DBE Goal Setting Self-Assessment Checklist:

Your DBE goal and program must address all required elements of 49 CFR Part 26. Use the checklist below to review your DBE Goal before you submit it to FTA. Note that it is the responsibility of the agency and the DBELO to assure compliance with the DBE regulations in the submission.

Guidance for determining the race neutral and race conscious portions of the goal and applying contract goals are found at 49 CFR Part 26.51 through 26.53. Additional guidance can be found at the USDOT’s OSDBU Tips for Goal Setting webpage and the DBE Q&As webpage. If you have questions in the development of your goal, please contact your Regional Civil Rights Officer at FTA.

OVERALL GOAL SUBMISSION:

☐ The goal submission is submitted to FTA by August 1 on the schedule as determined by FTA (26.45(f)(1)(i)).

☐ The goal submission is expressed as a percentage of all FTA funds (excluding the purchase of transit vehicles) that the grantee will expend in FTA-assisted contracts in the three upcoming federal fiscal years. The federal fiscal year begins 60-days after the goal is due to FTA, on October 1, and runs through September 30 (26.45(e)(2)).

☐ The goal submission clearly states the overall goal and race-conscious/race-neutral breakdown (26.51(c) and 26.45(f)(3))

☐ The goal includes information regarding the consultation with minority, women’s and general contractor groups (26.45(g)(1)). Consultation information includes:
  ☐ Comments and feedback from consultations are included in Step Two.
  ☐ Description of what, if any, changes were made based on comments.

☐ The goal includes proof that the goal was published (26.45(g)(2)) to:
  ☐ General circulation media
  ☐ Minority-focused media
  ☐ Trade association publications
  ☐ Comments from publications received for at least 45 days following the published notice.
  ☐ Description of what, if any, changes were made based on comments.

GOAL-SETTING METHODOLOGY, STEP 1:

☐ A base figure to determine the relative availability of DBEs to non-DBE firms is developed using one of the methods available in 26.45(c). This is accomplished by:
The types of contracts (both prime and sub) that the grantee intends to let in the upcoming 3 federal fiscal years are described.

Larger projects are broken down to consider sub-contracting opportunities.

If the grantee has sub-recipients, project opportunities from each sub-recipient are considered for sub-contracting opportunities.

The number of DBEs ready, willing, and able to bid on the project opportunities is divided by the number of all firms (DBEs and non-DBEs) ready, willing and able to bid on those projects.

The correct/appropriate NAICS codes associated with the contracting opportunities are provided. NAICS codes can be found at: www.census.gov/eos/www/naics/

The estimated project costs are assigned to NAICS codes to estimate the amount of federal funds that will be spent in those areas.

The grantee determines the number of ready, willing and able DBEs for each identified NAICS code.

The grantee determines the number of all firms (DBE and non-DBE) for each identified NAICS code.

The grantee describes the data sources used to find the number of DBEs to all firms (DBE and non-DBE). The grantee can describe why this is the most relevant information available. The source is verifiable, such as a bidders list, census data and DBE directory, disparity study, alternate method, etc.

The grantee describes how the local market area was determined.

The grantee has verified that the DBE numbers in the numerator are comparable to the number of all firms as expressed in the denominator. For instance, if DBEs that do trucking are in the numerator, make DBEs and non-DBEs that do trucking in the denominator. Likewise if a bidders list is used, make certain that it is the source for both the numerator and your denominator.

Weighting is used to ensure the Step One Base Figure is as accurate as possible. This is not required by the rule.

GOAL-SETTING METHODOLOGY, STEP 2:

All available evidence was considered to determine what adjustment to the Step One Base Figure, if any, is necessary (26.45(d)). The following factors were considered (check all that apply):

Past participation (the volume of work DBEs have performed in recent years)

Contracting opportunities in the upcoming triennial cycle are the same or substantially similar to the recent past.

The historical median (not average) is used to measure past participation.

The historical median of past participation is then averaged with the Step One Base Figure to arrive at the adjusted goal.

Evidence from recent disparity studies conducted in the market area

Statistical disparities in the ability of DBEs to get financing, bonding and insurance
Data on employment, self-employment, education and training, union apprenticeship programs; and

Any other data that helps to better measure the percentage of work that DBEs would be likely to obtain in the absence of discrimination.

GOAL-SETTING METHODOLOGY, RACE/GENDER-NEUTRAL AND RACE/GENDER-CONCIOUS DIVISION OF THE GOAL:

The maximum feasible portion of the overall goal is met using race/gender-neutral means of facilitating DBE participation (26.51(a)). This is determined through considering the following:

The amount by which the goals were exceeded in the past. This is more accurate if multiple years of data (3 or more) are used. In that case, the median achievement should be considered.

The amount to which DBE prime contractors account for past participation. Those attainments should be considered race/gender-neutral.

The amount to which DBE subcontractors were used on contracts without DBE goals.

The amount to which MBE/WBE and/or DBE participation has been achieved on race/gender-neutral contracts in state or local programs.

The amount to which the grantee projects new or recently implemented race-neutral measures, such as the small business utilization program, will increase race-neutral participation.

The amount to which the grantee has been unable to meet the goal using race/gender-conscious measures in the past.