting	119,360	541618	0	3	0.00%
I-90 HPT Corridor Facilities Engineering	16,000	541330	1	109	0.92%
I-90 HPT Corridor Consulting Services	16,000	541618	0	3	0.00%
I-90 HPT Corridor Facilities Real Estate	8,000	531210	1	263	0.38%
Division BRT Engineering Services	685,930	541330	1	109	0.92%
Division BRT Architectural Services	320,101	541310	0	39	0.00%
Division BRT Landscape Achitectural Services	91,457	541320	0	3	0.00%
Division BRT Construction Management	685,930	541618	0	3	0.00%
Five Mile Mobility Hub Engineering	21,360	541330	1	109	0.92%
Five Mile Mobility Hub Consulting	7,120	541611	2	85	2.35%
Five Mile Mobility Hub Real Estate Services	7,120	531210	1	263	0.38%
Boone NWG BEB Charging Infrastructure	45,000	541330	1	109	0.92%
Total Number of DBE's/Total Firms			**12**	**1600**	**0.7500%**
Total Professional Contracts to let in 2023-2025	**$7,867,364**				
Number of DBE's in NAICS Codes	**12**				
Number of Total Firms in NAICS Codes	**1,600**				
Percentage of Available DBE's to perform Professional Svc Contracts	**0.7500%**	Total DBE firms (12) divided by total firms in NAICS Code (1600)			
Total DBE $	**$59,005**	Total Budgeted Cost multiplied by Percentage of Available DBE's ($7,867,364 * 0.750%)			
MATERIALS, SUPPLIES, & EQUIPMENT					
Project - Contracting Opportunity	Budgeted Cost	NAICS Code	Number of DBEs NAICS Code	Number of Total Firms in NAICS Code	Percent DBE per Project
Hose & Fittings Contract	64,893	423840	0	14	0.00%
Hazardous Material Removal Contract	241,307	532490	0	18	0.00%
Laundry/Uniform Linen Contract	293,371	812332	0	6	0.00%
Hardware	65,013	423710	0	14	0.00%
Janitorial Supplies	172,333	453998	1	66	1.52%
Auto Paint Supplies	192,693	452319	0	25	0.00%
Vehicle Parts	4,439,015	423120	0	34	0.00%
Tires	191,015	423130	0	5	0.00%
Paper Products	29,715	424130	0	10	0.00%
Petroleum Products	256,775	424720	1	5	20.00%
Other Supplies	2,560,374	423840	0	14	0.00%
Total Number of DBE's/Total Firms			**2**	**211**	**0.9479%**
Total Material, Supplies & Equipment Contracts to let in 2023-2025	**$8,506,504**				
Number of DBE's in NAICS Codes	**2**				
Number of Total Firms in NAICS Codes	**211**				
Percentage of Available DBE's to perform Materials, Supplies & Equipment Contracts	**0.9479%**	Total DBE firms (3) divided by total firms in NAICS Code (211)			
Total DBE $	**$80,630**	Total Budgeted Cost multiplied by Percentage of Available DBE's ($8,506,504 * 1.4218%)			
Total Contracting Opportunities	***$27,982,392***				

Step 1A - Calculate Weighted Percentage of Categories of Contracting Opportunities to Total Contracting Opportunities			
Weighted Percent of Construction Contracts to total Contracting Opportunities	41.485%	Total Construction Contracts divided by Total Contracting Opportunities	
		($11,608,524 divided by $27,982,392) = .41485	
Weighted Percent of Professional Services Contracts to total Contracting Opportunities	28.115%	Total Professional Services divided by Total Contracting Opportunities	
		($7,867,364 divided by $27,982,392) = .28115	
Weighted Percent of Matls, Supplies & Equip Contracts	30.399%	Total Mat., Supp.,& Equip Contracts divided by Total Contracting Opportunities	
		($8,506,504 divided by $27,982,392) = .30399	
Total Number of DBE Contractors in NAICS Codes	30	(16) in Construction, (12) in Professional Svcs and (3) in Matls, Supplies and Equip Contractors	
Total Number of Contractors in NAICS codes	5,108	(3,297) in Construction (1,600) in Professional Svcs and (211) in Matls, Supplies and Equip	
Total DBE percent (of total firms)	0.5873%	Total DBE Contractors (31) divided by Total Number of Contractors (5,108).	
Total DBE $	$164,345	Total Contracting Opportunities for all Contracting Categories ($27,982,392) multiplied by Total DBE Percentage of Firms (.006069)	
Step 1B Weighted Base Goal in Percentage and Dollars			
Construction DBE %	0.20132%	$56,335	Percentage of Available DBE's to perform Construction Contracts multiplied by the Weighted Percent of Construction Contracts to total Contracting Opportunities (.004853 multiplied by 41.485) = .20132
			$27,982,392 * .20132% = $56,335
Professional Services DBE %	0.21087%	$59,005	Percentage of Available DBE's to perform Professional Services Contracts multiplied by the Weighted Percent of Professional Services Contracts to total Contracting Opportunities (.0075 multiplied by 28.115) = .21087
			$27,982,392 * .21087% = $59,005
Material/Supplies DBE %	0.28815%	$80,630	Percentage of Available DBE's to perform Material/Supplies/Equip Contracts multipled by the Weighted Percent of Material/Supplies/Equip to total Contracting Opportunities (.014218 multiplied by 30.399) = .43222
			$27,982,392 * .43222% = $120,946
Weight DBE % and $ amount	0.7003%	$195,971	Total Contracts $27,982,392 * .008444
Step 2 Adjustment for Past Participation	0.75300%	$210,707	Weighted DBE % + the median past participation divided by 2 (.8444 + .8057) / 2
			$27,982,392 * .0082504
2023-2025 DBE Goal	***0.75300%***	***$210,707***	***Race Neutral Goal***

1.) Research appropriate NAICS code for the project industry (use the 2017 index and search by key words)
North American Industry Classification System (NAICS) U.S. Census Bureau

2.) Search for certified (DBE) companies within a NAICS county wide
https://omwbe.diversitycompliance.com/

3.) County Wide NAICS
Spokane County NAICS - Census Bureau Tables

Total Adjusted DBE Percent Goal: 0.7530% ($210,707)

The calculation of the base figure for Federal Fiscal Years 2023, 2024, and 2025 is shown on the Base Figure chart. To develop the base number of available DBEs, STA first identified the NAICS codes applicable to the specified contracting opportunities. Using economic census data for our market area (Spokane County), STA identified the total number of firms with corresponding NAICS codes, as well as the certified DBEs for these codes, for each contracting category. The total number of available DBEs identified for each category is then divided by the total number of available firms identified for each category. This resulting percent (Percentage of Available DBEs) is multiplied by the total DBE contracting opportunities percent for each category to create a weighted DBE percent for each category. STA followed FTA guidelines on goal setting methodology and examined available evidence to determine what adjustment if any would be needed to the Base figure. After review of DBE past participation in federal projects a Step 2 adjustment was made. This calculation determines the median past participation and then averages the past participation with the base figure resulting in an adjusted DBE goal of 0.7530%. The resulting figures reflect as accurately as possible the DBE participation in STA federal projects.

Figures shown on the chart reflect STA's Capital Improvement Program and FTA formula and project grants. FTA capital funds eligible for contracting opportunities are estimated using STA's approved Capital Improvement Program. The federal share of STA grants for rolling stock and related projects are not eligible to be counted toward the agency goal and are therefore not reflected. The construction category includes all federal funds allocated for transit enhancement projects. Of the total dollar amount anticipated for new contracts in FFYs 2023, 2024, and 2025, 41.485% is allocated for construction, 28.115% is allocated to the professional service category, and 30.399% is allocated to the material/supplies/equipment category for the fiscal year 2023, 2024, and 2025 estimates.

Future goals will be established by using the method mentioned above and by taking into consideration information gathered through the development of a bidder's list in compliance with 49 CFR part 26. Goals will be established every three years by the DBE Liaison for relevant categories of professional services, construction, materials, supplies and equipment, based on the goal setting process as stated. These goals will be reviewed and revised as appropriate, but no less frequently

than every three years. Revised goals and updates resulting from reviews will be provided to the U.S. Department of Transportation, Federal Transit Administration (FTA) on August 1 of every third year beginning in 2011.

Goals established for Disadvantaged Business Enterprise participation in STA's programs will be published and a 30-day comment period conducted prior to submission to FTA. STA will post the program on its web site and advertise notice of its DBE program and proposed DBE goals in a local publication. STA will invite interested parties to request copies or view the program at STA's headquarters and encourage comments regarding the program. Comments received will be considered and the program will be adjusted, if appropriate. Goal submission will include a summary of information and comments received during the public participation process and STA's response to such input. Unless other instructions are received from FTA, the overall goals established will be used beginning October 1 of every third year beginning in 2011.

Efforts will be made to determine the dollar value of the volume of work by categories based on the available data on overall dollar value estimates of STA projects scheduled for the three fiscal years. The DBE Liaison shall monitor categories of contract activity and, where appropriate, recommend new goals, using race-neutral measures. Race-neutral methods will include, but will not be limited to, advertising of procurement packages in DBE and non-DBE publications, ensuring that DBEs are included on commodity vendor lists, ensuring that bid packages, bonding and insurance requirements are of a size and level appropriate for all small businesses, and ensuring that prompt payment provisions are included in STA and prime contractor contracts.

To achieve the objective of a narrowly tailored program, STA plans to meet its entire overall goal through race-neutral means. Spokane Transit will not use DBE quotas or set-asides to achieve the overall agency aspirational goal. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry a DBE goal; DBE participation on a prime contract exceeding a contract goal; and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award. Under race-neutral conditions, DBEs will compete for Spokane Transits contracts on a purely lowest, responsive bid or best, most advantageous proposal basis.

If STA should become aware of over-concentration of DBEs in certain business areas to the extent that small non-DBE businesses can no longer effectively participate in STA's contracting opportunities, the agency shall take measures to reduce the effect of over-concentration including, but not limited to, reduction of the number of DBEs included in direct mailing of procurement packages, and reduction of advertising in DBE publications.

Counting DBE Participation

1. Work credited: When a DBE is participating in a FTA-assisted contract, only the work performed by the DBE will be counted toward STA's annual goals. DBE credit shall be applied as follows in accordance with 49 CFR part 26.55.

Quotas, Set-asides and Penalties

STA will not use DBE quotas or set-asides to achieve the overall three-year goal for DBE participation. Participation will be achieved by race-neutral means.

TVM Certification

STA will not use DBE goals in contracts for rolling stock. Transit vehicle manufacturers (TVM) are required to develop and submit their own program to the FTA. STA will require TVMs, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurement, to provide proof in their bid package that said program has been approved or not disapproved. Alternatively, STA may, at its discretion and with FTA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of the TVM complying with this element of the program.

CONTRACT PROVISION

Assurances

STA is committed to providing a level playing field for all potential contractors regardless of race, color, national origin or sex. STA will ensure that all assistance agreements with the FTA or primary recipients will contain the assurances contained in 49 CFR Part 26.13. The following clause will be placed in every DOT-assisted contract and subcontract:

> "The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:
>
> 1) Withholding monthly progress payments;
> 2) Assessing sanctions;
> 3) Liquidated damages; and/or
> 4) Disqualifying the contractor from future bidding as non-responsible

In addition, STA has signed the following assurance, applicable to all DOT-assisted contracts and their administration:

> "STA shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT assisted contract or in the administration of its DBE Program or the requirements of 49 CFR part 26. STA shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. STA's DBE Program, as required by 49 CFR part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to STA of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under

18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.)."

STA will make both the rule and their DBE program available to contractors upon request.

Prompt Payment

STA's normal payment process is within 30 days from date of receipt of a correct invoice after work has been accepted. Progress payments are allowed under certain contracts and are handled on the same basis. Where deemed necessary, STA will agree to shorter payment terms to reduce the cash flow burden on small businesses when the contract is with a small business. STA will release retainage within thirty days from the date a release of lien on the public works project is received as prescribed in Washington State law. In general, STA will include in its contracts a prompt payment clause as follows:

> "The contractor is required to make payment to subcontractors within thirty days from the receipt of each payment the prime contractor receives from STA for satisfactorily completed subcontractor work from STA, whether such payment is a progress or final payment. The prime contractor agrees further to return retainage payments to each subcontractor within thirty days after the subcontractor's work is satisfactorily completed. If payment disputes arise between the prime contractor and subcontractors, such disputes shall be resolved promptly through mediation or arbitration in order to prevent injury to small business subcontractors. The prime contractor shall specify in its subcontract agreement what dispute resolution method will be used. In addition, prime contractors will not be paid for subcontractors' work unless the prime contractor can show that a prompt payment method for subcontractors is in place. Prime contractors shall be required to provide copies of the subcontracts to STA showing inclusion of these provisions. This clause applies to both DBE and non-DBE subcontractors."

Compliance Monitoring

A monitoring system will be developed to enable STA staff to assess progress in achieving the DBE goal, determine priorities for allocating DBE Liaison time, and identify problem areas in a timely fashion. In order to ensure compliance with DBE requirements in its contracts, STA's project managers and representatives at job sites will monitor on an ongoing basis that work committed to

being performed by DBEs is actually performed by the DBEs named in a contractor's bid or proposal. A clause will be included in all contracts requiring that the contractor cannot substitute subcontractors without STA's concurrence.

Contractor Reporting Requirements

STA shall use the prime contractor's commitment to DBE subcontractor participation submitted with its bid. However, DBE participation will not be counted until actual payment has been made to the DBE subcontractors involved. Therefore, contractors shall be required to submit with each payment request the amounts earned by DBE subcontractors and to be paid to DBE subcontractors upon STA's progress payment. In addition, prime contractors shall be required to submit verification of receipt of previous payments to DBE subcontractors. STA will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of STA or DOT. This reporting requirement also extends to any certified DBE subcontractor.

STA will keep a record of payments to DBE firms for work committed to them at the time of contract award. STA will also perform audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

The Contractor agrees to use his/her best efforts to carry out a policy in the award of subcontracts, agent agreements, and procurement contracts which will, to the fullest extent, provide equal access to disadvantaged business enterprises consistent with the efficient performance of the contract.

SMALL BUSINESS PARTICIPATION

STA is committed to providing equal access to small business to participate in STA's contracting opportunities. The U.S. Small Business Administration (SBA) defines a "small business" in terms of the number of employees over the past year or the average annual receipts over the past three years. Size standards vary by industry. STA will use size standards established by the SBA to determine small business eligibility.

November 1, 2012, STA mailed a form letter to the current vendor list requesting information on their respective small business status. This request continues to be included in formal solicitations and request for information from new vendors. This information will be used to develop a readily available list of small businesses eligible for contracting opportunities by NAICS code classification. In addition, this letter will be included in IFB's and RFP's to gather information from vendors not currently doing business with STA.

STA will work with local groups and agencies that provide education to small businesses on government contracting to encourage participation in STA's bidding opportunities.

An annual assessment of upcoming contract opportunities will be reviewed by STA's Capital Improvement Plan committee and where appropriate, STA may provide a reasonable number of prime contracts available for small business by unbundling larger contracts. In addition, contracts falling under the formal bid threshold will be available for participation by small business.

RECORD KEEPING AND REPORTING

A record keeping system will be established to identify and assess DBE contract awards, prime contractors' progress in achieving DBE subcontract goals, and other DBE efforts. This data will facilitate monitoring for internal management purposes, as well as provide data necessary for federal compliance review and uniform reporting requirements.

STA will create a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. In order to develop a database of firms, both DBE and non-DBE, that are willing and capable to compete for STA's contracts, STA will require that each bidder for a prime contract provide with their bid, or within forty-eight hours thereafter, the firm name and address on all subcontractors that have submitted bids whether successful or not. Additional information to be submitted by the prime contractor or to be obtained by STA directly will be the subcontractor's status as DBE or non-DBE, age of firm and annual gross receipts. This information will provide pertinent and narrow information on the number and type of small or DBE firms available and interested in working with STA and will provide additional information to be used during the annual goal setting process.

Records will be kept in the STA Administrative Offices and will be made available for examination upon written request by an authorized officer or employee of the government.

STA will report the status of its DBE program to the FTA on a semiannual basis, using the Uniform Report of DBE Commitments/Awards and Payments form. The report shall show DBE goal commitments and participation actually achieved through payments to DBEs.

SUMMARY

STA is committed to assuring that disadvantaged business enterprises are provided a level playing field to enable them to be active vendors for services and goods needed by STA. This program sets forth the mechanics for ensuring that opportunity. The program is meant to be a dynamic one and will be altered periodically to meet new needs or resolve issues which may occur in the future.

E. Susan Meyer
Chief Executive Officer

7.27.2022
Date

FOR USE IN ALL BIDS AND RFPs

Disadvantaged Business Enterprise Provision

STA is committed to ensuring that all firms regardless of race, color, sex or national origin have equal opportunity to participate in STA contracts. Therefore, STA has established a three-year agency goal for DBE participation in its contracting opportunities.

Non-Discrimination Assurances:

The contract or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or other such remedy as STA deems appropriate, which may include but is not limited to:

1) Withholding monthly progress payments;
2) Assessing sanctions;
3) Liquidated damages; and/or
4) Disqualifying the contractor from future bidding as non-responsible.

A copy of 49 CFR part 26 may be obtained by contacting STA's DBE Liaison, Spokane Transit Authority, 1230 W. Boone, Spokane, WA 99201, (509) 325-6032, or electronically at jhorton@spokanetransit.com

Prompt Payment

The contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than thirty days from the receipt of each payment the prime contractor receives from STA. The prime contractor agrees further to return retainage payments to each subcontractor within thirty days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above time frames may occur only for good cause following written approval of STA. This clause applies to both DBE and non-DBE subcontractors.

DBE Bidders List

STA is required to create and maintain a bidders list of all firms bidding on prime contracts and bidding or quoting subcontract on Department of Transportation-assisted contracts. To assist STA in compliance with this provision of the regulation, please complete and return Attachment to the address listed or with your proposal.

Required Sub-Bidder Information

In addition to DBE information stated above, bidders are required to submit at the time subcontractor information is due, the name and address of all firms, both DBE and non-DBE, that submitted sub-bids for this project whether successful or not.