

FTA

FEDERAL TRANSIT ADMINISTRATION

Transit Vehicle Manufacturers DBE Program Training July 17, 2012

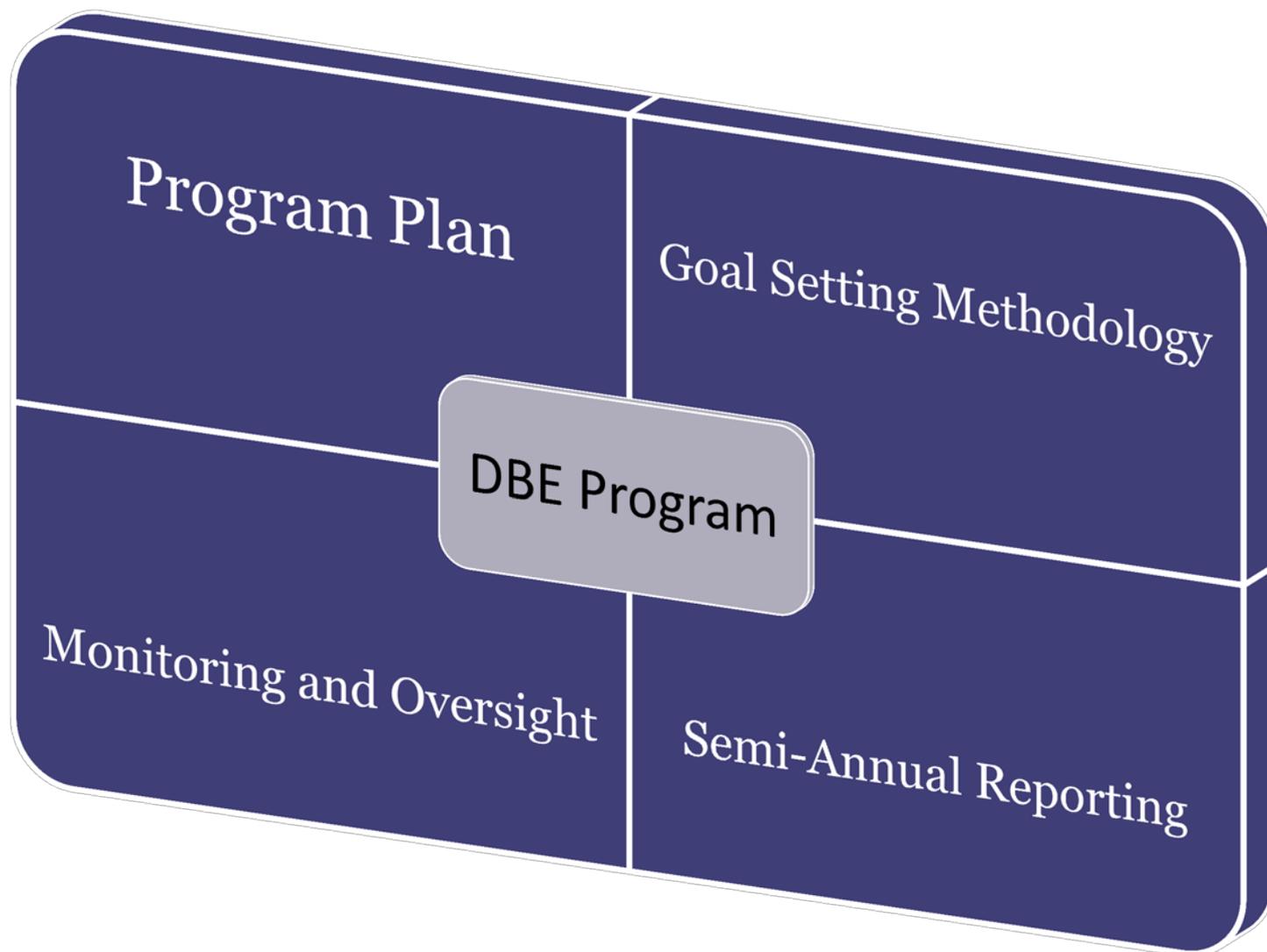


U.S. Department of Transportation
Federal Transit Administration

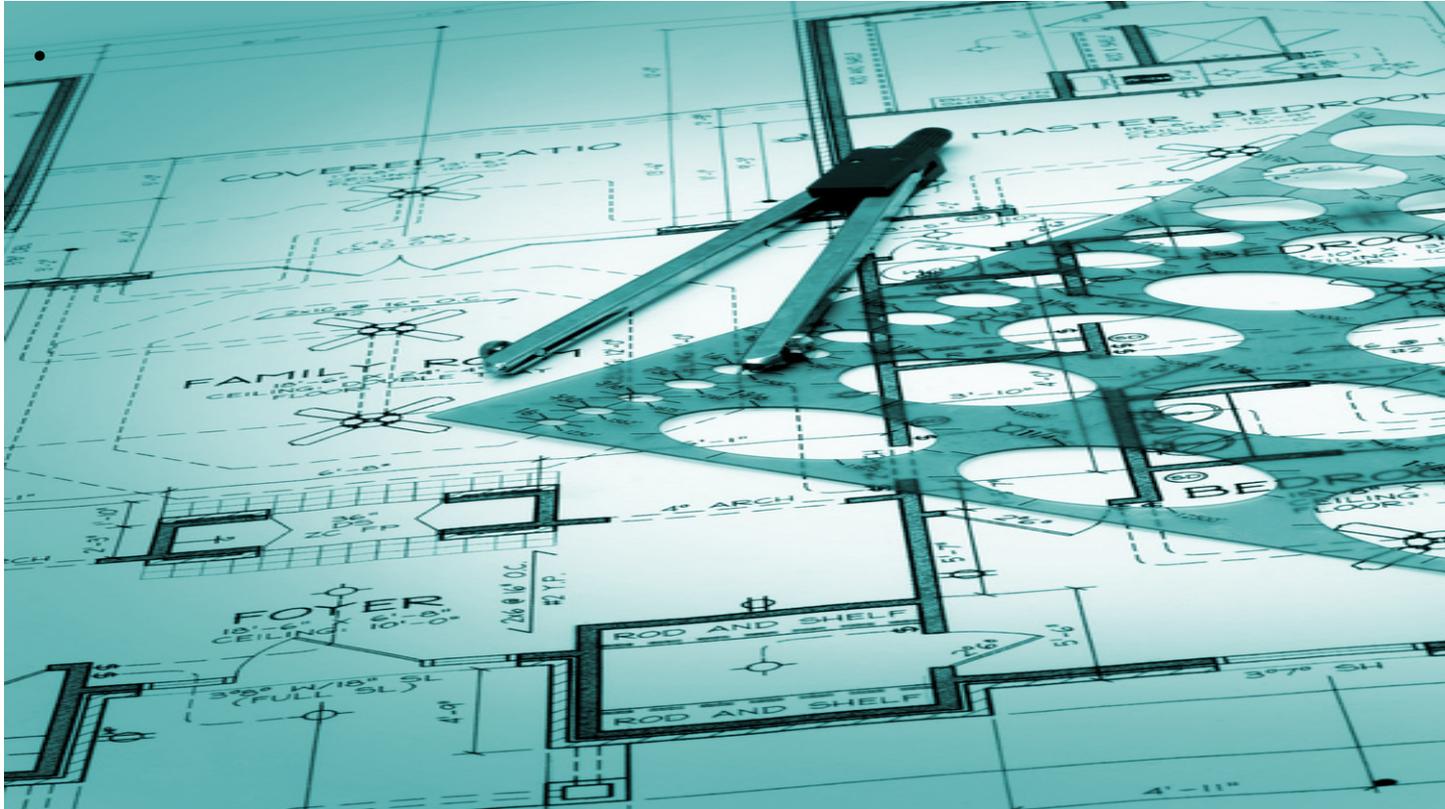
History of DBE Program

- The Disadvantaged Business Enterprise program is one dedicated to helping small businesses owned and controlled by socially and economically disadvantaged individuals, including minorities and women , in participating in contracting opportunities created by DOT financial assistance programs.
- This program originally began in 1980 as a minority business enterprise program and was later expanded to include women owned firms in 1987.
- In 1999, the Supreme Court's decision in *Adarand v. Peña* held that affirmative action programs must be "narrowly tailored to serve a compelling governmental interest," in addressing discrimination. Thus, the DBE program seeks to create a level playing field on which DBE can compete fairly for USDOT-assisted contracts

DBE Program: 4 Key Elements



The Blue Print: DBE Program Plan



DBE Program Plan

- 49 C.F.R. § 26.21 requires a DBE program meeting the requirements of 49 CFR Part 26. Regular updates are not necessary unless significant changes occur in your DBE Program.



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Significant Changes



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- There can three types of “significant changes”
 1. 49 C.F.R. § 26 Rule Changes
 2. Changes in TVM Infrastructure
 - (i.e. Appointment of a new CEO, DBELO, etc.)
 3. Changes in TVM’s DBE Program Implementation
 - (i.e. changes is DBELO’s responsibilities, use of contract goals, adding additional components to the § 26.39 Small Business Element)



DBE Program Plan

- Be mindful of the following before you complete your DBE Program Plan
 - Do not leave template language in your Plan
 - If a required element doesn't apply to you as a TVM simply state that it doesn't apply and provide a justification for its inapplicability
 - You are required to implement your DBE program in “good faith”
 - If you have a race-neutral program, your program plan must demonstrate how you are going to pursue a race-neutral program
 - Race-conscious measures are available to TVMs **not** in the 9th Circuit

DBE Program Plan Requirements

- DOT's DBE program 15 elements:
 - Program Plan
 - Policy Statement
 - DBE Liaison Officer
 - Financial Institutions
 - DBE Directory
 - Overconcentration
 - Business Development Programs
 - Determining and Meeting Goals
 - Required Contract Provisions
 - Certification Standards
 - Certification Procedures
 - Record Keeping and Enforcement
 - Contract Goals
 - Fostering Small Business Participation
 - Short Fall Analysis



DBE Program Plan Requirements

- **Program Plan:**
 - This is a detailed breakdown of how you will implement and administer your DBE Program. Please indicate what provisions are inapplicable and why. Regular updates are not necessary unless significant changes occur in your DBE Program.
- **Policy Statement:**
 - Affirms your participation in the DBE program, identifies the objectives of your DBE program, identifies your DBELO, the manner which your company will disseminate this statement internally and externally, and must be signed and dated by your current Chief Executive Officer
 - You should include how this document will be externally disseminated.
 - This may be accomplished by posting your Policy Statement on your organization's website.

Common Error Policy Statement

[REDACTED] has disseminated this policy statement to all of the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts by email or fax.

[REDACTED]

[Signature of Recipients Chief Executive Officer]

Date

This section of the Policy Statement should also include:

1. An affirmation that the policy statement will also be made available to contractors who have not performed work on DOT-assisted contracts
 - i. This can be accomplished by posting the Policy Statement on the website
2. Policy Statement must be dated



DBE Program Plan Requirements

- DBE Liaison Officer:
 - Undertakes the responsibilities associated with DBE program implementation and has a direct reporting relationship with the CEO
 - DBELO must have adequate staff and authority to administer the program
- Financial Institutions:
 - You must conduct thorough search for DBE financial institutions and make this information available to contractors
 - Availability should be re-evaluated periodically (i.e. 1-2 years)

Common Misunderstanding Financial Institutions

- You are not required to use DBE financial institutions; rather to make known their existence to prime and subcontractors who may consider using the institution's services. FTA urges you to also use these DBE financial institutions to the extent possible.



DBE Program Plan Requirements

- DBE Directory:
 - Issued by each certifying agency and may help TVMs locate ready, willing, and able certified DBEs in specific work categories
 - TVMs may also maintain a listing or directory of DBEs they have identified as ready, willing, and able
- Over Concentration Analysis:
 - indicate what monitoring mechanisms are in place to ensure that overconcentration can be identified and adequately addressed. Such methods may include tracking the types of work performed by DBEs when contract goals were attached to contracts.

Sample DBE Directory

DBE Directory (classified by part or service provided)

New Jersey	HVAC New York	Pennsylvania
A.G. Consulting Engineering, PC	GEO Tech Construction Corp	CFI Associates, Inc.
Princeton Engineering Services, PC	Princeton Engineering Services, PC	Integrated Hollistic Degsign, LLC
YMP Consulting Engineering, LLC	YMP Consulting Engineering, LLC	Mazza Design Solutions
		Mazza Engineering Association

Sample DBE Directory

DIRECTORY OF DISADVANTAGED BUSINESS ENTERPRISES

Contractor	Type of Work	Date Certified	Contractor	Type of Work	Date Certified
DBE CONTRACTOR			<u>DBE CONTRACTOR Continued</u>		
2AB015 A&B TRUCKING, INC. 1922 HARMONY TRACE LITHONIA, GA 300585276 7707617889 CEO: BEVERLY JOHNSON	HAULING AND GRADING	2/9/2011	2AD797 ADVANCE TRUCKING SERVICES, LLC 2524 LITHONIA INDUSTRIAL BLVD LITHONIA, GA 30058 6789933824 President: FOSTER JACOBS	HAULING, CLEARING, PRECAST CONCRETE	12/20/2010
2AB445 ABC LANDCLEARING & DEVELOPMENT, INC. 1130 PEACHTREE ST. COCOA, FL 32922 3216364734 President: JAMES A. GOINS	LANDCLEARING, SITE PREP, UNDERGROUND UTILITIES, PAVING & CURBING, AND TRUCKING	3/8/2010	2AD810 ADVANCE AIR RECOVERY HEATING & COOLING, INC. 3860 CHERRY RIDGE BLVD DECATUR, GA 30034 4048499692 President: REAF BROWN	INSTALLATION, SERVICE, & REPAIRS OF HVAC EQUIPMENT	11/8/2011
2AB458 ABD CONTRACTING, LLC 3915 CASCADE RD., S.W., STE. 340 ATLANTA, GA 30331 4046914915 President: MARY H. PARKER	ASPHALT PAVING (HIGHWAY, ROAD, STREETS AND SIDEWALKS), MILLING	9/16/2011	2AD945 ADVANCED UNDERGROUND INSPECTION, LLC 38657 WEBB DRIVE WESTLAND, MI 48185 7347210081 President: JEANA MOIR	SEWER AND MANHOLE REHABILITATION	2/28/2011
2AB930 ABVOLT CORPORATION PO BOX 1764 SAVANNAH, GA 31402 9122319933 President: TERRY G. NOBLES	ELECTRICAL CONTRACTING	3/9/2011 #	2AD964 ADVANTAGE BUILDING CONTRACTORS, INC. 1327A BOYD AVE., N.W. ATLANTA, GA 30318 4047693204 President: PATRICIA SUMMERS	REMOVAL AND REPLACEMENT OF ROOFING	2/23/2011
2AD165 ADI CONTACT SOLUTIONS, LLC 3720 HOLIDAY LANE ATLANTA, GA 30349 8004061521 OWNER: IDA BROWN	ANSWERING SERVICE	6/10/2011	2AD975 ADVANTAGE EQUIPMENT, LLC 401 37TH STREET SOUTH BIRMINGHAM, AL 35222 2055923430 President: TANITA CAIN	RENTING, LEASING AND SELLING HEAVY EQUIPMENT	5/11/2007
2AD435 ADG ENTERPRISES, INC. 3479 LAWRENCEVILLE SUWANEE RD., STE. B SUWANEE, GA 30024 7706628393 President: DIANA C. PATTERSON	JANITORIAL SERVICES; FACILITY MANAGEMENT	5/11/2011			



DBE Program Plan Requirements

- **Business Development Programs:**
 - The purpose of this program element is to further the development of DBEs, including but not limited to assisting them to move into non-traditional areas of work and/or compete in the marketplace outside the DBE program.
- **Determining/Meeting Goals:**
 - Calculating the percentage of federal funds that will be directed toward DBE contractors and subcontractors
 - Detailed goal methodology with a step by step explanation of how you established your DBE goal
- **Required Contract Provisions:**
 - Contracts and subcontracts must include all federal regulatory DBE provisions when federal funds are involved



Common Misunderstandings DBE Goal Methodologies

- DBE Goal submissions are submitted on August 1st of each fiscal year
- You are not required to resubmit your entire DBE Program Plan unless there have been “significant changes.”
- At a minimum, your goal methodology should include:
 - Detailed listing of contracting and subcontracting opportunities
 - This list should include the specific parts and/or services contracted
 - Your geographic market area(s)
 - How you determined this area
 - The relative availability of DBEs compared to All Firms
 - How you determined the relative availability of DBEs compare to All Firms
 - PUBLIC PARTICIPATION: What advocacy organizations and general business groups were contacted and what comments were provided
 - Proof of goal publication
 - The amount of FTA funds received
 - Race conscious/Race neutral breakdown
 - All sources used in establishing your goal

Required Contract Provisions

Nondiscrimination Clause

- 49 CFR 26.13 requires each contract signed with a contractor (and each subcontractor) must include a non-discrimination clause.
- Use the language in the rule verbatim!!!
- Must be in prime contracts and must ensure it is in subcontracts.



Required Contract Provisions

Nondiscrimination Clause

The contractor, sub-recipient, 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.



Required Contract Provisions

Prompt Payment

- 49 CFR 26.29 requires prime contractors to pay subcontractors for satisfactory performance on their contracts **no later than 30 days** from receipt of each payment made.
- Must also address prompt return of retainage payments from the prime to the sub within 30 days.

Required Contract Provisions

Prompt Payment

- What is Required:
 - **30 days** or less
 - Sub contractors must have similar protections
 - How do you ensure compliance?
 - Require prime contractors complete a questionnaire that asks specific questions related to payment to subcontractors prior to or immediately after you process payment for their services
 - Monitoring timeliness of payments

Required Contract Provisions

Legal Remedies

- 49 CFR 26.37 requires implementation of appropriate mechanisms to ensure compliance by all participants applying legal and contract remedies under Federal, state, and local law.
- If there is a conflict of laws, Federal requirements trump state and local requirements!



DBE Program Plan Requirements

- Certification Standards/Procedures:
 - Ensures that all DBEs listed on any State UCP are certified
 - **Not applicable to TVMS**
- Record Keeping and Monitoring:
 - Must report DBE participation via Uniform Annual and Semi-Annual DBE Reports
 - Must ensure that certified DBEs are performing the work contracted to them and that they are being paid for their satisfactory performance
 - Include a list of methods used to monitor your overall DBE Program

DBE Program Plan Requirements

- Monitoring and Enforcement Mechanisms
 - Must implement appropriate mechanisms to ensure regulatory compliance by all participants in the program (i.e. contractors and subcontractors)



DBE Program Plan

Contract Goals

- Contract goals are DBE goals placed upon prime contracts that require the prime contractor to affirm that he/she will meet the DBE goal on that contract; or will provide sufficient Good Faith Efforts.
- Contract goals should be used to meet any portion of your goal you do not anticipate being able to meet using only race-neutral means.
 - **Race Neutral:** Outreach, technical assistance, procurement process modification, or other measures which can be used to increase opportunities for all small businesses, **not just DBEs**, and do not involve setting specific goals for the use of DBEs on individual contracts.
 - **Race Conscious:** Any measure that seeks to assist **DBEs only**. Presently, contract goals are the only FTA approved race conscious measures. (Please seek FTA approval prior to establishing any other DBE focused initiatives that you would categorize as race conscious measures)
 - See USDOT Question and Answers: What Means Do Recipients use to Meet Overall Goal, <http://www.osdbu.dot.gov/DBEProgram/final/final26.cfm>

DBE Program Plan

Good Faith Efforts

- Good faith efforts procedures must be established to determine under what circumstances a bidder who has not met a contract goal is able to successfully bid/perform on that particular contract.
- You must include Good Faith Efforts Procedures if you will utilize contract goals.
 - See 49 C.F.R sec 26 Appendix A: Guidance Concerning Good Faith Efforts, <http://www.osdbu.dot.gov/DBEProgram/DBEFinalRuleSummaryandContactInformation/AppendixAtoPart26GuidanceConcernGoodFaith.cfm>

DBE Program Plan

Good Faith Efforts

Demonstration of good faith efforts

- The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to Part 26.
- The following personnel are responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as [responsive or responsible] [Note: Recipients can choose either approach].
- We will ensure that all information is complete and accurate and adequately documents the bidder/offer's good faith efforts before we commit to the performance of the contract by the bidder/offeror.

DBE Program Plan

Good Faith Efforts

Information to be submitted

- [Recipient] treats bidder/offers' compliance with good faith efforts' requirements as a matter of [responsiveness] or [responsibility].
- Each solicitation for which a contract goal has been established will require the bidders/offerors to submit the following information:
- The names and addresses of DBE firms that will participate in the contract;
- A description of the work that each DBE will perform;
- The dollar amount of the participation of each DBE firm participating;
- Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
- Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors commitment and
- If the contract goal is not met, evidence of good faith efforts.

DBE Program Plan

Good Faith Efforts

Administrative reconsideration

- Within ___ days of being informed by [Recipient] that it is not [responsive or responsible] because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official: [provide name, address, phone number, e-mail address.] The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.
- As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do so. We will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

DBE Program Plan

Good Faith Efforts

Good Faith Efforts when a DBE is replace on a contract (26.53(f))

- [Recipient] will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. We will require the prime contractor to notify the DBE Liaison officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.
- In this situation, we will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.
- [Note: Include the administrate remedies you will use for noncompliance (see 26.53(f)(3)). The following two sentences are examples of such remedies]
- If the contractor fails or refuses to comply in the time specified, our contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding.

DBE Program Plan

Good Faith Efforts

Sample Bid Specification:

- The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of the [Name of Recipient] to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of _____ percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (Attachment 1), to meet the contract goal for DBE participation in the performance of this contract.
- The bidder/offeror will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that each DBE firm will perform; (3) the dollar amount of the participation of each DBE firm participating; (4) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; (5) Written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); and (5) if the contract goal is not met, evidence of good faith efforts.

DBE Program Plan

Fostering Small Business Participation

- **Main Components**
 - Method for facilitating small business competition
 - Size standards for determining which small business are eligible to participate in your initiatives
 - Outreach efforts
 - Implementation Schedule

DBE Program Plan

Fostering Small Business Participation

- What can a small business program include?
 - Establishing race-neutral set-asides for prime contracts under \$1M
 - For large contracts requiring bidders on the prime contract to specify elements of the contract or specific subcontracts that are of a size that small businesses can reasonably perform
 - On contracts with no contract goals, have the prime provide subcontracting opportunities of a size that small businesses can perform
 - Identify alternative acquisition strategies and structuring procurements to facilitate the ability of consortia or joint ventures by small businesses to compete for and perform prime contracts
 - Unbundling contracts whenever possible!

DBE Program Plan

Fostering Small Business Participation

- Business Development Programs can also be part of your small business program.
- Not required, but a good one can help develop small businesses and DBEs
- Implementing your small business program in good faith is a requirement of implementing your DBE program (i.e. No lip service!)

Common Misunderstanding Small Business Element

- The Small Business Element is an additional race neutral element of your overall DBE Program.
- It requires that you include an element of your DBE Program that is geared toward small business independent of DBE or non-DBE statuses.
- Many TVMs have 100% race neutral programs. This element is essentially an illustration of how you implement your overall DBE Program (for those TVMs who have indicated that they will only use race neutral measures).
 - What makes your Program 100% race neutral?
 - What steps are you taken to ensure that you meet your goal using 100% race neutral measures?



DBE Program Plan Short Fall Analysis

- You must affirm that you will conduct a short fall analysis, in accordance with 49 C.F.R. 26.47, if you do not meet your overall goal.
- You must analyze in detail the reasons you failed to meet your overall goal and establish specific steps and milestones to correct the problems you have identified.
- You must submit this document **only upon request**.

FY2013 DBE Goal Questions and Answers



FY 2013 DBE Goal Questions and Answers

- Why did I receive two decision letters for my last FY2012 Submission?
 - All TVMs received one decision letter for its FY2012 DBE Goal Submission and another letter for its DBE Program Plan Submission
- What is due to FTA on October 15?
 - All TVMs are required to resubmit a **DBE Program Plan** on **October 15** addressing any noted deficiencies.
- When are FY2013 DBE Goals submission due to FTA?
 - All **DBE Goals** are due on **August 1st** of each fiscal year
- Will my DBE Goal be the same as my March 30th FY2012 goal?
 - Your goal may be similar but you must include any additional FTA-assisted contracts you have recently received or that you anticipate receiving in the upcoming fiscal year.
 - If the amount of FTA funds is the same as your FY2012 goal submission, you are still required to conduct additional public participation (i.e. consulting with advocacy organizations and general business groups) prior to submitting the FY2013 DBE Goal.

FY2013 DBE Goal Questions and Answers

- Am I required to resubmit the March 30th FY2012 goal correcting the deficiencies identified in the decision/ certification letter?
 - No. Any noted deficiencies should be properly addressed in your FY2013 DBE Goal submission on August 1st.
 - For example, if FTA requested a more thorough breakdown of projects and contracting opportunities, you must be sure include a more thorough description in your FY2013 DBE Goal submission
- What information is FTA requesting when it asks for a thorough breakdown of projects and contracting opportunities?
 - FTA is requiring that you submit the NAICS code, the NAICS code title, and the particular product your contractor will provide.

NAICS Code	NAICS Description	Description of Project	Description of Project Components/Parts	DBEs within XYZ Geographic Market Area	All Frims within XYZ Geographic Market Area	Relative Availability
326199	Manufacturing All Other Plastic Products	Manufacturing Tail Light for Motorcoach	Identify plastic parts needed to manufacture tail light that your are needed to for this project			

FY2013 DBE Goal Questions and Answers

Our region is PA (34%), OH (19%) and NY (18%) =71% of suppliers are located here

PART NUMBER	DESCRIPTION	COST PER PART	Current SUPPLIER	STATE	NAICS CODE	# DBE's NY	# DBE's OH	# DBE's PA	# DBE's total	All suppliers in NY	All suppliers in OH	All suppliers in PA	# of all firms in region	Relative Availability (Base Figure)	Weight
	FUEL LINE			Outside US	33251	0	0	0	0	40	49	35	124	0.00	0.02247
	AXLE			PA	331111	5	0	2	7	9	47	51	107	0.07	0.00393
	BOTTOM PLATE			DE/OH	332111	1	0	1	2	20	38	24	82	0.02	0.00953
	DECK PLATE			DE/OH; NY	332111	1	0	1	2	20	38	24	82	0.02	0.00449
	DECK PLATE			DE/OH; PA	332111	1	0	1	2	20	38	24	82	0.02	0.00559
	SNOW PLOW			TN	332111	1	0	1	2	20	38	24	82	0.02	0.00336

Figure 2

FY2013 DBE Goal

Questions and Answers

- How do I determine my geographic market area/jurisdiction?
 - Your geographic market area is that area (i.e. state, states, or region) where you award a substantial majority of your contracting opportunities.
 - In Figure 2, the TVM indicated that a majority of its largest suppliers are located in PA, OH, and NY. It provided percentages and explained that this is how and why it determined that these areas would serve as its geographic market area/jurisdiction.
- Is my geographic market area the **ONLY** place that I can look for DBEs?
 - No. This **your** DBE Program and the regulations provide ample flexibility in establishing your DBE Goal. One of the Program's primary objectives is to create a level playing field on a national level. Therefore, you are permitted to search for DBEs in **other areas in addition to your geographic market area**.
 - However, your submission should indicate that you have searched beyond your geographic market area and provide a brief explanation as to why you felt this additional search was necessary.

FY2013 DBE Goal Questions and Answers

- How much detail is required when identifying the sources used in establishing my DBE goal?
 - Simply provide the name and location of sources
 - For example, **Source:** CalTrans Disparity Study; **Location:** http://www.dot.ca.gov/hq/bep/study/disparity_study.htm
- Should I use the older FTA issued goal methodology worksheet?
 - You are allowed to use all available resources. However, your DBE goal must address all concerns listed in the FY2012 Decision/Certification Letter. Submitting this worksheet without explanations of your projects, project components/parts, NAICS codes, NAICS code description, geographic market area, the total amount of FTA funds received, PUBLIC PARTICIPATION, sources, etc. **will not be accepted.**

FY2013 DBE Goal Questions and Answers

- Are there other tools that can be used if I really like the convenience of the worksheet?
 - Yes. Copies of alternative worksheets were attached to your FY2012 Decision/Certification Letter. These worksheet will also be made available on the FTA TVM webpage.
 - You should also feel free to create a worksheet that caters to your company. Figure 2 was created by one of your fellow TVMs.
- Can the FTA or non-FTA worksheets serve as my DBE Goal submission?
 - No. Merely submitting a worksheet will not be accepted. You must supplement any FTA or non-FTA worksheet(s) with a narrative explaining the information included within the worksheet and other critical elements such as your geographic preferences, goal adjustments, etc.
 - Feel free to submit the narrative in a Word Document.

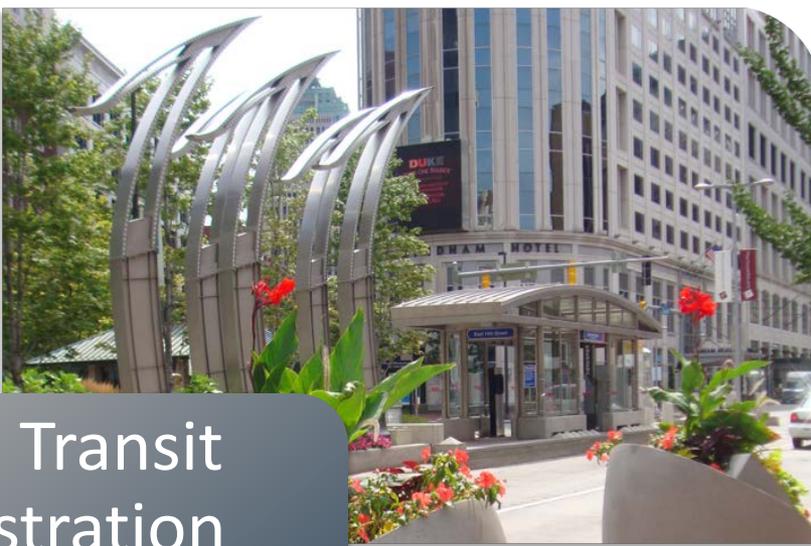
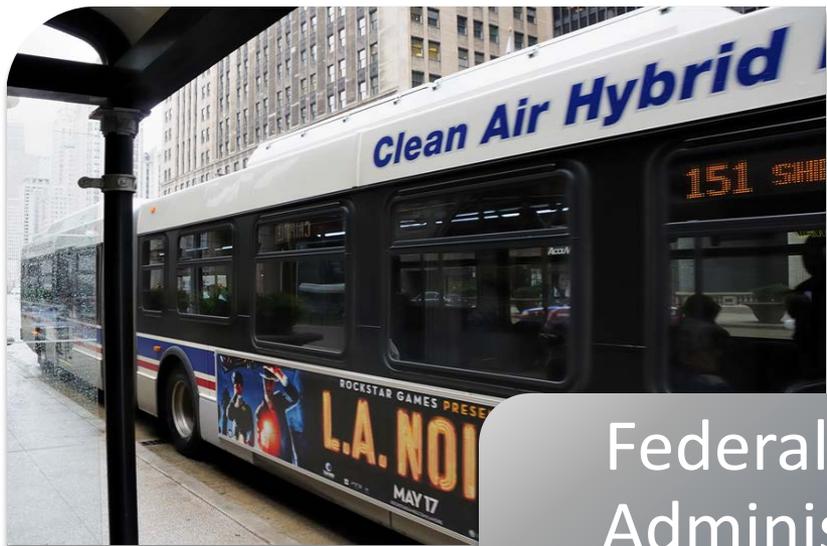
FY2013 DBE Goal Questions and Answers

- What is a Step 2 Adjustment?
 - A Step 2 Adjustment is the area where you consider any additional information that may cause your DBE goal to differ from your calculated projections (upwards or downwards).
 - If you use a vetting process as a means for adjusting your goal to ensure that all DBEs listed are truly “ready, willing, and able” you should also perform a similar vetting process for non-DBEs as well.
 - Please be mindful that using past participation as a justification for adjusting your goal downward will no longer be accepted absent strong evidence showing its necessity.
- Are goal adjustments a regulatory requirement?
 - No, but it is highly recommended to ensure that your goal is narrowly tailored.

FY2013 DBE Goal Questions and Answers

- What is a race conscious/race neutral breakdown?
 - The RC/RN breakdown is where you identify the percentage of your goal that will be attained using race neutral measures and the percentage that will be attained using race conscious measures.
 - You may use past participation to determine this breakdown (i.e. you may consider using race conscious measures if you did not reach your goal during the past fiscal years; and the percentage of race conscious measures may be dictated by your short fall.
 - This section must also include what types of race neutral measures will be used as a part of your Program (e.g. outreach, technical assistance, etc).
 - Consult 49 C.F.R. 26.51(b) for additional suggestions.
- Who do I contact with additional questions or concerns?
 - Ms. Britney Berry at 202-366-1065 or via email at britney.berry@dot.gov
- Have I reached the end of this powerpoint presentation?
 - YES! Enjoy your day!





Federal Transit
Administration
www.fta.dot.gov

