



OVERALL DISADVANTAGED BUSINESS ENTERPRISE (DBE) GOAL SETTING FOR THE CITY OF LOMPOC

Recipient# 1651

Period FFY 2019 to FFY 2021

Effective date: August 1, 2018

City of Lompoc
Department of Public Works, Aviation/Transportation Division
100 Civic Center Plaza
Lompoc CA 93436
805-875-8268
Richard Fernbaugh, Aviation/Transportation Administrator

OVERALL DBE GOAL

The City of Lompoc's (City) overall DBE goal for the period Federal Fiscal Years (FFY) 2019-2021 is 13.8% of the federal financial assistance the City will expend on DOT-assisted contract opportunities exclusive of vehicle purchases.

PROGRAM OF PROJECTS

The City approved a program of projects for FFY 2019-2021 in March 2018. These projects include:

1. Continuation of existing contract for transit service operations and vehicle maintenance. Currently awarded to RATP Dev, this five-year contract includes two one-year options. The contract was executed on July 1, 2016, and will expire on June 30, 2021, if no options are executed.
2. Construction of a new transit maintenance and operations facility with contract to be awarded in 2019.

City of Lompoc Program of Projects 2019-2021				
Project	Total budget	Federal dollars	Local dollars	Include in DBE goal
Transit Operations	\$4,800,000	\$2,400,000	\$2,400,000	YES
Facility Construction	\$13,000,000	\$5,000,000	\$8,000,000	YES
Totals	\$17,800,000	\$7,400,000 or 41.57% of total budget	\$10,400,000 or 58.42% of total budget	

MARKET AREA

The market area for determining the DBE goal is based on the potential availability of respondents for the identified program of projects for the triennial period.

Given there are no established qualified bidders based in the immediate region for Transit Operations, the market area for this project is expanded to include all of California. Search criteria included firms willing, ready, and able to work in Caltrans District 5 (five county area) or which indicated ability to work state-wide.

The "facilities construction" market area also is comprised of Caltrans' District 5 region and those entities willing to work state-wide. This area will yield a sufficient number of ready, willing, and able entities from which to solicit competitive proposals.

METHODOLOGY FOR GOAL CALCULATION

Step 1 - Base Figure (26.45(c))

Source of Data	Contract or Sub-contract	NAICS Codes	Total Number of Entities	Number of DBE Entities	% DBE
U.S. Census Data 2012 Snapshot and U.S. Census County Business Patterns and Non-employer Statistics Combined Report , CA UCP website	City and Local Bus Services	485113	139	0	0%
U.S. Census County Business Patterns and Non-employer Statistics Combined Report , CA UCP website	General Contracting	236210	420	77	18.3%
Totals			559	77	13.8%

Using the State of California Unified Certification Program (CUCP), the City searched the CUCP to identify DBE firms with the NAICS Code of 485113 – Bus and Other Motor Vehicle Transit Systems. The City also searched the U.S. Census Data Snapshot website as well as the County Business Patterns and Non-employer Statistics combined report to determine the total number of firms ready, willing and able to respond to a request for proposals. The search area included all firms willing to work in Caltrans District 5 as well as those willing to work state-wide. This research revealed an absence of certified or potential DBEs for this NAICS code.

Operations

The total number of DBE entities ready, willing, and able 0
 The total number of all firms ready, willing, and able 139 = 0% base figure

Using the CUCP, the City searched the CUCP to identify DBE firms with the NAICS Code of 236210 – Industrial Building Construction. The City also searched the U.S. Census Data Snapshot website as well as the County Business Patterns and Non-employer Statistics combined report to determine the total number of firms ready, willing and able to respond to a request for proposals. The search area included all firms willing to work in Caltrans District 5. Research revealed 77 certified or potential DBEs for this NAICS code.

Capital Facilities

The total number of DBE entities ready, willing, and able 77
 The total number of all firms ready, willing, and able 420 = 18.3% base figure

To establish a base figure, the City combined the total number of ready, willing, and able DBE entities across both projects and divided it by the number of all firms that are ready, willing, and able to respond to a request for proposals. This calculation established a base DBE goal figure.

All Projects

The total number of DBE entities ready, willing, and able 77
 The total number of all firms ready, willing, and able 559 = 13.8% base figure

Step 2 - Weighted Figure (26.45(d))

The City then established a weighted goal figure using the project budget estimates for both transit operations and construction projects. The Construction project represents 73% of the total project budget while the Operations project represents the balance (27%). When weighted, the goal is reduced by less than one-half of one percent.

Total Expected Project Budget = \$17,800,000.

NAICS Code	Work Category	All Firms (A)	DBE Firms (B)	DBE firm ratio to all firms (C=A/B)	Project Budget (D)	Weighted % (E=D/Total Budget)	Weighted % Goal (C*E*100)
236210	Industrial Construction	420	77	18.3	\$13,000,000	73%	13.35
485113	Transit Operations	139	0	0	\$4,800,000	27%	0
Total							13.35%

Project documentation indicates an absence of participation in bidding opportunities by DBEs for the past three years. Likewise, the City has not had many projects out for bid during that same time period.

One exception was an RFP for Transit Operations Services in 2016 that yielded one certified DBE which was awarded the current contract. That firm, Roadrunner Management Services, was recently purchased by a non-certified organization, thereby reducing the pool of potential DBE participants.

A review of the FTA website revealed no recent disparity studies relevant to the City or the surrounding region. Additionally, a search for disparity studies among the Santa Barbara County Association of Governments, City of Santa Maria, Santa Barbara Metropolitan Transit District, and County of Santa Barbara revealed no studies available for comparison.

Given the modest difference between the base figure and the weighted figure, the City will maintain the 13.8% base figure as its goal.

Given the Construction project is new to this triennial period and not reflected in previous DBE goals, the base figure may be recalculated upon completion of the project as its inclusion significantly increased the goal when compared with previous goals for the City.

PUBLIC PARTICIPATION

The following published Notice will inform the public of the proposed overall goal and its rationale. The DBE Goal will be available for inspection for 30 calendar days following the date of publication of the Notice. The Notice will also inform the public the City and the Federal Transit Administration will accept comments on the goals for 45 calendar days from the date of the publication of the Notice. The public Notice will include the FTA Regional Civil Rights Officer's business address in addition to the City's point of contact information.

The City will publish its goal information in the following publications: City website, general circulation media, available minority-focused media, and trade association publications.

The City will document and summarize received comments from individuals or organizations and all responses to comments received.

PUBLIC NOTICE CITY OF LOMPOC TRANSIT LOMPOC, CALIFORNIA

FTA Disadvantaged Business Enterprise (DBE) Goal from 2019-2021

In accordance with requirements of the U.S. Department of Transportation as set forth in 49 CFR Part 26, as amended, the City of Lompoc (Lompoc Transit), hereby notifies the public it is recommending the following Disadvantaged Business Enterprise (DBE) goal for applicable professional services, construction, and other prime contracting opportunities during FFY 2019-2021, beginning October 1, 2019, and ending September 30, 2021. The overall DBE goal for FFY 2019-2021 is 13.8%. Information pertaining to this goal and description of how it was selected is available for inspection from 8:00 a.m. to 5:00 p.m. local time at the City of Lompoc Transit office located at 1300 W. Laurel Ave., Lompoc, CA. The information will be available for 30 days following the date of publication of this notice. Written comments on this goal will be accepted for 45 calendar days from the date of the publication of this notice. The comments are for informational purposes only and may be sent to the DBE Officer, 1300 W. Laurel Ave. Lompoc, CA 93436, and to the Regional Civil Rights Officer, Federal Transit Administration, Region 9, San Francisco Federal Building, 90 Seventh Street, Suite 15-300, San Francisco, CA 94103.

RACE NEUTRAL/RACE CONCIOUS PARTICIPATION

The City of Lompoc Transit will strive to maximize goal attainment using race-neutral means. Given limited data availability regarding past DBE participation, and given the City's past program of projects has not included construction projects, it is not possible to determine whether race-neutral methods will be effective in meeting program goals. Until such time as a benchmark of DBE participation can be established, particularly for construction projects, all contracts need to be negotiated, to the extent possible, with race-neutral goals.

The City estimates, given the availability of DBE certified entities in the construction field, that it can meet the 13.8% goal using race-neutral means. To assure goal achievement, the City will evaluate and consider race-conscious measures and elements should the City not meet its goals through race-neutral participation. The City will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation and will track and report race-neutral and race-conscious participation separately.

For reporting purposes, the race-neutral DBE participation includes, but is not limited to, the following:

- Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses;
- Providing opportunities for pre-bid questions and technical assistance; and
- Using California UCP lists when communicating proposal opportunities.



City Council Agenda Item

City Council Meeting Date: December 18, 2018

TO: James Throop, City Manager

FROM: Richard Fernbaugh, Aviation/Transportation Administrator
r_fernbaugh@ci.lompoc.ca.us

SUBJECT: Adoption of Resolution No. 6233(18) Approving the Update of the City of Lompoc Transit Disadvantaged Business Enterprise Plan Goals for Fiscal Year 2019-21

Recommendation:

Staff recommends the City Council adopt Resolution No. 6233(18) (attached), approving and adopting the City of Lompoc Transit (COLT) Disadvantaged Business Enterprise (DBE) Plan Goals for Fiscal Year (FY) 2019-21 (Exhibit A to the resolution), based upon approval as to form by the City Attorney, along with revisions as may be required by Caltrans or the Federal Transit Administration (FTA).

Background:

COLT has established a DBE program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 Code of Federal Regulations (CFR) Part 26. COLT's original DBE Plan was submitted on August 6, 2015, and is required to be updated every three years. The deadline for submittal of COLT's updated DBE goals is December 28, 2018.

Discussion:

In August 2018, the City hired Moore and Associates, Inc., to assist in preparing the new goals for the DBE program for the period of FYs 2019-21. Moore and Associates, Inc., were hired to assist based on their experience with the new Federal requirements for setting goals for the DBE program, including securing statewide labor information and doing required local surveys. The City has received federal financial assistance from DOT, and as a condition of receiving that assistance, the City has signed an assurance it will comply with 49 CFR Part 26. It is the policy of COLT to ensure DBEs, as defined in

Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also COLT's policy to:

1. Ensure non-discrimination in the award and administration of DOT-assisted contracts;
2. Create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. Ensure the DBE program is tailored in accordance with applicable law;
4. Ensure only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. Help remove barriers to the participation of DBEs in DOT-assisted contracts;
6. Assist the development of firms that can compete successfully in the marketplace outside the DBE program.

The Aviation/Transportation Administrator, as COLT's DBE Liaison Officer, 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 COLT in its financial assistance agreements with DOT. COLT has disseminated that policy statement to all COLT management and staff as well as to those DBE and non-DBE business entities that perform work for COLT on DOT-assisted contracts.

COLT's policy statement is publicly displayed on the COLT website, procurement contracting documents, and provided in annual written notification to all vendors via U.S. Mail and/or email.

The COLT DBE Plan Goals are currently under review by Caltrans, and may require minor revisions. It is recommended the City Council adopt a resolution approving and adopting the COLT DBE Plan Goals as developed, based upon approval as to form of the Final Program by the City Attorney (in the event Caltrans requires minor revisions). If the City Attorney determines the changes needed due to Caltrans' action are more than minor, then this matter will be returned to the City Council for approval of the revised final version of the Title VI Program Update through another resolution, which will also rescind the subject resolution.

Fiscal Impact:

The adoption of the DBE Plan Goals for FYs 2019-21 does not result in any initial significant fiscal impacts. Minor administrative tasks will be accomplished with the assistance of Moore & Associates, Inc. under its consulting agreement with the City. Implementation of the recommendations contained within the Plan designed to assist the City in meeting its goals may result in modest advertising expenses in future years for the COLT program.

Conclusion:

Adopting the new DBE Plan Goals for FYs 2019-21 will allow the City to continue to receive transit funding from the FTA.

Respectfully submitted,

Richard Fernbaugh, Aviation/Transportation Administrator

APPROVED FOR SUBMITTAL TO THE CITY MANAGER:

Kevin P. McCune, P.E., Public Works Director

APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:

James Throop, City Manager

Attachment: [Resolution 6233\(18\)](#)

RESOLUTION NO. 6233(18)

A Resolution of the Council of the City of Lompoc,
County of Santa Barbara, State of California,
Approving a Disadvantaged Business Enterprise (DBE) Plan Goals
For FY 2019-2021 and Authorizing Its Submittal to the
Federal Transit Administration and Certain Staff to Sign Necessary Documents

WHEREAS, a Disadvantaged Business Enterprise (DBE) Goal for FY 2019-2021 is a requirement of Caltrans and the Federal Transit Administration (FTA) to receive federal funding for transit operations; and

WHEREAS, the City of Lompoc hereby submits a DBE goal update to the FTA.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMPOC, STATE OF CALIFORNIA, DOES HEREBY RESOLVE, AS FOLLOWS:


SECTION 1. The City Council of the City of Lompoc approves and authorizes the submittal of a DBE Plan Goals for FY 2019-2021 to the Federal Transit Administration, which is attached hereto as Exhibit A.

SECTION 2. The City Manager, Public Works Director, Assistant Public Works Director, or the Aviation/Transportation Administrator are each authorized to sign all documents related to the DBE Plan Goals for FY 2019-2021 on behalf of the City of Lompoc.


SECTION 3. This Resolution is effective upon its adoption.

The above and foregoing Resolution was proposed by Council Member Vega, seconded by Council Member Mosby, and was duly passed and adopted by the Council of the City of Lompoc at its regular meeting on December 18, 2018, by the following electronic vote:


- AYES: Council Member(s): Victor Vega, James Mosby, Dirk Starbuck, and Mayor Jenelle Osborne.
- NOES: Council Member(s): None
- ABSENT: Council Member(s): None


Jenelle Osborne, Mayor
City of Lompoc

ATTEST:


Stacey Haddon, City Clerk
City of Lompoc

Attachment: Exhibit A: DBE Goals

I HEREBY CERTIFY THAT THE
foregoing instrument is a true and
correct copy of the original on file in
the Lompoc City Clerk's Department.
ATTEST: 

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