

Section 26.45: Overall Goal Calculation

Amount of Goal

Tyler Transit, the public transportation provider for the City of Tyler Texas, in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26, hereby announces its Fiscal Year 2013 through 2015 Disadvantaged Business Enterprise (DBE) goal is 1.76% of the Federal Financial assistance Tyler Transit will expend in DOT-assisted contracts exclusive of Federal Transit Administration (FTA) funds to be used for the purchase of transit vehicles.

The entire goal will be obtained through race-neutral means. The purpose of the Disadvantaged Business Enterprise (DBE) overall goal is to achieve a “level playing field” for ready, willing and able DBE’s seeking to participate in U.S. DOT-assisted contracts. Tyler Transit will ensure that DBE’s have the maximum opportunity to compete for and participate in the performance on contracts and subcontracts awarded by the agency. Tyler Transit and its contractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of Tyler Transit contracts.

The goal is based on demonstrable evidence of the availability of ready, willing and able DBE’s relative to all business ready, willing and able to participate in U.S. DOT-assisted contracts. It reflects the level of DBE participation that would be expected absent the effects of discrimination.

Consultation/Public Participation

Tyler Transit will make the proposed DBE goal and methodology available through public notice which will be published in Tyler Morning Telegraph, in La Opinion and the Ebony News journal. The published public notice will inform the public that the proposed overall goal and its rationale will be available for inspection for 30 calendar days following the date of publication of the notice. The notice will also inform the public that 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 Tyler Transit’s contact information. (Attachment A)

Methodology Used to Calculate Overall Goal

Step 1: Develop a Base Figure for the Relative Availability of DBE’s

Acting as the primary link between Texas transportation infrastructure and businesses seeking to contract for sector-related activities, the Texas Department of Transportation (TXDOT) maintains a web-based database for DBE businesses to certify under the Texas Unified Certification Program (TUCP). This is a consolidated and centralized DBE

directory for the State of Texas. The TUCP requires interested disadvantaged businesses to complete a certification for federal DBE programs in Texas to one of six certifying agencies within the state.

As part of the goal setting process, Step 1 requires beginning with a base figure for the relative availability of DBE's. The base figure represents the number and relative availability of ready, willing and able DBE firms as compared to all firms ready, willing and able to perform work for Tyler Transit. The formula utilized to calculate this percentage is as follows:

$$\text{Base Figure} = \frac{\text{Ready, willing and able DBE's}}{\text{All firms ready, willing and able}}$$

Tyler Transit is a small urban transit system with the majority of federal funding allocated toward operating and capital expenses that are performed by in-house personnel. Therefore, Tyler Transit very rarely has contracts with sub-contracting opportunities.

To establish the Base Figure, contractible items were identified. In review of the contracting opportunities over the next three fiscal years, it has been determined that the list (Attachment B) for FY 2013 through FY 2015 is representative of the contracting opportunities for each of the federal fiscal years under this submission cycle.

Listing the contracting opportunities by NAICS codes, Tyler Transit applied the number of relevant certified DBE's (0) in the Tyler Area MSA listed in the Texas Unified Certification Program (TUCP) as the numerator in the calculation for the base figure. Tyler Transit then applied the number of statewide businesses of the same NAICS codes according to the Census Bureau's County Business Patterns (CBP) database as the denominator (2010) in the base figure calculation (31).

Based upon the figures above:

$$0\% = \frac{0 \text{ DBE's listed by NACIS Code}}{31 \text{ Available Firms in Tyler MSA by NAICS Code}}$$

Due to the fact that the base figure of 0% would not be in compliance with 49 CFR Part 26, a different methodology was necessary to comply with 49 CFR. A review of the entire Tyler Area MSA was conducted utilizing all NAICS codes which revealed that only twenty six (26) registered DBE's are located within the Tyler Area MSA region. A similar review was conducted utilizing the Census Bureau's County Business Patterns (CBP) and

all available NACIS codes listed. The review indicated 1,465 registered business's in CBP database utilizing the NAICS code. A Base Figure was recalculated utilizing the same methodology with a larger scope of the NAICS Codes.

$$1.76\% = \frac{26 \text{ Registered DBE's in Tyler MSA by all NAICS Codes}}{1,465 \text{ Registered Businesses in CBP Database for Tyler MSA}}$$

The Base Figure calculation weighs the relative availability of DBE firms to the relative amount of contractible federal funds available for total of all firms in the Tyler MSA. The calculation resulted in a Base Figure of 1.76% of contracting work available for DBE-certified firms.

Step 2: Adjust the Base Figure

After calculating a Base Figure of the relative availability of DBE's and weighing the base figure relative to contracting opportunities, evidence was examined to determine what adjustment if any was needed to the base figure in order to arrive at the overall goal. Tyler Transit considered the lack of certified DBE's in the NAICS work categories and the lack of DBE participation in past contracting opportunities and a determination was made that an adjustment to the base figure is not warranted at this time.

Based on the above information, Tyler Transit has set an overall DBE goal of 1.76% in Federal Financial assistance will be expended in DOT-assisted contracts, exclusive of FTA funds to be used for the purchase of transit vehicles, for the submission cycle of FY 2013, 2014 and 2015.

Breakout of Estimated Race-Neutral & Race Conscious Participation

Tyler Transit anticipates meeting the overall FY 2013-2015 DBE goal of 1.76% entirely through race-neutral measures. These measures include but are not limited to the following:

- Arranging all possible aspects of solicitations, including delivery schedules, in ways that facilitate DBE participation
- Unbundling of contracts
- Reducing bonding requirements when possible
- Providing guidance on obtaining business assistance in areas such as business management, record keeping, and technical assistance
- Ensuring inclusion of DBE's on Tyler Transit's mailing list for bidders

- Ensuring the widest possible distribution of the DBE Directory which is the TUCP maintained by TXDOT
- Providing guidance on obtaining assistance for start-up businesses

Attachment A

The Tyler Area Metropolitan Planning Organization (MPO) is responsible for transportation planning within the Tyler Metropolitan Area which includes the municipalities of Tyler, Lindale, Hideaway, New Chapel Hill, Noonday and Whitehouse as well as portions of Smith County.

The Tyler Area MPO will host a public meeting from 12:00 p.m. to 1:00 p.m. on Wednesday, February 20th, 2013 to receive public input on Tyler Transit's fiscal year 2013-2015 DBE goals for transit projects. The proposed goals and goal setting methodology are available for inspection between 8:00am and 5:00pm, Monday through Friday beginning February 21st, 2013 through March 21st, 2013 at Tyler Transit, 210 E Oakwood, and Tyler Texas 75702.

The meeting will be held in the Tyler Development Center Large Conference Room at 423 W. Ferguson Street, Tyler, Texas. A forty-five day public comment period will begin February 21st, 2013 and remain open until April 7th, 2013 at 1:00 p.m. Comments can be sent to either of the following addresses:

Ms. Barbara Holly
Disadvantaged Business Enterprise
Liaison Officer (DBELO)
Tyler Transit
210 E Oakwood
Tyler, TX

Federal Transit Administration
Region VI
819 Taylor Street, 8A36
Fort Worth, TX 76102

Information can also be found online at www.tylerareampo.org.

Notice of opportunity to review the proposed DBE goal was published in the Tyler Morning Telegraph newspaper on February 18th, 2013 in La Opinion on February 20th, 2013 and the Ebony News Journal on February 22nd, 2013. Comments will be received through DATE, 2013.

Attachment B

NAICS CODE	TYLER MSA AVAILABLE DBE'S	CBP DATABASE TYLER MSA(2010)
454310	0	6
423860	0	1
448150	0	5
424120	0	3
485991	0	1
332311	0	2
811192	0	9
561621	0	4

	ALL REGISTERED DBE'S TYLER MSA	ALL REGISTERED BUSINESSES CBP DATABASE TYLER MSA
ALL NAICS CODES	26	1,465

Attachment C