

**TWIN CITIES AREA  
TRANSPORTATION  
AUTHORITY**

**DISADVANTAGED  
BUSINESS  
ENTERPRISES(DBE)  
PROGRAM**

## **PLAN STATEMENT**

Twin Cities Area Transportation Authority (TCATA) has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U. S. Department of Transportation, 49 CFR Part 26. County has received federal financial assistance from the Department of Transportation/Federal Transit Authority (DOT/FTA) and as a condition of receiving this assistance, County has signed an assurance that it will comply with 49 CFR Part 26.

It is the plan of County to ensure that DBEs, as defined in 49 CFR Part 26, have an equal opportunity to receive and participate in DOT/FTA-assisted contracts. This plan supersedes the state DBE plan only when the county is a direct recipient of federal funds. It is also our plan:

1. To ensure nondiscrimination in the award and administration of DOT/FTA assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT/FTA assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT/FTA assisted contracts; and
6. To assist the development of firms so that they can compete successfully in the market place outside the DBE Program.

Santana White has been designated as the DBE Liaison Officer. In that capacity, she is responsible for implementing all aspects of the DBE Program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by TCATA in its financial assistance

agreements with the DOT/FTA. TCATA has made this plan statement available to all DBE and non-DBE business communities that perform work for us on DOT/FTA-assisted contracts. We have published the plan on the community transportation website at [www.mywaythere.org](http://www.mywaythere.org); included reference to this plan in our solicitation; and made the written plan available through our office (269) 927-2268.

## **SUBPART A - GENERAL REQUIREMENTS**

### **Objectives**

The objectives are found in the Plan Statement on the first page of this program.

### **Applicability**

TCATA is the recipient of Federal Transit Administration (FTA) funds.

### **Definitions**

The terms used in this program have the meanings defined in 49 CFR §26.5.

### **Nondiscrimination Requirements**

TCATA will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract on the basis of race, color, sex, or national origin.

### **Federal Financial Assistance Agreement Assurance**

TCATA has signed all required assurances, applicable to federally assisted contracts and their administration. Such assurances are available upon request. TCATA will ensure that the following clause is placed in every federally assisted contract and subcontract:

Contract Assurance 49 CFR Part 26. The contractor, sub-recipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT/FTA assisted contract or in the administration of its DBE Program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT/FTA assisted contracts. Failure by the Contractor to carry out these requirements is a material breach of the contract, which may result in the termination of the contract or such other remedy as the TCATA deems appropriate.

## **SUBPART B–ADMINISTRATIVE REQUIREMENTS**

### **DBE Program Updates**

TCATA will continue to carry out this program until it has established a new goal setting methodology or until significant changes to this DBE Program are adopted. TCATA will provide to the DOT/FTA overall goal and goal setting methodology and other program updates on an annual basis.

### **DBE Liaison Officer (DBELO)**

TCATA has designated the following individual as our DBE Liaison Officer (DBELO):

Santana White  
275 East Wall St,  
Benton Harbor, MI.  
Telephone 269-927-2268  
Fax 269-927-2310  
[tctabus@comcast.net](mailto:tctabus@comcast.net)

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the County complies with all provisions of 49 CFR Part 26.

The DBELO has direct, independent access to the County Administrator concerning DBE Program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment 1 to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, TCATA is a small urban and she is also the Purchaser. Duties and responsibilities include the following:

1. 1. Gather and report statistical data and other information as required by DOT/FTA.
2. Make a good faith effort to meet goals.
3. Establish goals using the process in Attachment 2.
4. Will include clauses to insure that prime contractors pay subcontractors within 30 days after the subcontractors work is completed.

## **Monitoring and Enforcement Mechanisms**

TCATA will provide a monitoring mechanism to verify that work committed to DBEs as contract award is actually performed by the DBEs. TCATA will bring to the attention of the DOT/FTA any false, fraudulent, or dishonest conduct in connection with the program, so that DOT/FTA can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109. TCATA will also consider similar action under its own legal authorities, including but not limited to responsibility determinations in future contracts and breach of contract actions.

## **SUBPART C– SMALL BUSINESS ELEMENT**

The TWIN CITIES AREA TRANSPORTATION AUTHORITY (TCATA's) will incorporate a Small Business Assistance Program (SBAP). TCATA will use this program to set aside FTA funds to assist small businesses. TCATA will use Prim Contract projects to expend FTA-assisted funds for the SBAP. This program will start on the day the Federal Transit Administration receives this document.

### **PURPOSE**

TCATA has created the SBAP to aid, counsel, assist and protect, insofar as is possible, the interests of small business concerns. Giving this assistance helps them start, run, and grow their businesses. We are a small urban in an under 50,000 populated area and have many small businesses to choose from.

### **WHAT IS A SMALL BUSINESS**

Under the SBAP a small business will be defined as businesses that have less than 25 employees and operate in two locations. These locations are where they perform the service or sell the products they will supply. The participation in the Small Business Element will be expected to be achievable in a RACE NEUTRAL marketplace.

### **TRACKING SMALL BUSINESSES**

We will keep a record of the businesses which qualify for the SBAP. A contractor must certify its size status to the procuring agent, or inform the procuring agent that it is other than small. Keeping it current ensures that the firm has access to federal contracting opportunities, especially those for small businesses. A business must not exceed the size standard for the TCATA small business solicitation.

### **FOSTERING SMALL BUSINESS**

All purchases and services are made through our Procurement Officer. The Procurement Officer must specify the size standard in effect on the date the solicitation is issued. The Executive Director and the Board of Directors will use the size standards to assist the purchasing agent to foster small businesses. We will unbundle Prim Contracts to insure small businesses have the opportunity to participate.

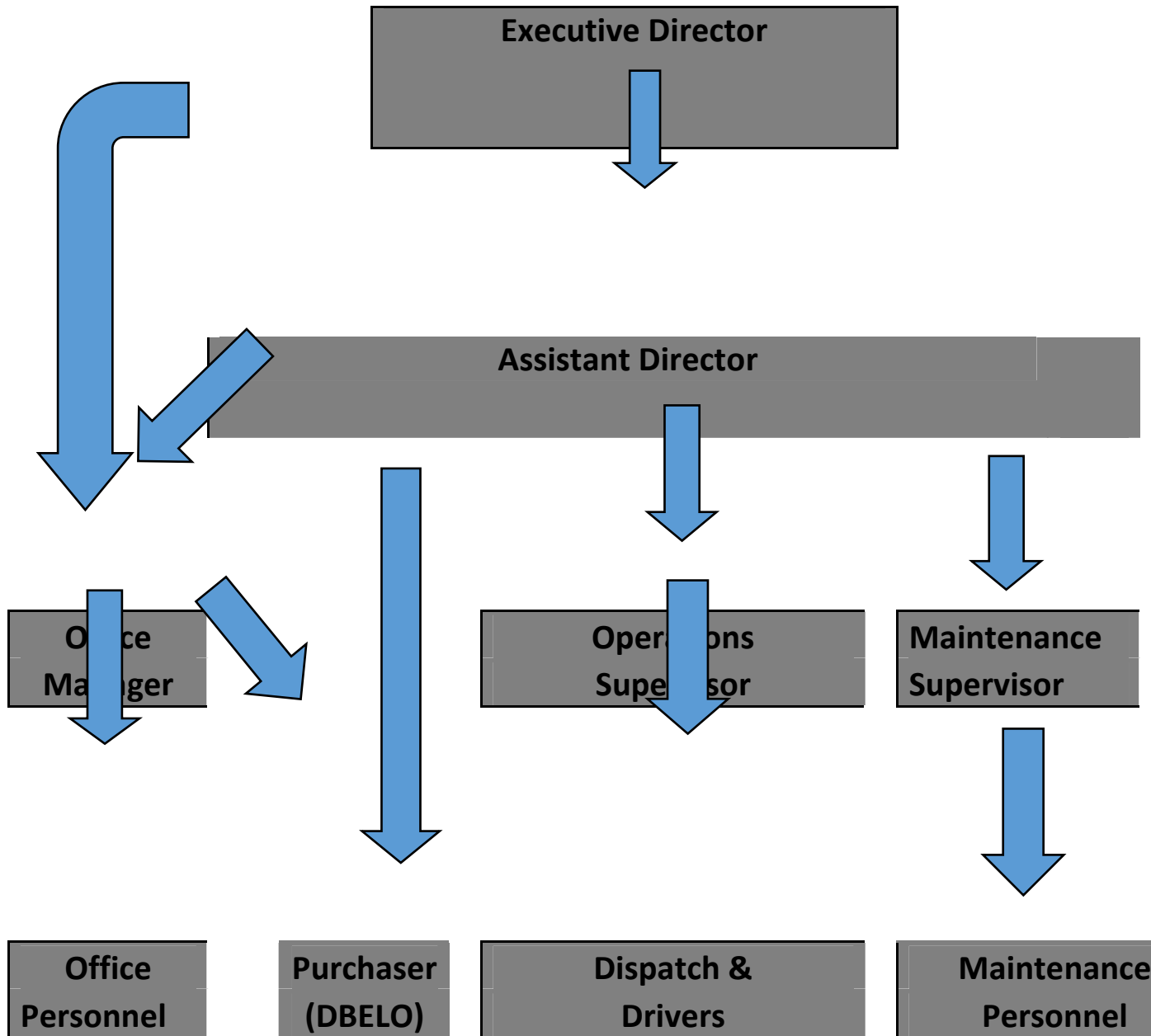
## OUTREACH

Since we are a small urban we will use resources in our area to assist small businesses. Corner Stone Alliance is an organization that supports business retention and expansion for businesses in Southwest Michigan. We will use their excellent outreach program to assist us in fostering small businesses. We will encourage small businesses to take advantage of specialized business training Cornerstone Alliance provide. In our public notices we will encourage small businesses to inform TCATA of products and services which they have available.



# Attachment 1

## Organizational Chart



## **Attachment 2**

### **Twin Cities Area Transportation Authority FY 2014 Disadvantaged Business Enterprise Overall Goal and Goal Setting Methodology**

In setting our Fiscal Year 2014 DBE goal, Twin Cities Area Transportation Authority (TCATA) used a methodology that strives to achieve a “level playing field.” This level playing field is defined as the amount of DBE participation we could realistically expect.

Our goal is based on demonstrable evidence of the availability of ready, willing, and able DBEs to participate on our DOT-assisted contracts. To set our overall goal, we followed the steps outlined in 49 CFR Part 26, Section 26.45.

#### **Step 1: Determine the Base Figure for the Relative Availability of DBEs**

TCATA determined the number of ready, willing, and able DBE’s in its marketplace from examination of the Michigan Department of Transportation (MDOT) DBE Directory. TCATA next consulted the U.S. Census County Business Pattern for Berrien County statistics to determine the total number of business establishments available in its marketplace identified by North American Industrial Classification Codes (NAIC). TCATA utilized the most recent County Business Pattern data available in specific breakdown by NAIC’s. The object is to determine how many businesses exist in the county which serves as TCATA’s primary marketplaces in Berrien County and, of this amount, how many or what percentage of all available businesses are DBE’s in each relevant NAIC.

#### **Step 2: Weighting of Relative Availability**

A. “Weighting” of relative availability to reflect the amount of money to be spent in each NAIC area: TCATA utilized due diligence to sort out DBE’s from directories by NAIC which were likely to be interested in FTA-assisted contracting. This narrow-tailoring aspect ensured that a more accurate availability figure would emerge from the Step One calculation. More emphasis was then placed on the NAIC’s which made up the majority percentage of the

total TCATA budget. TCATA has identified the relevant NAIC code services and commodities approximated for acquisition this fiscal year. Any projects planned for the previous year (FY 2013) that was not completed are included in FY 2014-2016 DBE goal. DBE's were identified in certain NAIC's and outreach efforts are planned to target these commodities to ensure broader DBE participation.

**TCATA utilized the formula in establishing this goal “% of Budget (A) x DBE Dir (B) divided by CBP (C)” in accordance with the Federal regulations for there 2014 goals.**

This 3.15 % represented **the BASE RATE** for TCATA's FY-2014-2016 DBE utilization. This concludes the **Step ONE** calculation for the FY-2014-2016 overall goal.

B. The only **Step Two** calculation taken pursuant to Section 26.45 (d) is to determine the historical rate of DBE participation averaged over a three (3) year period as documented by the FTA quarterly reports submitted for compliance. TCATA has takes three (3) years history of the percentage of the total FTA budget (less transit vehicle purchases) which was expended with DBE's. We divided the total of the three years figures filed with FTA to arrive at an average rate of DBE participation for the last three years. This is the only step two adjustment for this agency. The following represent participation achievements:

FY-11: 2.4%

FY-12: 2.2 %

FY-13: 3.3% *Total = 7.9% divided by 3 = 2.63% 3 year historical average DBE participation.*

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This is the only **Step two** adjustment:

Formula for final overall rate = Using the 3.15 % from the CBP and directories compared to the 2.63 % three year actual average (from bi-annual reports) we adjust the base rate down from to halfway between and 3.15 % plus 2.63 % = 5.78 % / 2 = 2.89%

**Computation of overall rate and overall goal:**

Base Rate = 3.15 % (County Business Pattern and directories)

Average 3 year DBE utilization = 2.63 % (TCATA Bi-annual Reports)

Midway in between = 3.15 % plus 2.63 % = 5.28 divided by 2 = 2.89 %

ANNUAL OVERALL GOAL = 2.89 % OF TOTAL BUDGET

2.89 % or \$35,452 (TCATA OVERALL GOAL for FY2014)