2014 National Advocacy Organization Roundtable: A Discussion to Facilitate DBE Participation in TVM Contracting
Housekeeping

✓ Manually mute phones or enter *6 to mute phones

✓ Keep phones muted at all times—unless offering a comment or asking a question

✓ Type the term “question” or “comment” in the chat box and FTA will recognize you to speak

✓ Please be sure to log in with your current email address

✓ This presentation will be posted on the FTA website
Purpose

✓ Explain the role of national organizations in the TVM DBE goal-setting process

✓ Communicate DBE program objectives/requirements to national advocacy organizations

✓ Identify effective ways to communicate small business opportunities on TVM projects to national advocacy organizations and their members
Topics Covered

✔ DOT DBE Requirements for Vehicle Procurements
✔ Elements of DBE Goal Methodology
✔ TVM Goal Submissions and Approval/Disapproval Process
✔ Benefits to National Advocacy Organizations
✔ TVM-Led Discussion
✔ Public Participation
✔ Dialog: What Questions TVMs and National Advocacy Organizations Should Ask
✔ What is the Best Way to Communicate
✔ Next Steps and Reminders
FTA Vehicle Procurements: Federal Regulatory Requirements

49 C.F.R. § 26.49:

If you are an **FTA recipient**, you must require that each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, certify that it has complied with the DBE regulatory requirements.

- A transit vehicle manufacturer may obtain this certification by submitting its DBE Goal and Program Plan to the FTA Office of Civil Rights

If you are a **transit vehicle manufacturer**, you must establish and submit for FTA's approval an annual overall percentage goal. You should be guided, to the extent applicable, by the principles underlying § 26.45.
Consultation

49 C.F.R. § 26.45(g)(1):

In establishing an overall goal, you must provide for public participation. This public participation must include:

Consultation with minority, women’s and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and your efforts to establish a level playing field for the participation of DBEs.
DBE Goal Methodology
What is a DBE

A for-profit small business concern that is at least 51 percent owned and operated by one or more individuals who are both socially and economically disadvantaged
What is a DBE Goal

The percentage of FTA funds a TVM anticipates awarding to ready, willing, and able DBEs who provide supplies or services during FTA-assisted vehicle procurements.
Elements of DBE Goal Methodology

1. Detailed list of contracting and subcontracting opportunities
2. Identification of the geographic market area(s)
3. Step 1 Base Figure
4. Step 2 Adjustment, if necessary
5. Race-conscious/race-neutral breakdown
6. List of all sources used to establish the goal
7. **Evidence of Meaningful Consultation**
   - Conduct outreach sessions with minority/women/small business advocacy organizations and general business groups and submit evidence of your outreach

8. **Proof of Publication**
   - Publish goal in at least one general circulation media, one minority-focused media, and one trade publication
TVM Goal Submission Approval/Disapproval Process

- On August 1, 2014, TVMs submit the FY15 DBE goal methodology to FTA
- FTA will either approve the goal and issue a “TVM Certification letter” or identify deficiencies and issue an “In Review letter”
- TVMs will be given 60 days to correct all noted deficiencies
- TVMs that do not address all deficiencies within 60 days will receive a “Disapproval letter”
- FTA will post approved TVMs on the FTA TVM webpage
Benefits to National Advocacy Organizations

Exposure to Available Contracting Opportunities:

- Your members should be privy to TVM contracting opportunities
- Your members should consider becoming certified DBEs
- Your members should take affirmative steps to participate on these TVM contracts
- TVMs should contact your organization to help locate DBEs and small businesses that may be able to compete for subcontracts
- Your organization can assist TVMs in identifying appropriate NAICS codes for subcontracting opportunities
TVM-Led Discussion
Meaningful Public Participation (2 Components)

Public participation **must** include:

- **Consultation** with minority, women and general contractor groups with knowledge of availability of DBEs for feedback on your DBE goal methodology and implementation
  - Phone Calls
  - In-Person Meetings
  - Email Messages

- **Publication** of a notice announcing your proposed goal.
  - Must be published in *general circulation media AND minority-focused AND trade-focused publications*
  - Must accept public comments for at least 45 days (i.e., the public comment period)
TVMs: What to Ask

After introducing your company and briefly explaining the purpose of the call, TVMs should consider the following questions:

- Do you believe your members could participate on any of the following contracting opportunities?
- Are any of your members certified DBEs?
- Did you know that each state has a Unified Certification Program (UCP) that will assist with DBE certification?
TVMs: What to Ask  
National Organizations: How to Respond

- **TVM**: Are there other NAICS codes or work categories I should consider?
  - **National Organization**: What is a NAIC Code? Is there a national listing or website I can visit to learn more?

- **TVM**: I perform a substantial majority of my contracting in [insert state/area]. Do any of your members work in these areas?
  - **National Organization**: You should consider expanding your geographic market area because many manufacturing suppliers are located in [insert state/region].

- I used the following sources to locate DBEs and small businesses. Can you recommend any other sources?
**TVMs: What to Ask**

**National Organizations: How to Respond**

- **TVM:** Are your members listed in DBE or small business directories? If so, which ones?

- **National Organization:** Please explain what you mean by a DBE or small business directory.

- **TVM:** I believe DBEs can provide supplies which would constitute [insert goal percentage] of the overall cost to build my vehicle. Do you think this goal is too low or too high? Why?

- **National Organization:** I am not familiar with the technical aspects of the DBE program. Please provide a brief overview of what you are required to do and how I can assist you.
TVMs: What to Ask National Organizations: How to Respond

- **TVM**: My annual goal percentage is [insert percentage]; but, after considering other information, I adjusted it downwards to [insert percentage]. Do you think my goal accurately reflects DBEs and small businesses’ ability to work on vehicle manufacturing contracts?

- **National Organization**: You are a major transit vehicle manufacturer that has supplied vehicles to several urban transit systems. I see your name on the bus I ride each morning. Your DBE goal seems low. What groups have you contacted regarding your contracting opportunities? How often do you contact these groups? You should consider...
National Organizations: What to Ask

- In what geographic areas do you award most of your contracts?

- I have several members in the [insert area] who would be able to supply parts or services on your contracts. How should they contact you?

- I have several members located throughout the country that would be able to supply parts or services on your contracts. How should they contact you?

- Several of my members are listed in the [insert source]. Did you consider that source when determining your DBE goal?
National Organizations: What to Ask

- Did you decrease your goal for any reason? Why?
- Do you have a list of contracting opportunities I can disseminate to my membership? *I will not charge a fee for you to inform my members of these opportunities*
- Do you have any upcoming projects with transit agencies?
- What evidence did you consider when determining your goal?
Communicating Effectively

Which methods work best for national organizations:

- Phone Calls
- In-Person Meetings
  - Would your members attend in-person meetings to discuss contracting opportunities?
- Email Messages
Next Steps

- How can we reach out to more national advocacy organizations?
  - Why aren’t more groups interested in this opportunity?
  - Are forums like this helpful?

- Who from your organization can TVMs contact to get the word out regarding contracting opportunities?
  - Provide contact info today?
  - Can FTA list that info on its website?
Reminders

FY2015 DBE Goal/Goal Methodology
- Due on August 1, 2014
- Post the 3 required goal notices by June 15, 2014 to satisfy the 45-day public comment period

FTA DBE Training Notices and Materials
- All FTA training materials are located at http://www.fta.dot.gov/civilrights/12885.html

TVMs Eligible to Bid on Federally Funded Transit Agency Contracts in Fiscal Year 2014
- FTA maintains a list of all TVMs that are eligible to bid on FTA-assisted contracts at http://www.fta.dot.gov/civilrights/12891.html