

GREATER PORTLAND TRANSIT DISTRICT | METRO
PROPOSED TRIENNIAL OVERALL GOAL AND GOALSETTING METHODOLOGY
FOR FFY 2022-2024

Proposed DBE Goal: 2.7%

Effective: October 1, 2022 through September 30, 2024

INTRODUCTION

The Greater Portland Transit District (METRO) has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (USDOT).

Pursuant to 49 CFR Part 26 and USDOT official guidance, METRO has determined that its overall annual DBE attainment on Federal Transit Administration (FTA) funded projects for FFY 2022-2024 is 2.7% (the “Overall Goal”). The Overall Goal will be obtained using race- and gender-neutral measures. In establishing its Overall Goal, METRO has actively sought input from women, minorities, and the general contracting community.

This document describes in detail the process used by METRO to establish the Overall Goal.

STEP 1. DETERMINING A BASE FIGURE

As specified in 49 CFR 26.45(c), METRO calculated a percentage base figure reflecting the availability of DBEs relative to all businesses ready, willing, and able to participate on FTA-assisted contracts in its local market area. The base figure reflects a DBE participation level that METRO would expect in the absence of discrimination.

Local Market Area

METRO determined its local market area by reviewing the business locations of the contractors and subcontractors with which METRO does businesses and by considering where METRO spends the substantial majority of its contracting dollars. Based on this information, METRO determined that its local market area encompasses the counties of Cumberland, Androscoggin, and York.

Sources of Data

The number of ready, willing, and able DBEs and the total number of ready, willing, and able businesses in METRO’s market area were determined using the following verifiable sources of data:

- Maine DOT DBE Directory (<https://www.maine.gov/mdot/civilrights/dbe/>). The directory lists the firm’s name, address, phone number, date of most recent

certification, and the type of work the firm has been certified to perform as a DBE. In addition, the directory lists each type of work for which a firm is eligible to be certified by using the most NAICS code available to describe each type of work. The directory is housed and updated weekly online. It is searchable by scope of work, and receives widespread distribution in hard copy at seminars, conferences, trainings, and other networking events. www.maine.gov/mdot/civilrights/dbe/

- Census Bureau County Business Patterns (CBP) database. County Business Patterns provides data on the total number of establishments by detailed industry for all counties in the United States.
- METRO Bidders List. METRO has created and maintained a bidders list based on vendors who routinely seek to work on USDOT-assisted contracts in METRO's local market area.

Calculation

METRO used the Maine DOT DBE Directory and Census Bureau data, supplemented by its bidders list, to calculate a base figure, as shown in Figure 1, attached hereto. Specifically, METRO calculated the relative availability percentage as follows:

1. METRO determined the number of ready, willing, and able DBEs in its local market area from the Maine DOT DBE directory and supplemented this number with any additional DBE vendors on its bidders list who are available to perform USDOT-assisted contracts. Then, using the Census Bureau's CBP database, METRO determined the number of all ready, willing, and able businesses available in its local market area that perform work in the same NAICS codes. (See Figure 1, Columns A-E).
2. Data from the CBP database was filtered for METRO's local market area—the counties of Cumberland, Androscoggin and York—and for the NAICS codes categories set forth in Figure 1, Column B, which METRO determined are applicable for contracting opportunities.
3. The CBP database, supplemented by METRO's bidders list, identified a total of 3,843 businesses ready, willing, and able to perform work in the above-described NAICS codes categories in METRO's market area. The most recent Maine DOT DBE directory, supplemented by METRO's bidders list, showed 33 certified DBEs who are ready, willing, and able to perform work in these NAICS codes categories.
4. To ensure that the base figure is as accurate as possible, METRO weighted its calculation of the relative availability of firms. Specifically, METRO calculated the ratio of DBEs to the total number of vendors (see Figure 1, Column F), and then multiplied this ratio by the ratio of contract dollars estimated to be spent on each category of NAICS codes (see Figure 1, Column H), to arrive at a weighted ratio for each category of NAICS codes (see Figure 1, Column I).

5. By adding the weighted ratios for each NAICS codes category and reflecting the total as a percentage, METRO derived a base figure of .95%, rounded to 1%, for the relative availability of DBEs in METRO's local market area.

Result

Step 1 Base Figure = 1%

STEP 2. DETERMINING IF ADJUSTMENT IS NEEDED

As specified in Section 26.45, once the relative availability of ready, willing, and able DBEs in METRO's local market area has been determined, it is necessary to examine additional evidence and, if appropriate, make adjustments to the base figure, to ensure that the DBE goal truly and accurately reflects the level of DBE participation METRO would expect absent the effects of discrimination. Accordingly, METRO has considered and accounted for other evidence of conditions affecting DBEs, as set forth below, and determined that an adjustment to the Step 1 Base Figure is appropriate.

After establishing the base figure, METRO considered available information of conditions affecting DBEs to determine whether any adjustment to the base figure would be needed to establish its new overall DBE goal for FTA-funded contracts.

Factors Considered

Past and Future Contracting Activity

METRO examined the nature of contracting work anticipated for FFY 2022-2024. The two primary areas of expected NAICS spending are advertising on buses and construction related to bus stop improvements. Otherwise, the activity and market conditions in METRO's local market area have not substantially changed.

METRO also reviewed this in relation to the prior triennial activity and DBE percentages, as shown in the table below. As a small agency, one contract with a high DBE amount can significantly impact the percentage for that period, and the table shows that result.

In periods where the percentage is much higher than the goal, it is often driven by a capital contract and not by consistent operating activity. One of the prior periods includes a contract with a certified DBE vendor to purchase electronic tablets for all buses as part of the implementation of an automated fare collection and payment system, with a federal share of over \$70,000.

Additionally, METRO contracts with an outdoor advertising agency, who is also a certified DBE, for bus and shelter advertising. During the past pandemic period, overall contracting activity for METRO was reduced, and although the advertising activity was also reduced over the last part of 2020, it began to increase toward the end of the first quarter of 2021. While that is good news, it warps the percentage calculation because the overall awards were much less so the DBE advertising portion is a higher percentage.

METRO’s ability to meet DBE goals is attributable in large part to that advertising vendor. The anticipated goal for the next triennial period is also dependent on the execution of a planned, multi-year project for bus stop improvements. METRO’s actual DBE participation may be affected if the advertising vendor does not maintain its DBE certification or the market for outdoor advertising declines, or if there is a change of scope, timing or funding for the bus stop improvement project.

Prospective DBE Participation

METRO contacted the EMDC about their training and outreach programs and to determine any changes in the availability of DBE vendors who could likely provide the goods and services METRO uses in the course of its business. EMDC training and events, which result in any new certified DBEs, are listed on the MDOT site that is updated weekly and is referenced by METRO. Also, during the prior triennial period, METRO staff encouraged two businesses it contracted with to become certified as DBE. One was women owned and another was women-minority owned. However, neither opted to go through the certification process, at least yet.

METRO has determined that no additional data exists that would help to better measure the percentage of work that DBEs would be likely to obtain. METRO has concluded that and adjustment to the base figure is appropriate, and the Adjusted Figure below more accurately represents a level of DBE participation that METRO would expect absent discrimination.

Calculation

METRO determined that an adjustment based upon past and expected participation was appropriate, mitigated by the factors contributing to significant spikes. METRO followed the guidance set forth in USDOT’s Tips for Goal-Setting to average the Step 1 Base Figure with a figure which represents METRO’s median past participation, as follows:

1. METRO determined the median past participation percentage based on the actual DBE participation during the most recent three federal fiscal years:

DBE Report Period	METRO Race-Neutral Goal	Actual DBE Participation
Oct 2018 – March 2019	2%	2.1%
April 2019 – Sept 2019	2%	4.5%
Oct 2019– March 2020	2%	14.3%
April 2020 – Sept 2020	2%	0.1%
Oct 2020 – March 2021	2%	13.1%
HISTORICAL MEDIAN:		4.5%

2. METRO then averaged the historical median of 4.5% and the Step 1 Base Figure of 1% to arrive at an adjusted figure of 2.7%, representing a .7% increase over the last triennial period.

Result

Adjusted Figure = 2.7%

RACE-/GENDER-NEUTRAL AND RACE-/GENDER-CONSCIOUS SPLIT

In accordance with federal regulations and USDOT guidance, METRO will strive to meet the maximum feasible portion of its proposed overall DBE goal by using race- and gender-neutral measures.

Based on information regarding awards and commitments to DBEs, certified DBEs received a median of 4.5% of the dollars on METRO's FTA-funded contracts in FFY 2019-2021.

METRO did not apply contract goals or any other race- or gender-conscious measures to any FTA-funded contracts that METRO or subrecipients awarded during that timeframe; thus, 100% of DBE contractors and subcontractors were used on contracts without DBE goals.

METRO currently has a broad range of race- and gender-neutral measures to encourage and facilitate DBE participation in its contracts, including:

- Maintaining one-stop DBE certification with Maine DOT;
- Publicizing EMDC's web site and services to support Maine DBE businesses;
- Utilizing METRO's website and paid advertisements in newspapers and trade publications to encourage increased DBE participation;
- Using pre-bid meetings in construction contracts;
- Maintaining a policy on race-neutral measures, and training METRO staff with respect to implementation;
- Continuing administrative enforcement of prompt payments between prime contractors and subcontractors;
- Providing consistent and accurate data collection of DBE participation;
- Continuing to maintain METRO's bidders list;
- Providing timely updates to current DBEs on all bidding and subcontracting opportunities; and
- Continuing to search METRO's active vendor base for prospective new DBE participants and direct them to Maine DOT/EMDC resources and information in efforts to persuade them to become certified as DBEs.

Although the DBE vendor base applicable to transit is small in METRO's local market area, METRO continues to review the Maine DOT DBE registry and conduct outreach with individuals and organizations with direct contact with the DBE community for possible additions to its vendor base.

Based on its levels and trends of past participation and its race- and gender-neutral measures, METRO projects that METRO will be able to meet 100% of its new overall DBE goal through race- and gender-neutral measures. Accordingly, METRO projects that it will not need to utilize any race-conscious or gender-conscious measures to meet its proposed Overall Goal.

ADDITIONAL INFORMATION

For additional information about this document or METRO's DBE Program, please contact:

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**Figure 1. GPTD Goal Setting Methodology:
Step 1 Base Figure Calculation**

A	B	C	D	E	F	G	H	I	J
Contract Type	2017 NAICS code	NAICS Code Label	Number of Vendors Total	DBE DBE	DBE %	Est Expenditures 2022-2024	% of Est Exp	Weighted DBE%	Est DBE Expenditures
Electricity	221122	Electric power distribution	7	-	0.00%	\$ 461,622	2.28%	0.00%	\$ -
Bus Fuel	221210	Natural gas distribution	4	-	0.00%	\$ 300,000	1.48%	0.00%	\$ -
Space renovation	236220	Commercial and institutional building construction	77	3	3.90%	\$ 100,000	0.49%	0.02%	\$ 3,896
Bus stop improvements	237310	Highway, street, and bridge construction	27	3	11.11%	\$ 989,144	4.89%	0.54%	\$ 109,905
Bus stop improvements	238110	Poured concrete foundation and structure contractors	54	1	1.85%	\$ 350,000	1.73%	0.03%	\$ 6,481
Space reno/Bus stop impr.	238210	Electrical contractors and other wiring installation contractors	279	1	0.36%	\$ 215,000	1.06%	0.00%	\$ 771
Space reno/HVAC replacement	238220	Plumbing, heating, and air-conditioning contractors	349	1	0.29%	\$ 88,000	0.43%	0.00%	\$ 252
Generator replacement	238290	Other building equipment contractors	17	1	5.88%	\$ 125,000	0.62%	0.04%	\$ 7,353
Space reno	238320	Painting and wall covering contractors	140	-	0.00%	\$ 10,000	0.05%	0.00%	\$ -
Space reno	238330	Flooring contractors	59	-	0.00%	\$ 15,000	0.07%	0.00%	\$ -
Bus stop improvements	238910	Site preparation contractors	223	4	1.79%	\$ 300,000	1.48%	0.03%	\$ 5,381
Space reno	238990	All other specialty trade contractors	97	5	5.15%	\$ -	0.00%	0.00%	\$ -
Promotional materials	323111	Commercial printing (except screen and books)	40	-	0.00%	\$ 35,000	0.17%	0.00%	\$ -
Bus maintenance	332710	Machine shops	49	-	0.00%	\$ 25,000	0.12%	0.00%	\$ -
Transit Buses	336999	All other transportation equipment manufacturing	-	-	0.00%	\$ 9,724,667	48.05%	0.00%	\$ -
Space reno	339950	Sign manufacturing	20	-	0.00%	\$ 8,000	0.04%	0.00%	\$ -
Service Vehicle replacement	441110	New car dealers	52	-	0.00%	\$ 90,000	0.44%	0.00%	\$ -
Parts	441310	Automotive parts and accessories stores	84	-	0.00%	\$ 975,000	4.82%	0.00%	\$ -
Bus tires	441320	Tire dealers	43	-	0.00%	\$ 205,000	1.01%	0.00%	\$ -
Space reno/bldg maint	444120	Paint and wallpaper stores	18	-	0.00%	\$ 5,000	0.02%	0.00%	\$ -
Building maint	444130	Hardware stores	56	-	0.00%	\$ 180,000	0.89%	0.00%	\$ -
Building maint	444190	Other building material dealers	92	2	2.17%	\$ 45,000	0.22%	0.00%	\$ 978
Employee appreciation	445110	Supermarkets and other grocery (except convenience) stores	142	-	0.00%	\$ 20,000	0.10%	0.00%	\$ -
Office supplies	453210	Office supplies and stationery stores	5	-	0.00%	\$ 62,000	0.31%	0.00%	\$ -
IT supplies	454110	Electronic shopping and mail-order houses	81	-	0.00%	\$ 12,000	0.06%	0.00%	\$ -
Bus Fuel	454310	Fuel dealers	86	-	0.00%	\$ 1,700,000	8.40%	0.00%	\$ -
ADA Paratransit	485991	Special needs transportation	9	-	0.00%	\$ 1,350,000	6.67%	0.00%	\$ -
Bus maintenance	488410	Motor vehicle towing	23	2	8.70%	\$ 15,000	0.07%	0.01%	\$ 1,304
Marketing/Public Svc	511110	Newspaper publishers	17	-	0.00%	\$ 45,000	0.22%	0.00%	\$ -
Marketing/Public Svc	511120	Periodical publishers	13	-	0.00%	\$ 5,000	0.02%	0.00%	\$ -
Marketing/Public Svc	515112	Radio stations	6	-	0.00%	\$ 5,000	0.02%	0.00%	\$ -
Bus WiFi/internet/gmail	517312	Wireless telecommunications carriers (except satellite)	34	-	0.00%	\$ 149,400	0.74%	0.00%	\$ -
Phone system	517911	Telecommunications resellers	4	-	0.00%	\$ 36,000	0.18%	0.00%	\$ -
Depository banking	522110	Commercial banking	118	-	0.00%	\$ 165,000	0.82%	0.00%	\$ -
Liability and Workers Comp	524210	Insurance agencies and brokerages	225	-	0.00%	\$ 1,068,604	5.28%	0.00%	\$ -
Legal Services	541110	Offices of lawyers	356	-	0.00%	\$ 105,000	0.52%	0.00%	\$ -
Annual audit	541211	Offices of certified public accountants	122	-	0.00%	\$ 75,000	0.37%	0.00%	\$ -
Feasibility study	541330	Engineering services	177	-	0.00%	\$ 50,000	0.25%	0.00%	\$ -
Bus stop improvements	541370	Surveying and mapping (except geophysical) services	34	-	0.00%	\$ 350,000	1.73%	0.00%	\$ -
Marketing/Public Svc	541430	Graphic design services	48	-	0.00%	\$ 10,000	0.05%	0.00%	\$ -
Network security	541519	Other computer related services	7	-	0.00%	\$ 21,000	0.10%	0.00%	\$ -
Marketing/Public Svc	541613	Marketing consulting services	85	5	5.88%	\$ 15,000	0.07%	0.00%	\$ 882
Bus and Shelter ads	541850	Outdoor Advertising	3	1	33.33%	\$ 160,000	0.79%	0.26%	\$ 53,333
Marketing/Public Svc	541921	Photography studios, portrait	19	-	0.00%	\$ 3,000	0.01%	0.00%	\$ -
Translation of documents	541930	Translation and interpretation services	11	1	9.09%	\$ 10,000	0.05%	0.00%	\$ 909
Snow shoveling	561320	Temporary help services	77	2	2.60%	\$ 15,000	0.07%	0.00%	\$ 390
Bldg security/camera replacement	561621	Security systems services (except locksmiths)	11	-	0.00%	\$ 55,000	0.27%	0.00%	\$ -
Cleaning services	561720	Janitorial services	214	1	0.47%	\$ 195,000	0.96%	0.00%	\$ 911
Trash removal	562111	Solid waste collection	37	-	0.00%	\$ 10,000	0.05%	0.00%	\$ -
Drug testing/pre employment testing	621511	Medical laboratories	8	-	0.00%	\$ 21,000	0.10%	0.00%	\$ -
Bus maintenance	811113	Automotive transmission repair	6	-	0.00%	\$ 30,000	0.15%	0.00%	\$ -
Bus maintenance	811118	Other automotive mechanical and electrical repair and maintenance	8	-	0.00%	\$ 165,000	0.82%	0.00%	\$ -
Bus maintenance	811121	Automotive body, paint, and interior repair and maintenance	63	-	0.00%	\$ 10,000	0.05%	0.00%	\$ -
Bus maintenance	811198	All other automotive repair and maintenance	7	-	0.00%	\$ 50,000	0.25%	0.00%	\$ -
Air compressor maintenance	811310	Commercial and industrial machinery and equipment (except automotive and electronic) repair and maintenance	53	-	0.00%	\$ 9,000	0.04%	0.00%	\$ -
TOTAL			3,843	33		\$ 20,238,437	100.00%	0.95%	\$ 192,748