SUMMARY STATEMENT

ITEM NO.: DRPA-19-051
SUBJECT: Approval of Delaware River Port Authority’s Proposed Disadvantaged Business Enterprise (DBE) Goal-Setting Methodology, Including a Proposed Overall DBE Goal for Federal Fiscal Years 2020, 2021 & 2022

COMMITTEE: Operations & Maintenance Committee

COMMITTEE MEETING DATE: June 11, 2019

BOARD ACTION DATE: June 19, 2019

PROPOSAL: That the Board approves the methodology used by the DRPA’s Office of Business Development & Equal Opportunity (OBD&EO) to establish the Delaware River Port Authority’s proposed Disadvantaged Business Enterprise (DBE) Goal for Federal Fiscal Years 2020, 2021 and 2022, and also authorizes OBD&EO staff to submit said goal to the Federal Transit Administration (FTA) on or before the due date of August 1, 2019.

PURPOSE: To approve the methodology used by the OBD&EO to establish the Delaware River Port Authority’s proposed overall DBE Goal for Federal Fiscal Years 2020, 2021 and 2022, which includes a public comment and participation process, and to also authorize OBD&EO staff to submit said methodology and proposed goal to the FTA in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26.

BACKGROUND: FTA recipients receiving planning, capital and/or operating assistance who will award prime contracts (excluding transit vehicle purchases) the cumulative total value of which exceeds $250,000 in FTA funds in a Federal fiscal year must have a Disadvantaged Business Enterprise Program (DBE Program). The Delaware River Port Authority (DRPA) receives some funding from the U.S. Department of Transportation, through the FTA for projects. As a condition of receiving this assistance, the DRPA has signed an assurance that it will comply with 49 CFR Part 26.

DBE regulations, which are found in the Code of Federal Regulations at 49 CFR Part 26 require the following:

1. DRPA must have an approved Disadvantaged Business
Enterprise Program (DBE Program). DRPA has established a DBE Program that complies with federal DBE regulations. The Authority’s DBE Program is narrowly tailored in accordance with applicable law. Implementation of the DBE program is to be accorded the same priority as compliance with all other legal obligations incurred by the DRPA in its financial assistance agreements with the Department of Transportation;

2. A DBE Policy Statement that is signed by the CEO and circulated annually - The DRPA disseminates this Policy Statement annually to the Board and to all appropriate departments throughout the agency. In addition, the DBE Policy Statement is disseminated to DBE and non-DBE businesses that perform work on DOT-assigned contracts or who may have an interest in performing work for us in the future. We include the Policy Statement in all bid and proposal documents, and also distribute copies of the Statement to the bidders and proposers at all pre-bid/pre-proposal meetings for FTA-assisted projects. The Statement was also published in one or more editions of News Alert, a quarterly newsletter issued by the Office of Business Development & Equal Opportunity and was distributed via e-notification to subscribers. The Policy Statement can also be found on DRPA’s website. [http://www.drpa.org/obdeo/obdeo_dbe_program.html]

3. A Disadvantaged Business Liaison Officer (DBELO), who has a direct reporting relationship to the CEO. CAO Toni P. Brown serves as the DRPA DBELO. She is responsible for implementing all aspects of the DRPA’s DBE program;

4. The DBELO must be supported by an adequate staff support team. DRPA’s DBELO is supported by two full-time staff members in the Office of Business Development &
Equal Opportunity, and, as needed, two additional full-time staff members in the Office of the Chief Administrative Officer;

5. DRPA is required to submit a DBE Goal Methodology to the FTA every three (3) years, which includes –
   a. detailed goal-setting methodology;
   b. proof that the proposed overall DBE goal has been publicly advertised;
   c. comments must be accepted for no less than 30 days; and
   d. community consultative meetings must be held.

6. Prior to submission to the FTA the proposed goal and corresponding methodology must be presented to members of the business community. The DRPA hosted three (3) such meetings on April 10, 2019 at 10:00am, 2:00pm and 7:00pm at One Port Center. Attendance at these meetings included DBE firms, community groups and engineering consultants. There were four (4) attendees at the 10:00am meeting, six (6) attendees at the 2:00pm meeting and two (2) attendees at the 7:00pm meeting; 12 attendees overall.

FTA requires that all direct and primary grant recipients document their compliance by submitting a proposed DBE goal to their FTA regional civil rights officer once every three (3) years along with the supporting goal methodology. DRPA’s proposed DBE Goal for Federal Fiscal Years 2020, 2021 and 2022 is due to the FTA on or by August 1, 2019.

In July 2018, CAO Brown, the DRPA’s DBELO, established a DBE Methodology Goal-Setting Team. The Team Lead was Erin Watterson, EEO Specialist. Ms. Watterson was supported by staff from the Office of Business Development & Equal Opportunity and the Office of the CAO. Chief Engineer Michael Venuto and members of the Engineering Division provided information concerning the projects they expect will take place in 2020, 2021 and 2022, and forecasted the
percentages of work opportunities for each project.

A grantee’s overall DBE goal may include a race-conscious goal; a race-neutral goal; and/or a combination of both. After carefully considering the forecast data and other relevant information, staff proposes an overall DBE goal for Federal Fiscal Years 2020, 2021 and 2022 of 13%.

We propose the following race-conscious and race-neutral goals:

- Race-conscious = 12%
- Race-neutral = 1%

DBE regulations require grantees to advertise publicly the methodology used to reach the proposed DBE goal. To that end, we published DRPA’s proposed overall DBE goal in the following manner:

- Published the proposed goal in OBD&EO’s quarterly newsletter which is disseminated to approximately 2,000 recipients;

- Sent notice of the proposed goal to all Instant E-Alert Program subscribers;

- Published the proposed goal in the following print mediums: *Al Dia News, The Philadelphia Tribune, Courier Post* and *The Philadelphia Inquirer*;

- Posted the proposed goal on our website at www.drpa.org for 30-days, beginning on April 22, 2019 through May 31, 2019;

- To comply with federal regulations, we held three community consultative informational meetings to describe the methodology we used to reach our proposed overall DBE goal. The meetings were held at different times of the day, at One Port Center, a venue that is accessible to public transit and ADA-compliant;
The meetings were held on April 10, 2019, at 10:00 a.m., 2:00 p.m., and 7:00 p.m. at One Port Center (Camden, NJ). The meeting invitations were sent out via letter from CEO Hanson, in the News Alert newsletter and via instant e-alert. Over the course of three meetings, 12 people attended.

A comment received from an attendee of the 10:00am meeting suggestion the inclusion of an additional NAICS code to the calculations. After consultation with Engineering the NAICS code was included which increased our weighted base figure by 0.04. The inclusion had no affect on the overall proposed DBE goal of 13%.

Copies of the meeting agendas, slide presentations, attendee sign-in sheets, summary of comments and questions raised during the public meetings, as well as any comments received from the public will be provided to the FTA with the DRPA’s DBE Goal Methodology submission.

The public comment period closed on May 31, 2019. We received no additional comments besides those received at the April 10 meetings that would impact the race-conscious and race-neutral goals we proposed for Federal fiscal years 2020, 2021 and 2022.

Staff hereby seeks Board approval of DRPA’s proposed DBE Goal – Setting Methodology and overall proposed DBE goal of 13% (12% race – conscious and 1% race – neutral) for Federal Fiscal Years 2020, 2021 and 2022. Staff also requests authorization to submit proposed methodology and overall DBE goal in TrAMS on or before August 1, 2019.
SUMMARY STATEMENT
O&M 6/11/19

Approval of Delaware River Port Authority’s Proposed Disadvantaged Business Enterprise (DBE) Goal-Setting Methodology, Including a Proposed Overall DBE Goal for Federal Fiscal Years 2020, 2021 and 2022

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SUMMARY: 
Amount: N/A
Source of Funds: N/A
Capital Project #: N/A
Master Plan Status: N/A
Other Fund Sources: N/A
Duration of Contract: N/A
Other Parties Involved: Federal Transit Administration
RESOLUTION

RESOLVED: That the Board hereby approves DRPA’s proposed DBE Goal-Setting Methodology and proposed overall DBE goal of 13% (12% race-conscious and 1% race-neutral) for Federal Fiscal Years 2020, 2021 and 2022; and be it further;

RESOLVED: That the Board authorizes staff to submit, on or before August 1, 2019, to the Federal Transit Administration via the Transit Award Management System (TrAMS) the DRPA’s proposed DBE Goal-Setting Methodology and subsequent overall DBE goal proposal, inclusive of documentation and public participation materials; and be it further;

RESOLVED: The Chairman, Vice Chairman and the Chief Executive Officer must approve and are hereby authorized to approve and execute all necessary agreements, contracts, or other documents on behalf of DRPA. If such agreements, contracts, or other documents have been approved by the Chairman, Vice Chairman and Chief Executive Officer and if thereafter either the Chairman or Vice Chairman is absent or unavailable, the remaining Officer may execute the said document(s) on behalf of DRPA along with the Chief Executive Officer. If both the Chairman and Vice Chairman are absent or unavailable, and if it is necessary to execute the said document(s) while they are absent or unavailable, then the Chief Executive Officer shall execute such documents on behalf of DRPA.

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