

**Eastern Panhandle Transit Authority
6280**

**Project Specific
Disadvantaged Business Enterprise Goal**

**Administration/Operations/Maintenance/Bus
Transfer Facility**

January 2021

1. INTRODUCTION

The Eastern Panhandle Transit Authority (EPTA) herein sets forth its overall Disadvantaged Business Enterprise (DBE) goal along with the corresponding goal-setting methodology for the EPTA Administration/Operations/Maintenance/Transit Center Facility project pursuant to Title 49 Code of Federal Regulations (CFR) Part 26 “Participation by Disadvantaged Business Enterprises in U.S. Department of Transportation Programs.”

2. BACKGROUND

EPTA is a recipient of U.S. Department of Transportation (USDOT), Federal Transit Administration (FTA) funding. Prior to this project, EPTA expended less than \$250,000 in FTA funding annually on third-party contracting. As a condition of receiving this assistance, EPTA must comply with FTA’s DBE requirements. In accordance with Title 49 CFR Part 26; Participation by DBEs in USDOT programs, EPTA is required to develop and submit a DBE goal for this FTA-assisted project. EPTA is requesting a project-specific DBE goal in accordance with 49 CFR 26.45(e)(3) for the construction of the new operations and maintenance facility. Upon completion of this project, EPTA will again be under the threshold requiring a DBE goal.

3. FTA-ASSISTED CONTRACTING PROGRAM

Table 1 represents EPTA’s FTA-assisted contracting program which lists all the NAICS Codes considered in preparing the goal methodology. It is anticipated that the project will be awarded during FFY 21.

4. GOAL METHODOLOGY

Step 1: Determination of a Base Figure

EPTA followed the prescribed federal methodology to determining a base figure. EPTA looked at the availability of ready and willing DBE firms in each category code and also looked at ALL ready and willing firms in each category code. This information was gathered through the West Virginia Unified Certification Program (WVUCP) DBE Database of Certified Firms and the 2016 U.S. Census Bureau County Business Patterns Database with specific market area defined based on the individual contracting opportunity. EPTA’s local market area consists of the State of West Virginia. This is where the contracting dollars will be expended and/or the majority of contractor and subcontractor bids/quotes are located. The base figure is derived by dividing the number of ready, willing and able DBE firms identified in each work category by the number of ALL firms identified in each work category (relative availability). Base Figure = Number of Ready, Willing and Able DBE Firms / Numerator: WVUCP DBE Database of Certified Firms Denominator: 2016 U.S. Census Bureau’s Business Patterns Database To ensure the information pulled for DBE firms and ALL firms were apples to apples, the same geographic region was selected for both groups. The result of the base figure calculation is 1.2 percent, for construction and 1.3 percent for consultants as shown in Table below.

<u>Category of Work</u>	<u>NAICS Code</u>
Commercial and Industrial Building Construction	236220
Water and Sewer Lines	237110
Concrete paving (i.e., highway, road, street, public sidewalk)	237310
Grading, highway, road, street and airport runway	237310
Concrete paving (i.e., highway, road, street, public sidewalk)	237310
Poured Concrete Foundation and Structure Contractors	238110
Structural Steel and Pre-cast Concrete Contractors	238120
Wall component (i.e., exterior, interior), prefabricated, installation	238130
Framing Contractors	238130
Masonry Contractors	238140
Roofing Contractors	238160
Siding contractors	238170
Other Foundation, Structure and Building Exterior Contractors	238190
Electrical Contractors	238210
Security and fire system, installation only	238210
HVAC (heating, ventilation and air-conditioning) contractors	238220
Plumbing Contractors	238220
Drywall Contractors	238310
Painting (except roof) contractors	238320
Vinyl Flooring Contractors	238330
Door and Window Frame Contractors	238350
Parking lot paving and sealing	238990
Trucking	484220
Consulting Engineers	541330
Landscape installation services	561730

Total Construction Firms	Total DBE Firms	Percent DBE Firms
4,099	50	1.2%
Total Consulting Engineers	Total DBE Firms	Percent DBE Firms
1,113	15	1.3%

Step 2: Adjusting the Base Figure

After establishing the base figure, EPTA reviewed other known factors potentially affecting the relative availability of DBEs within the market area. This approach follows the narrow tailoring provisions set forth under 49 CFR Part 26.45: Step 2; DBE Goal Adjustment guidelines. Factors considered in making an adjustment to the Base Figure include the following:

A. Past DBE Goal Attainments

The primary form of evidence available is the past participation of DBEs in EPTA's contracting. During the past five years, EPTA has been exempt from having a DBE goal. This is due to the fact that EPTA has expended less than \$250,000 in annual FTA funding on third-party contracting. Nonetheless, EPTA calculated past DBE participation attainments for the last five (5) federal

fiscal years. Table 6 reflects the actual representation of DBEs on FTA-assisted contracts awarded by EPTA in the last five federal fiscal years. The median established for the past five years as shown in the table below is lower than the Base Figure derived from Step 1; therefore, an adjustment to the Base Figure based on EPTA’s past DBE goal attainments has been made.

The decision to make an adjustment was based on the following:

Contract Value Awarded	% DBE Participation
FY 16 \$137,614.00	0%
FY 17 \$190,761.00	0%
FY 18 \$230,063.00	0%
FY 19 \$234,978.00	0%
FY 20 \$154288.00	0%

The mean DBE participation obtained by EPTA over the last five fiscal years was 0percent. While this number is less than the base goal that was calculated it must be noted that EPTA’s contracts were very small and did not exceed the amount of federal funds requiring a formal DBE goal.

B. Disparity Study

This factor is not applicable. There has been no disparity study undertaken by the West Virginia Department of Transportation or EPTA.

C. Other Available Evidence

EPTA is not aware of any other factors that would have an impact on the DBE goal-setting methodology.

5. PROPOSED OVERALL DBE GOAL

The final proposed DBE goal for EPTA’s FTA-assisted contracts in connection with the proposed operations and maintenance facility is 1.0%. The DBE goal is a Race Neutral goal and EPTA will implement race neutral measures to achieve this goal.

6. UTILIZATION OF RACE/GENDER NEUTRAL METHOD

Utilization of race neutral measures is the preferred method of achieving DBE participation. Contract specific goals may be established in those instances when it is anticipated that exclusive use of race neutral measures may be insufficient to meet the goal. We estimate that, in meeting our overall goal of 1.0 percent, we will obtain 100 percent from race neutral participation and 0 percent through race-conscious measures. The Agency actively seeks to solicit procurement participation from DBE firms and affirmatively ensures the same in its public notices. Race neutral methods include, but are not necessarily limited to, the following:

- DBE participation through a prime contract obtained through competitive procurement procedures

- DBE participation through a subcontract on a prime contract
- Unbundled solicitations, providing pre-bid/pre-proposal conferences to allow networking opportunities for primes and subcontractors
- Advisement of its contracting community of the online directory of certified DBEs, found at the West Virginia Unified Certification Program website:
<https://transportation.wv.gov/EEO/DBE>
- Participation in local area DBE outreach events.
- Efforts to ensure that requests for proposals (RFPs), invitation for bids (IFBs) and all corresponding contracting requirements foster participation by DBEs and other small businesses.
- Encouragement of prime contractors to subcontract portions of the work to DBEs.

7. PUBLIC PARTICIPATION

In accordance with Public Participation Regulatory Requirements of Title 49 CFR Part 26, minority, women, local business associations, and community organizations within the EPTA market area were provided an opportunity to review the project-specific goal analysis and provide input. EPTA issued a notice on its website of the proposed FTA DBE Goal Setting Methodology. This notice informed the public that the proposed goal and methodology were available for review at the EPTA main office during normal business hours for 30 days following the date of public notice. A public meeting was held at the EPTA main office, 446 Novak Drive, Martinsburg, West Virginia. 25405 on February 16, 2021, at 1:00-2:30pm. A copy of the public notice and the public meeting notice are attached as Appendix.

Invites to the meeting and a copy of the DBE methodology goal were emailed directly to:

- List agencies

Maryland Minority Contractors Association, Inc.
2423 Maryland Ave, Suite 220
Baltimore MD 21218
mmca.inc@gmail.com

National Association of Minority Contractors
910 17th Street NW
Washington, DC 20006
info@namcnational.org

Contractors Association of West Virginia
2114 Kanawha Blvd
E. Charleston, WV 25311
planroom@cawv.org

Virginia Department of Small Business and Supplier Diversity
101 N. 14th Street, 11th Floor
Richmond, VA 23219
sbsd@sbsd.virginia.gov

EPTA received (To be Determined) responses from (To be Determined), and (To be Determined) “Will attend” response from (To be Determined).

Feedback from Public Participation Process
(To be Determined)

PUBLIC NOTICE

DISADVANTAGED BUSINESS ENTERPRISE (DBE) GOAL AND METHODOLOGY

Eastern Panhandle Transit Authority

New Administration/Operations/Maintenance/Bus Transfer Facility

The Eastern Panhandle Transit Authority (EPTA) is developing its federal DBE goal and methodology for the upcoming construction of a new Administration/ Operations/ Maintenance/ Bus Transfer Facility. The development of this DBE goal is required by the Federal Transit Administration (FTA) in accordance with the 49 Code of Federal Regulations, Part 26. EPTA will host a public consultation meeting to provide small, minority, woman-owned and other business enterprises, public agencies, community organizations, trade associations, elected officials, and other interested individuals, an opportunity to offer comments on the overall DBE goal and methodology.

The proposed goal will then be published and available for review and comment. The date, times and location of the public meeting are as follows:

Tuesday, February 16, 2021

1:00 p.m. to 2:30 p.m.

Due to COVID Restrictions the meeting will be held in the Maintenance Bay. Masks are mandatory will visiting Eastern Panhandle Transit Authority and must be worn covering the nose and mouth.

EPTA Headquarters

446 Novak Drive,

Martinsburg, West Virginia 25405

PUBLIC NOTICE

DISADVANTAGED BUSINESS ENTERPRISE (DBE) GOAL

Eastern Panhandle Transit Authority

Administration/Operations/Maintenance/Bus Transfer Facility

In accordance with the U.S. Department of Transportation's Title 49 Code of Federal Regulations, Part 26, the Eastern Panhandle Transit Authority (EPTA) hereby announces the following as its proposed DBE participation goal for the design/engineering and construction of the new EPTA Administration/Operations/Maintenance/Bus Transfer Facility.

1%

This goal represents the percentage of work to be accomplished by DBE prime contractors, subcontractors, consultants and material suppliers for professional services and construction of the EPTA Administration/ Operations/ Maintenance/ Bus Transfer Facility. The proposed goal and its rationale are available for public review, for 30 calendar days from the date of this notice, Monday through Friday, 8:30 a.m. to 4:30 p.m., at our administrative offices indicated below, and on EPTA's website. Written comments will also be accepted by EPTA for 30 calendar days from the date of this notice. Interested parties are encouraged to submit comments to:

Ms. Elaine Bartoldson
EPTA
446 Novak Drive
Martinsburg, West Virginia 25405