

11/07/2019
2020-2020 DBE Goal

Tompkins County, NY (Grantee)
Tompkins Consolidated Area Transit, Inc. (Subrecipient)
Gadabout Transportation Services, Inc. (Subrecipient)
DBE Goal Setting Process for Federal Transit Administration Projects
Section 26.45: Overall Goal Calculation
Federal Fiscal Years 2020 through 2022

I. Introduction

For Federal fiscal years 2020 through 2022 (October 1, 2019 to September 30, 2021), Tompkins County (the County) will administer grants from the Federal Transit Administration (FTA). The County oversees two subrecipients, Tompkins Consolidated Area Transit, Inc. (TCAT) and Gadabout Transportation Services, Inc. The County's Disadvantaged Business Enterprise (DBE) goal has been developed for contracting opportunities assisted by the (FTA) for that period. The goal has been developed in accordance with 49 Code of Federal Regulations (CFR) Part 26, issued by the U.S. Department of Transportation (DOT), and with further guidance from the FTA. The methodology for the goal analysis is presented in the narrative report below.

II. Amount of Goal

County/TCAT's overall goal for FFY 2020 through FFY 2022 is the following: **1.37%** of the Federal Financial assistance we will expend in FTA-assisted contracts, exclusive of FTA funds to be used for the purchase of transit buses.

III. Process

The methodology to calculate the County's overall annual DBE goal is the process described in 49 CFR Part 26. The process is to identify the work (by NAICS) to be performed on capital, planning and operating assistance contracts to be awarded within the triennial period (FFY2020-2022). A weighted base goal is then calculated, reflecting the relative availability of certified DBE firms as a subset of all businesses within a seven-county market area. The market area includes: Broome, Tioga, Chemung, Tompkins, Cortland, Cayuga and Onondaga Counties.

Step 1: Establishing the Base Goal

Data Used for Analysis

A. Contracts assisted by FTA: Forty-four FTA-funded procurements or contracts are expected for award during the three-year period. Four capital projects,¹ one planning project and thirty-nine operating assistance procurements.

	NAICS Code	FTA Project	Description of Work	Amount of DOT funds on project:
1	441110	Capital	(3) autos, (1) Shop Truck, (1) Cargo Van - TCAT	\$ 113,501
2	541511	Capital	ITS Operations Technology - Gadabout	\$ 560,000
3	333318	Capital	Oil-Water Separator - TCAT	\$ 69,758
4	335999	Capital	Mobile Generator & Charger - TCAT	\$ 336,651
5	541620	Capital	Short term Transit Planning Environmental Review - TCAT	\$ 276,400
6	541211	Operating - TCAT	Accounting Service	\$ 19,875
7	541810	Operating - TCAT	Advertising	\$ 39,554
8	541211	Operating - TCAT	Audit Service	\$ 18,000
9	561740	Operating - TCAT	Bus cleaning service	\$ 35,175
10	424120	Operating - TCAT	Copier supplies/repairs	\$ 15,632
11	561990	Operating - TCAT	Document shredding	\$ 1,997
12	238210	Operating - TCAT	Electrical work	\$ 21,665
13	621999	Operating - TCAT	Employee drug testing	\$ 1,652
14	238290	Operating - TCAT	Facility Cleaning	\$ 2,183
15	561621	Operating - TCAT	Facility Fire Alarm Service	\$ 9,467
16	238220	Operating - TCAT	Facility HVAC Maintenance	\$ 36,096
17	238990	Operating - TCAT	Facility Repairs - Concrete Floor	\$ 49,018
18	238290	Operating - TCAT	Facility Repairs - Overhead Doors	\$ 14,754
19	238910	Operating - TCAT	Facility Repairs - Drainage	\$ 4,740
20	453998	Operating - TCAT	Facility Supplies	\$ 98,019
21	811310	Operating - TCAT	Fire extinguisher service	\$ 2,045
22	813219	Operating - TCAT	Grant consulting	\$ 14,141

¹ The first capital project includes three procurements for TCAT transit support vehicles under the same NAISC code.

23	423420	Operating - TCAT	IT supplies	\$	7,448
24	541519	Operating - TCAT	IT support	\$	76,671
25	453998	Operating - TCAT	Janitorial supplies	\$	42,998
26	561622	Operating - TCAT	Keys and security locks	\$	9,793
27	541110	Operating - TCAT	Legal Services	\$	198,358
28	423450	Operating - TCAT	Medical supplies	\$	12,632
29	561730	Operating - TCAT	Mowing/Landscaping	\$	1,484
30	453210	Operating - TCAT	Office supplies	\$	46,738
31	238220	Operating - TCAT	Plumbing	\$	1,230
32	323111	Operating - TCAT	Printing services	\$	49,022
33	561790	Operating - TCAT	Bus Shelter Cleaning	\$	17,955
37	441310	Operating - TCAT	Shop supplies	\$	5,116
38	541519	Operating - TCAT	Software Maint contract	\$	6,299
39	561320	Operating - TCAT	Temp help - staffing Green St	\$	131,097
40	488410	Operating - TCAT	Towing	\$	13,988
41	812320	Operating - TCAT	Uniform cleaning	\$	3,031
42	424320	Operating - TCAT	Uniforms	\$	30,798
43	562998	Operating - TCAT	Waste services	\$	3,905
44	312112	Operating - TCAT	Water for coolers	\$	5,478
Total FTA-Assisted Contract Funds				\$	2,404,362

Key: A **Yellow Highlight** indicate activities with certified DBEs.

Activity	DOT (FTA) Funding
Capital	\$ 1,356,311
Operating Assistance	\$ 1,048,052 ²
TOTAL	\$ 2,404,363

B. Local Market Area

In determining the Local Market Area, all TCAT expenditures for two years – 2017-2018, were examined except for bus procurements. The payees were categorized by region in order to determine their geographic distribution. After consideration, it was decided that the Local Market Area would include the following counties: Broome, Cayuga, Chemung, Cortland,

² \$349,351 per year, out of \$829,000 annual operating assistance. The amounts are based on 2018 expenditures x 50% (Federal share).

Onondaga, Tioga and Tompkins. The summary data for these counties, the Local Market Area, and Total TCAT Expenditures are as follows:

2017 - 2018				
Region	Payees	Payments	% of Total \$	% of Payees
Tompkins	71	\$ 3,012,130.10	29.7%	29.6%
Broome	14	\$ 392,227.76	3.9%	5.8%
Cayuga	2	\$ 69,989.79	0.7%	0.8%
Onondaga	22	\$ 703,256.86	6.9%	9.2%
Cortland	3	\$ 7,475.35	0.1%	1.3%
Chemung	8	\$ 340,423.84	3.4%	3.3%
Tioga	2	\$ 8,455.92	0.1%	0.8%
Local Market Area	122	\$ 4,533,959.62	44.7%	50.8%
Total TCAT Expenditures	240	\$ 10,154,297.41	100.0%	100.0%

Some other regions accounted for significant portions of the annual budget as the insurance and diesel fuel bills were paid to each region respectively, but were not included in the Local Market Area as these costs are not funded by the FTA.

C. Data Sources for Determining Base Figures

From the above proposed projects/activities for 2020, 2021 and 2022, a database of 2016 NAICS codes was used to look up the applicable code.³ The online US Census American FactFinder search function was used to lookup the total number of businesses for each NAICS code⁴ for all of the counties in the Local Market Area. This data included both DBE and non-DBE businesses. Information on the number of DBEs within the Local Market Area was obtained from the New York State Unified Certification Program (NYSUCP) Disadvantaged Business Enterprise (DBE) Directory.⁵

Step 1: Base Figure

Base figures were calculated for the contracts budgeted for award during the FFY 2020 – FFY 2022 period to determine the relative availability of DBEs with specific areas of expertise.

³ <https://www.naics.com/search/>

⁴ <https://factfinder.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t>

⁵ <https://nysucp.newnycontracts.com/>

A. Number of DBEs: To determine the numerator – the number of DBE firms ready, willing, and able to do the work, the County used the New York State Unified Certification Program (NYSUCP) Disadvantaged Business Enterprise (DBE) Directory, filtered by 1) relevant NAICS code expertise, 2) Work Category Codes specific to the scope of work to be done, and 3) firms within TCAT’s local market area.

B. Number of all Firms: For the denominator – the number of all firms (DBEs and non-DBEs) ready, willing, and able to perform the work, the County searched for all business by NAISC code using the Census American FactFinder search function for the counties in TCAT’s local market area.

C. Relative Availability of DBE Firms: The upcoming FTA-assisted activities were determined to include work identified by thirty-six (36) NAICS codes. The relative availability of DBE firms was calculated by dividing the number of DBEs by the number of all firms for each NAICS code.

D. Weighting: The NAICS codes were each assigned a relative weight, based on the percentage of total work represented by the individual code. The weighting was derived by dividing the projected cost of work categorized under each of the NAICS codes by the total cost. This percentage was then applied to the total budgeted FTA funds (\$2,404,362), allocating FTA funds for each activity.

E. Calculation of Base Figure: The base figure for the Overall Goal was calculated by multiplying the weighted FTA dollars to be expended for each NAICS code by the percentage representing relative availability of DBEs for that code in Step 1C. The weighed DBE Goal is 1.37%. See attached exhibits.

Step 2: Adjusting the Base Figure and Overall Goal

The County and TCAT considered the following factors in assessing what, if any, adjustments should be made to the base figure:

D. DBE participation on previous federally-funded contracts: The largest single project completed in the past six years was a State of Good Repair construction project (Grant NY-04-0101, \$4.5 million federal) managed by the City of Ithaca. The DBE participation of this construction project dwarfed the contracts managed by TCAT. The scope and scale of the City of Ithaca’s contracts was sufficiently dissimilar to TCAT’s future contracts that this historical data does not offer a basis for adjusting the goal.

E. Contract size and type: There is insufficient similarity in contract size and type to provide a basis for adjusting the goal.

Ultimately, the County determined that market availability, as represented by the data from the NYSUCP DBE database and the Census Bureau data, provides the most realistic assessment of the percentage of DBE participation we would expect in the absence of discrimination. Accordingly, the weighed DBE Goal for the FFY 2020 through FFY 2022 period is 1.37%.

IV. Breakout of Estimated Race-Neutral and Race Conscious Participation

The County will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. Therefore, the County's DBE overall goal of 1.37% will be met utilizing 0% race-conscious and 1.37% race-neutral methods. The County will work with TCAT and Gadabout to use the following race-neutral means to increase DBE participation:

- To the extent practicable, unbundling large contracts to make them more accessible to small businesses.
- Notifying DBE firms in the local market of upcoming contracts (based on NYSUCP work category codes).
- Encouraging Prime Contractors to subcontract portions of work that they might otherwise perform with their own forces.
- Monitoring the Subcontractor process by requiring proof of Subcontractor consent, allowing sufficient time for contacting Subcontractors and "demonstrations" of good faith efforts by Prime Contractors.
- Providing DBE Program training for all staff with contracting authority and contract management responsibility on DBE program elements, objectives and procedures.

In order to ensure that our DBE program will be narrowly tailored to overcome the effects of discrimination, if TCAT and Gadabout use contract goals it 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, race-neutral DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry DBE goal; DBE participation on a prime contract exceeding a contract goal; and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

TCAT and Gadabout will maintain data separately on DBE achievements in those contracts with and without contract goals, respectively.

V. Public Participation, 49CFR 26.45(g)

The County, TCAT and Gadabout published a notice of the proposed triennial goal on their respective websites. The County send an email notice through Chamber of Commerce to 3,000 people.

The County and TCAT held a web-meeting/conference call on Nov. 1, 2019 from 1-2 PM to give an overview of upcoming contracts, answer questions and gather input on the triennial goal development.

While no party joined the call on November 1, a certified DBE business owner contacted Dwight Mengel on 11/6/2019 for more information.

A resolution to approve the 2020-22 DBE Plan was submitted to the Tompkins County Legislature as an action item before the Housing and Economic Development Committee on Nov 22, 2019 and will go before the County Legislature on Dec 3, 2019. The adopted County Resolution will be attached to the County's 2020-22 DBE Plan and attached in TrAMS in early December.

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11/7/2019

		Table A. NAICS Code, Descriptions of Work, NAICS Code Descriptions	
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	NAICS Code	FTA Project	Description of Work	NAICS Code Description
1	441110	Capital	(3) autos, (1) Shop Truck, (1) Cargo Van - TCAT	New Car Dealers
2	541511	Capital	ITS Operations Technology - Gadabout	Custom Computer Programming Services
3	333318	Capital	Oil-Water Separator - TCAT	Other Commercial and Service Industry Machinery Manufacturing
4	335999	Capital	Mobile Generator & Charger - TCAT	All Other Miscellaneous Electrical Equipment and Component Manufacturing
5	541620	Planning	Short term Transit Planning Environmental Review - TCAT	Environmental Consulting Services
6	541211	Operating - TCAT	Accounting Service	Offices of Certified Public Accountants
7	541810	Operating - TCAT	Advertising	Advertising Agencies
8	541211	Operating - TCAT	Audit Service	Offices of Certified Public Accountants
9	561740	Operating - TCAT	Bus cleaning service	Carpet and Upholstery Cleaning Services
10	424120	Operating - TCAT	Copier supplies/repairs	Stationery and Office Supplies Merchant Wholesalers
11	561990	Operating - TCAT	Document shredding	All Other Support Services
12	238210	Operating - TCAT	Electrical work	Electrical Contractors and Other Wiring Installation Contractors
13	621999	Operating - TCAT	Employee drug testing	All Other Miscellaneous Ambulatory Health Care Services
14	238290	Operating - TCAT	Facility Cleaning	Other Building Contractors
15	561621	Operating - TCAT	Facility Fire Alarm Service	Security Systems Services (except Locksmiths)
16	238220	Operating - TCAT	Facility HVAC Maint.	
17	238990	Operating - TCAT	Facility Repairs - Concrete Floor	
18	238290	Operating - TCAT	Facility Repairs - Overhead Doors	
19	238910	Operating - TCAT	Facility Repairs - Drainage	
20	453998	Operating - TCAT	Facility Supplies	
21	811310	Operating - TCAT	Fire extinguisher service	
22	813219	Operating - TCAT	Grant consulting	

23	423420	Operating - TCAT	IT supplies	
24	541519	Operating - TCAT	IT support	
25	453998	Operating - TCAT	Janitorial supplies	
26	561622	Operating - TCAT	Keys and security locks	
27	541110	Operating - TCAT	Legal Services	
28	423450	Operating - TCAT	Medical supplies	
29	561730	Operating - TCAT	Mowing/Landscaping	
30	453210	Operating - TCAT	Office supplies	
31	238220	Operating - TCAT	Plumbing	
32	323111	Operating - TCAT	Printing services	
33	561790	Operating - TCAT	Bus Shelter Cleaning	
37	441310	Operating - TCAT	Shop supplies	
38	541519	Operating - TCAT	Software Maint contract	
39	561320	Operating - TCAT	Temp help - staffing Green St	
40	488410	Operating - TCAT	Towing	
41	812320	Operating - TCAT	Uniform cleaning	
42	424320	Operating - TCAT	Uniforms	
43	562998	Operating - TCAT	Waste services	
44	312112	Operating - TCAT	Water for coolers	

Step 1 A - Determine the weight of each type of work by NAICS Code:

All reasonably anticipated FTA-assisted contracting opportunities are identified as:

	NAICS Code	FTA Project	Description of Work	Amount of DOT funds on project:	% of total DOT funds (weight)
1	441110	Capital	(3) autos, (1) Shop Truck, (1) Cargo Van - TCAT	\$ 113,501	4.7%
2	541511	Capital	ITS Operations Technology - Gadabout	\$ 560,000	23.3%
3	333318	Capital	Oil-Water Separator - TCAT	\$ 69,758	2.9%
4	335999	Capital	Mobile Generator & Charger - TCAT	\$ 336,651	14.0%
5	541620	Planning	Short term Transit Planning Environmental Review - TCAT	\$ 276,400	11.5%
6	541211	Operating - TCAT	Accounting Service	\$ 19,875	0.8%
7	541810	Operating - TCAT	Advertising	\$ 39,554	1.6%
8	541211	Operating - TCAT	Audit Service	\$ 18,000	0.7%
9	561740	Operating - TCAT	Bus cleaning service	\$ 35,175	1.5%
10	424120	Operating - TCAT	Copier supplies/repairs	\$ 15,632	0.7%
11	561990	Operating - TCAT	Document shredding	\$ 1,997	0.1%
12	238210	Operating - TCAT	Electrical work	\$ 21,665	0.9%
13	621999	Operating - TCAT	Employee drug testing	\$ 1,652	0.1%
14	238290	Operating - TCAT	Facility Cleaning	\$ 2,183	0.1%
15	561621	Operating - TCAT	Facility Fire Alarm Service	\$ 9,467	0.4%
16	238220	Operating - TCAT	Facility HVAC Maint.	\$ 36,096	1.5%
17	238990	Operating - TCAT	Facility Repairs - Concrete Floor	\$ 49,018	2.0%
18	238290	Operating - TCAT	Facility Repairs - Overhead Doors	\$ 14,754	0.6%
19	238910	Operating - TCAT	Facility Repairs - Drainage	\$ 4,740	0.2%
20	453998	Operating - TCAT	Facility Supplies	\$ 98,019	4.1%
21	811310	Operating - TCAT	Fire extinguisher service	\$ 2,045	0.1%
22	813219	Operating - TCAT	Grant consulting	\$ 14,141	0.6%
23	423420	Operating - TCAT	IT supplies	\$ 7,448	0.3%
24	541519	Operating - TCAT	IT support	\$ 76,671	3.2%
25	453998	Operating - TCAT	Janitorial supplies	\$ 42,998	1.8%
26	561622	Operating - TCAT	Keys and security locks	\$ 9,793	0.4%
27	541110	Operating - TCAT	Legal Services	\$ 198,358	8.2%
28	423450	Operating - TCAT	Medical supplies	\$ 12,632	0.5%

29	561730	Operating - TCAT	Mowing/Landscaping	\$ 1,484	0.1%
30	453210	Operating - TCAT	Office supplies	\$ 46,738	1.9%
31	238220	Operating - TCAT	Plumbing	\$ 1,230	0.1%
32	323111	Operating - TCAT	Printing services	\$ 49,022	2.0%
33	561790	Operating - TCAT	Bus Shelter Cleaning	\$ 17,955	0.7%
37	441310	Operating - TCAT	Shop supplies	\$ 5,116	0.2%
38	541519	Operating - TCAT	Software Maint contract	\$ 6,299	0.3%
39	561320	Operating - TCAT	Temp help - staffing Green St	\$ 131,097	5.5%
40	488410	Operating - TCAT	Towing	\$ 13,988	0.6%
41	812320	Operating - TCAT	Uniform cleaning	\$ 3,031	0.1%
42	424320	Operating - TCAT	Uniforms	\$ 30,798	1.3%
43	562998	Operating - TCAT	Waste services	\$ 3,905	0.2%
44	312112	Operating - TCAT	Water for coolers	\$ 5,478	0.2%
Total FTA-Assisted Contract Funds				\$ 2,404,362	100.0%

Step 1 B - Determine the relative availability of DBE's by NAICS Code:

"The numbers of DBEs and of all firms available to perform work on the identified contracting opportunities are: "

	NAICS Code	Description of Work	Number of DBEs available to perform this work	Number of all firms available (including DBEs)	Relative Availability
1	441110	(3) autos, (1) Shop Truck, (1) Cargo Van - TCAT	0	93	0.0000
2	541511	ITS Operations Technology - Gadabout	0	126	0.0000
3	333318	Oil-Water Separator - TCAT	0	7	0.0000
4	335999	Mobile Generator & Charger - TCAT	0	4	0.0000
5	541620	Short term Transit Planning Environmental Review - TCAT	4	36	0.1111
6	541211	Accounting Service	0	115	0.0000
7	541810	Advertising	0	31	0.0000
8	541211	Audit Service	0	115	0.0000
9	561740	Bus cleaning service	0	18	0.0000
10	424120	Copier supplies/repairs	0	10	0.0000

11	561990	Document shredding	0	40	0.0000
12	238210	Electrical work	0	132	0.0000
13	621999	Employee drug testing	0	17	0.0000
14	238290	Facility Cleaning	0	29	0.0000
15	561621	Facility Fire Alarm Service	0	22	0.0000
16	238220	Facility HVAC Maintenance.	0	273	0.0000
17	238990	Facility Repairs - Concrete Floor	0	127	0.0000
18	238290	Facility Repairs - Overhead Doors	0	156	0.0000
19	238910	Facility Repairs - Drainage	1	121	0.0083
20	453998	Facility Supplies	0	64	0.0000
21	811310	Fire extinguisher service	0	345	0.0000
22	813219	Grant consulting	0	13	0.0000
23	423420	IT supplies	0	28	0.0000
24	541519	IT support	0	12	0.0000
25	453998	Janitorial supplies	0	171	0.0000
26	561622	Keys and security locks	0	11	0.0000
27	541110	Legal Services	0	476	0.0000
28	423450	Medical supplies	0	21	0.0000
29	561730	Mowing/Landscaping	3	324	0.0093
30	453210	Office supplies	0	16	0.0000
31	238220	Plumbing	1	273	0.0037
32	323111	Printing services	0	901	0.0000
33	561790	Bus Shelter Cleaning	3	26	0.1154
37	441310	Shop supplies	0	107	0.0000
38	541519	Software Maint contract	0	11	0.0000
39	561320	Temp help - staffing Green St	0	80	0.0000
40	488410	Towing	0	23	0.0000
41	812320	Uniform cleaning	0	40	0.0000
42	424320	Uniforms	0	3	0.0000
43	562998	Waste services	0	5	0.0000
44	312112	Water for coolers	0	3	0.0000
Total			12	4,425	0.3%

Overall DBE
Availability

Step 1 C - (Weight) x (Availability) = Weighted Base Figure

Row #	NAICS Code	Description of Work	Weight	Relative Availability	Weighted Base Figure
5)	541620	Short term Transit Planning Environmental Review - TCAT	11.50%	0.11111	1.28%
19)	238910	Facility Repairs - Drainage	0.20%	0.00826	0.002%
29)	561730	Mowing /Landscaping	0.06%	0.00926	0.001%
31)	238220	Plumbing	0.05%	0.00926	0.0005%
33)	561790	Bus Shelter Cleaning	0.7%	0.11538	0.00086

1.37%

DBE Goal

	Estimate of Federal (FTA) Funding
Capital Projects	\$ 1,079,911
Planning	\$ 276,400
Operating Assistance	\$ 1,048,052
TOTAL	\$ 2,404,363

Note: This is an estimate of Federal (FTA) funding to be expended for Capital, Planning and Operating Assistance activities for which there is contracting or purchasing activities. The estimate may change depending upon Congressional appropriations and awards of competitive funding opportunities. The DBE Plan may be amended depending upon changes in Federal funding.