PUBLIC NOTICE: DISADVANTAGED BUSINESS ENTERPRISE (DBE) GOAL FOR FFY 2021–FFY 2023

The Northern Virginia Transportation Commission (NVTC) announces a proposed Disadvantaged Business Enterprise (DBE) goal of 15% for DBE participation on work conducted with Federal Transit Administration (FTA) funding during the Federal triennial period of 2021 through 2023.

The purpose of the DBE goal is to ensure nondiscrimination in the award and administration of FTA-assisted contracts, to create a level playing field on which DBEs can compete fairly for those contracts, and to ensure the DBE Program is narrowly tailored in accordance with applicable law.

The 15% proposed goal was derived in coordination with the City of Alexandria using the Virginia Department of Small Business and Supplier Diversity’s DBE Directory; U.S. Census Bureau database; and consultation with local, minority, and small business organizations.

In accordance with 49 CFR Part 26.45(g), NVTC invites maximum public participation and solicits comments regarding the proposed goal. Please submit comments regarding the proposed DBE goal to NVTC’s DBE Liaison Officer, Brittany Sumpter, via mail or email at the following addresses:

Mail: Attn: Brittany Sumpter
2300 Wilson Boulevard, Suite 230
Arlington, VA 22201

Email: brittanysumpter@novatransit.org

Comments on the proposed DBE goal will be accepted from June 22, 2020 to July 23, 2020.
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Introduction

In accordance with 49 CFR 26.45, the Northern Virginia Transportation Commission (NVTC) presents its overall Disadvantaged Business Enterprise (DBE) goal and Goal-Setting Methodology for the Federal triennial period of fiscal years 2021 through 2023.

The purpose of the DBE goal-setting process is to ensure nondiscrimination in the award and administration of FTA-assisted contracts, to create a level playing field on which DBEs can compete fairly for those contracts, and to ensure the DBE Program is narrowly tailored in accordance with applicable law.

Background

NVTC was established to manage and control the functions, affairs, and property of the Northern Virginia Transportation District—which was created by the Transportation District Act of 1964 (§ 33.2-1900 through 33.2-1935 of the Virginia Code). The purpose of the Act is to facilitate “the development of transportation systems [...] for the orderly growth and development of the urban areas of the Commonwealth; for the safety, comfort and convenience of its citizens; and for the economical utilization of public funds.” NVTC provides a policy forum for the region and allocates up to $200 million in state, regional and federal transit assistance each year among member jurisdictions.

According to 49 CFR 26.45(a), FTA recipients who reasonably anticipate awarding more than $250,000 in FTA funds in prime contracts in a Federal fiscal year must develop overall goals for DBE participation in FTA-assisted contracts once every three years. NVTC is a recipient of Federal Transit Administration (FTA) funds in excess of $250,000, which it passes directly to its two subrecipients, the Cities of Alexandria and Falls Church, Virginia. As a condition of receiving this financial assistance, NVTC must, therefore, comply with the FTA’s DBE goal requirements.

Since NVTC is only a pass-through entity, it considered the upcoming activity of its subrecipients to determine where potential contract awards and opportunities exist for DBE participation. Through this evaluation, NVTC determined that the City of Alexandria is the only subrecipient that will have awards during the FFY 2021–2023 triennial period.¹ Therefore, NVTC’s FFY 2021–2023 overall DBE goal is essentially the same as the City of Alexandria’s FFY 2021–2023 overall DBE goal.

¹ Although the City of Falls Church receives FTA funds through NVTC, the City does not anticipate any contract awards during FFY 2021–2023.
City of Alexandria DBE Goal and Methodology FFY 2021–2023

1. Summary

The City of Alexandria, with the assistance of the Northern Virginia Transportation Commission (NVTC), has determined that the overall Disadvantaged Business Enterprise (DBE) goal for Federal Fiscal Years (FFY) 2021–2023 is **15%** of the federal monies it will expend in Federal Transit Administration (FTA)-assisted contracts. The City of Alexandria estimates that, in meeting its 15% overall goal, 7.5% will be obtained through race/gender neutral measures and 7.5% through race/gender conscious participation.

2. FFY 2021–2023 FTA-Assisted Contracts

The City made its FFY 2021–2023 FTA-funded contract projections by first assessing the federal funds it currently has remaining in each of its active FTA grants. The City then determined where, within those active grants, potential contract awards exist during the FFY 2021–2023 triennial period. Through this analysis, the City anticipates that it will award FTA-funded contracts during the FFY 2021–2023 triennial period in its Eisenhower Metro Crosswalk, King-Callahan-Russell Construction, and Potomac Yards Metroway Extension projects.²

Table 1 displays the active grant(s) associated with each project, the project name, and the remaining amount of FTA-assistance available to be attributed to the project.

<table>
<thead>
<tr>
<th>FTA Grant</th>
<th>Project Name</th>
<th>FTA Assistance</th>
</tr>
</thead>
<tbody>
<tr>
<td>VA-04-0022</td>
<td>Eisenhower Metro Crosswalk CMIS</td>
<td>$ 100,000</td>
</tr>
<tr>
<td>VA-95-X107</td>
<td>Eisenhower Metro Crosswalk Construction</td>
<td>$ 400,000</td>
</tr>
<tr>
<td>VA-04-0048</td>
<td>Eisenhower Metro Crosswalk Design</td>
<td>$ 80,000</td>
</tr>
<tr>
<td>VA-04-0033</td>
<td>King-Callahan-Russell CMIS</td>
<td>$ 150,000</td>
</tr>
<tr>
<td></td>
<td>King-Callahan-Russell Construction</td>
<td>$ 986,976</td>
</tr>
<tr>
<td>VA-04-0024</td>
<td>Potomac Yard – Metroway Extension to the North</td>
<td>$ 1,256,416</td>
</tr>
</tbody>
</table>

**Total** $ 2,973,392

² Transportation projects that are funded by FTA but have been awarded in previous years were not included for consideration in this goal-setting methodology.
Next, the City evaluated the possible subcontracting opportunities within these larger projects. Table 2 represents the results of this analysis. Table 2 displays the actual categories of work that will be available during FFY 2021–2023, the appropriate six-digit North American Industry Classification System (NAICS) codes, and their respective cost estimates.\(^3\)

<table>
<thead>
<tr>
<th>Work Categories</th>
<th>NAICS</th>
<th>Estimated FTA Dollars per NAICS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Management/ Concrete Paving / Asphalt</td>
<td>237310</td>
<td>$328,613</td>
</tr>
<tr>
<td>Pouring and Finishing Concrete Foundations</td>
<td>238110</td>
<td>$46,687</td>
</tr>
<tr>
<td>Electrical Contractors and Other Wiring Installation Contractors</td>
<td>238210</td>
<td>$335,316</td>
</tr>
<tr>
<td>Demolition/ Site Preparation</td>
<td>238910</td>
<td>$27,545</td>
</tr>
<tr>
<td>Hauling</td>
<td>484220</td>
<td>$32,000</td>
</tr>
<tr>
<td>Landscape Architectural Services</td>
<td>541320</td>
<td>$50,000</td>
</tr>
<tr>
<td>Civil Engineering Services</td>
<td>541330</td>
<td>$100,000</td>
</tr>
<tr>
<td>Surveying</td>
<td>541370</td>
<td>$44,000</td>
</tr>
<tr>
<td>Public Relations</td>
<td>541820</td>
<td>$112,000</td>
</tr>
<tr>
<td>Landscape Services</td>
<td>561730</td>
<td>$15,000</td>
</tr>
<tr>
<td>Maintenance of Traffic/ Flagging</td>
<td>561990</td>
<td>$40,000</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td></td>
<td><strong>$1,131,161</strong></td>
</tr>
</tbody>
</table>

The City believes that these categories of work accurately reflect where opportunities, both prime and subcontracting, truly exist for DBE participation during the FFY 2021–2023 triennial period.

### 3. Local Market Area Determination

The City of Alexandria finds most of its contractors and subcontractors in the following jurisdictions:

- Alexandria, Virginia
- Arlington, Virginia
- Fairfax County, Virginia
- Fairfax City, Virginia
- Falls Church, Virginia
- Loudoun County, Virginia
- Prince William County, Virginia
- District of Columbia

\(^3\) The work category costs estimates were provided by staff and included for the purposes of weighting.
• Montgomery County, Maryland
• Prince George’s County, Maryland

Thus, the City of Alexandria has determined that these cities and counties represent its local market area. The local market area is depicted in the geographical area map below:

4. Methodology

According to Federal guidance, the overall DBE goal must be based on demonstrable evidence of the availability of ready, willing and able DBEs relative to all businesses ready, willing and able to participate on a federal recipient’s FTA-assisted contracts. The goal must reflect its determination of the level of DBE participation it would expect absent the effects of discrimination.
In determining its overall goal, the City of Alexandria strictly followed Federal guidance. The following steps outline the methodology used:

4.1. **Step One: Base Figure Determination (49 CFR 26.45(c))**

During Step One of the goal-setting process, the City of Alexandria calculated a base figure for the relative availability of DBE firms that are ready, willing, and able to compete for the FTA-assisted contracts it intends to let during FFY 2021–2023.

**Base Figure Formula**

Federal guidance provides the following formula for determining the base figure percentage of ready, willing, and able DBE firms for FTA-assisted contracts:

\[
\text{Step One Base Figure} = \frac{\text{Ready, willing, and able DBEs}}{\text{All firms ready, willing, and able (including DBEs and non-DBEs)}}
\]

The following steps were used to calculate the relative availability of DBEs:

- The source of data used to identify the DBE firms that are ready, willing, and able to bid is the Commonwealth of Virginia Unified Certification Program (UCP) DBE Directory. The Directory provides an all-inclusive list of DBE firms which have been certified by the Commonwealth of Virginia and is maintained by the Virginia Department of Small Business Supplier Diversity.
- The source of data used to identify all firms (both DBE and non-DBE) for each NAICS category that are ready, willing, and able to bid is the United States Census Bureau County Business Patterns database.
- In order to ensure an apples to apples comparison between the UCP DBE Directory and the Census database, the City only included certified DBE firms located within its local market area.
- Staff then divided the number of DBE firms identified for each NAICS works category that are ready, willing, and able to bid on the contracts the City of Alexandria intends to let during FFY 2021–2023 by the number of all firms (DBE and non-DBE) that are also ready, willing, and able to bid.
Table 3 below represents the results:

<table>
<thead>
<tr>
<th>Work Categories</th>
<th>NAICS</th>
<th>Total # of DBE Firms</th>
<th>Total# of ALL Firms (DBE and non-DBE)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Management/ Concrete Paving / Asphalt</td>
<td>237310</td>
<td>78</td>
<td>109</td>
</tr>
<tr>
<td>Pouring and Finishing Concrete Foundations</td>
<td>238110</td>
<td>31</td>
<td>203</td>
</tr>
<tr>
<td>Electrical Contractors and Other Wiring Installation Contractors</td>
<td>238210</td>
<td>56</td>
<td>733</td>
</tr>
<tr>
<td>Demolition/ Site Preparation</td>
<td>238910</td>
<td>49</td>
<td>210</td>
</tr>
<tr>
<td>Hauling</td>
<td>484220</td>
<td>154</td>
<td>195</td>
</tr>
<tr>
<td>Landscape Architectural Services</td>
<td>541320</td>
<td>16</td>
<td>87</td>
</tr>
<tr>
<td>Civil Engineering Services</td>
<td>541330</td>
<td>125</td>
<td>1803</td>
</tr>
<tr>
<td>Surveying</td>
<td>541370</td>
<td>11</td>
<td>59</td>
</tr>
<tr>
<td>Public Relations</td>
<td>541820</td>
<td>22</td>
<td>812</td>
</tr>
<tr>
<td>Landscape Services</td>
<td>561730</td>
<td>21</td>
<td>1223</td>
</tr>
<tr>
<td>Maintenance of Traffic/ Flagging</td>
<td>561990</td>
<td>11</td>
<td>205</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>574</strong></td>
<td><strong>5639</strong></td>
<td><strong>5639</strong></td>
</tr>
</tbody>
</table>

**Step One Base Figure**

\[
\text{Step One Base Figure} = \frac{574 \text{ DBEs}}{5639 \text{ Total Firms}} = 0.1018 = 10.2\%
\]

The Step One Base Figure calculated is 10.2%, which indicates that there are 10.2% ready, willing and able DBEs in the City of Alexandria’s market area to perform work in each selected NAICS code.

**Weighting**

Federal guidance suggests that weighting can help ensure that the Step One Base Figure is as accurate as possible. The City weighted the Step One Base Figure of 10.2% by incorporating the amount of estimated FTA-assistance that will be spent under each NAICS code. The weighted percentage was determined by dividing the estimated amount of FTA dollars per NAICS by the total amount of FTA dollars per NAICS. Staff then multiplied the weight percentage by the respective relative availability of DBEs in each NAICS category. This produced the weighted ratio. The weighted ratios for all NAICS categories were then added to determine the weighted availability of DBEs, which is 29.12%.
See Table 4 below:

<table>
<thead>
<tr>
<th>Work Categories</th>
<th>NAICS</th>
<th>Estimated FTA Dollars per NAICS</th>
<th>Estimated % of Total FTA Dollars per NAICS</th>
<th>Total # of DBE Firms</th>
<th>Total # of ALL Firms (DBE and non-DBE)</th>
<th>Weighted Availability of DBEs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Management/ Concrete Paving / Asphalt</td>
<td>237310</td>
<td>$328,613</td>
<td>29%</td>
<td>78</td>
<td>109</td>
<td>0.207887522</td>
</tr>
<tr>
<td>Pouring and Finishing Concrete Foundations</td>
<td>238110</td>
<td>$46,687</td>
<td>4%</td>
<td>31</td>
<td>203</td>
<td>0.006302853</td>
</tr>
<tr>
<td>Electrical Contractors and Other Wiring Installation Contractors</td>
<td>238210</td>
<td>$335,316</td>
<td>30%</td>
<td>56</td>
<td>733</td>
<td>0.022647168</td>
</tr>
<tr>
<td>Demolition/ Site Preparation</td>
<td>238910</td>
<td>$27,545</td>
<td>2%</td>
<td>49</td>
<td>210</td>
<td>0.005681920</td>
</tr>
<tr>
<td>Hauling</td>
<td>484220</td>
<td>$32,000</td>
<td>3%</td>
<td>154</td>
<td>195</td>
<td>0.022341466</td>
</tr>
<tr>
<td>Landscape Architectural Services</td>
<td>541320</td>
<td>$50,000</td>
<td>4%</td>
<td>16</td>
<td>87</td>
<td>0.008129172</td>
</tr>
<tr>
<td>Civil Engineering Services</td>
<td>541330</td>
<td>$100,000</td>
<td>9%</td>
<td>125</td>
<td>1803</td>
<td>0.006129003</td>
</tr>
<tr>
<td>Surveying</td>
<td>541370</td>
<td>$44,000</td>
<td>4%</td>
<td>11</td>
<td>59</td>
<td>0.007252186</td>
</tr>
<tr>
<td>Public Relations</td>
<td>541820</td>
<td>$112,000</td>
<td>10%</td>
<td>22</td>
<td>812</td>
<td>0.002682627</td>
</tr>
<tr>
<td>Landscape Services</td>
<td>561730</td>
<td>$15,000</td>
<td>1%</td>
<td>21</td>
<td>1223</td>
<td>0.000227698</td>
</tr>
<tr>
<td>Maintenance of Traffic/ Flagging</td>
<td>561990</td>
<td>$40,000</td>
<td>4%</td>
<td>11</td>
<td>205</td>
<td>0.001897468</td>
</tr>
<tr>
<td>Totals</td>
<td></td>
<td>$1,131,161</td>
<td>100%</td>
<td>574</td>
<td>5639</td>
<td>0.291179083</td>
</tr>
</tbody>
</table>

**TABLE 4: WEIGHTED AVAILABILITY OF DBE FIRMS**

4.2. **Step Two: Base Figure Adjustment (49 CFR 26.45(d))**

According to 49 CFR 26.45(d), once a federal recipient has calculated a base figure, it must examine all of the evidence available in its jurisdiction to determine what adjustment, if any, is needed to the base figure to arrive at its overall goal.

During Step Two of the goal-setting process, the City of Alexandria considered several factors to determine if an adjustment to the Step One Base Figure is necessary. These factors include the following:

- The current capacity of DBEs to perform work in the City’s FTA-assisted contract opportunities, as measured by the volume of work DBEs have performed in recent years
- Evidence from disparity studies conducted in the City of Alexandria’s market area
- Evidence from related fields that affect the opportunities for DBEs to form, grow, and compete

4.2.1. **Past Participation**

Federal guidance states that the first step in adjusting the Step One Base Figure for past participation is to determine its "median" past participation percentage. The median, as opposed to the average, is recommended because the process of determining the median excludes all outliers (abnormally high or abnormally low) past participation percentages.
The following is the City of Alexandria’s DBE Attainment for the past three Federal fiscal years:4

<table>
<thead>
<tr>
<th></th>
<th>DBE ATTAINMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>FFY 2017</td>
<td>O%</td>
</tr>
<tr>
<td>FFY 2018</td>
<td>O%</td>
</tr>
<tr>
<td>FFY 2019</td>
<td>O%</td>
</tr>
</tbody>
</table>

The median past participation percentage is 0%.5

The City then added the weighted base figure of 29.12% to the median of the past 3 years, 0%, and divided that figure by 2 to get the average:

\[
29.12 + 0 = 29.12% \\
29.12 / 2 = 14.56%
\]

After establishing the weighted base figure obtained in Step One and analyzing past DBE participation in Step Two, the resultant adjusted base figure for past participation is 14.56%, rounded up to 15%.

4.2.2. Disparity Studies

Two counties in the state of Maryland, Montgomery and Prince George’s County, make up a portion of the City of Alexandria’s market area. Therefore, the City studied the following disparity study:

- “Disadvantaged Business Enterprise Disparity Study: Volume I”. Prepared for the Maryland Department of Transportation, June 25, 2018.6

The study concluded that disparities exist in contracting opportunities for minority- and women-owned businesses in the Maryland Department of Transportation’s (MDOT) unique market area. However, the City of Alexandria has determined that because of the vast differences between the City of Alexandria’s and MDOT’s relevant market area and contracting opportunities, it is inappropriate for the City to use MDOT’s disparity study to further adjust the DBE goal.

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4 DBE Attainment for FFY 2017 through FFY 2019 was determined by analyzing the **Awards and Commitments (Section A)** of the DBE Semi-annual Uniform Reports previously submitted, by NVTC, to FTA in TrAMS.

5 It is worth noting here that although the City of Alexandria may not have made any new “awards” to DBEs during this period, it did, nonetheless, make significant “ongoing payments” to DBE firms present in existing contracts.

4.2.3. Other Evidence

The City of Alexandria determined that it does not have enough relevant evidence regarding statistical disparities in DBEs’ ability to obtain financing, bonding or insurance, or enough data on education, training and union apprenticeship programs to further adjust the 15% DBE goal.

In consideration of these factors, the City of Alexandria adjusted its Step One Base Figure to 15%.

5. Race/ Gender-Neutral and Race/ Gender-Conscious Breakdown (49 CFR 26.51)

According to 49 CFR 26.51, the maximum feasible portion of the overall goal must be met by using race/gender neutral means of facilitating DBE participation. Race-neutral DBE participation includes any time a DBE wins a prime contract through customary competitive procurement procedures or is awarded a subcontract on a prime contract that does not carry a DBE contract goal.

For its FFY 2018–2020 overall goal, the City of Alexandria proposed that 100% of the goal would be met by race/gender neutral means. Accordingly, the City instituted the following mechanisms aimed at obtaining DBE participation:

- Participation in pre-bid meetings with DBE firms before procurements were released to the public for bidding.
- Attending virtual and physical meetings with contractors who might be interested in bidding on work for the City of Alexandria.
- Providing information on how firms can learn of the City’s opportunities through the City’s E-Procure and the Commonwealth of Virginia’s Eva systems.
- Working with the Commonwealth of Virginia and other entities to pre-qualify potential bidders as potential DBEs.
- Providing technical assistance as needed.

Federal guidance suggests that looking at the amount by which a federal recipient exceeded its overall goals in past years, past participation obtained by DBE prime contractors, and past participation obtained by DBE subcontractors on contracts without goals, are all useful tools in helping it project the race/gender-neutral participation it can expect in the future. However, as discussed in the above section, the City of Alexandria’s DBE Attainment for the past three federal fiscal years was 0%. Accordingly, it is not appropriate for the City to rely on these methods to determine its race/gender-neutral projections for FFY 2021–2023.

According to the U.S. Department of Transportation’s “Tips for Goal-Setting in the DBE Program,” if a federal recipient has instituted new and comprehensive mechanisms aimed at obtaining
additional DBE participation through race/gender-neutral means, these efforts might provide the basis for estimating a greater level of race/gender-neutral participation for the upcoming year.\textsuperscript{7} The key here is that any such efforts used to justify race/gender-neutral participation in the upcoming fiscal year must be:

- new,
- ready for immediate implementation,
- described in detail, and
- likely to result in additional DBE participation.

A new mechanism that the City of Alexandria has created is an internal **DBE Task Force**. The purpose of the Task Force is to ensure the City considers all opportunities for DBE participation in FTA-assisted procurements and develop innovative ways that DBEs can learn of, and compete for, such opportunities. The members of the Task Force include the following individuals:

- Representative of the Northern Virginia Transportation Commission (NVTC)
- Representative of Transportation Planning (City of Alexandria)
- Representative of Purchasing (City of Alexandria)
- Representative of Department of Project Implementation (City of Alexandria)

The City believes that this group of forward-thinkers are best-suited to consciously and vigorously unbundle larger projects into smaller subparts for which small businesses and DBEs will be more likely able to compete. The group will meet quarterly to assess DBE participation and make modifications, where necessary,\textsuperscript{8} to ensure the City remains on track to meeting the maximum feasible portion of the overall goal through race/gender-neutral means.

In addition, the following are some of the efforts the City of Alexandria will continue to implement to foster DBE participation:

- Arrange solicitation times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and make contracts more accessible to small businesses;
- Provide assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements,

\textsuperscript{7} https://www.transportation.gov/osdbu/disadvantaged-business-enterprise/tips-goal-setting-disadvantaged-business-enterprise

\textsuperscript{8} Per 49 CFR 26.51(f)(2), if, during the course of any year in which a federal recipient is using contract goals, it determines that it will exceed its overall goal, it must reduce or eliminate the use of contract goals to the extent necessary to ensure that the use of contract goals does not result in exceeding the overall goal. If it determines that it will fall short of its overall goal, then it must make appropriate modifications in its use of race-neutral and/or race-conscious measures to allow it to meet the overall goal.
eliminating the impact of surety costs from bids, and providing services to help DBEs and other small businesses obtain bonding and financing);  
- Deliver information and communication programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs and other small businesses on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate);  
- Ensure distribution of the DBE Directory, through electronic means, to the widest feasible universe of potential prime contractors;  
- Perform outreach to non-certified DBEs, which will include activities related to building the population of available DBEs to perform work on FTA-assisted contracts;  
- Provide technical assistance as needed.

Accordingly, through the institution of the new DBE Task Force and continued outreach efforts, the City believes that it can achieve 50% of its FFY 2021–2023 overall goal through race/gender neutral measures. The City believes that 50% accurately accounts for the City’s inability to meet goals in the past, while also accounting for the new initiatives it has in place, ready for immediate implementation.

Thus, the overall DBE goal for FFY 2021–2023 (15%) will consist of a 50/50 split, where **7.5% of the goal will be obtained through race/gender-neutral measures and 7.5% through race/gender-conscious participation.**

### 6. Public Consultation

According to 49 CFR 26.45(g)(1)(i), in establishing an overall goal, federal recipients must provide for consultation with minority, women's and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and its efforts to establish a level playing field for the participation of DBEs. The consultation must include a scheduled, direct, interactive exchange (e.g., a face-to-face meeting, video conference, teleconference) with as many interested stakeholders as possible focused on obtaining information relevant to the goal setting process.

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9 Federal guidance states that it is appropriate to consider past history of inability to meet goals when determining how much of its goal a federal recipient should meet through race/gender-neutral means. It further states that if it has relied exclusively on race/gender-conscious measures in the past to meet its overall goals, but has not been able to achieve them, this may justify relying exclusively on race/gender-conscious means to meet its goal for the upcoming year.

10 The race/gender-conscious percentage was determined by calculating the difference between the overall goal (15%) and the race/gender-neutral percentage (7.5%).
On Wednesday, May 27, 2020, the City of Alexandria hosted a Virtual DBE Public Consultation event via Microsoft Teams. The City sent out invitations to the following individuals:

- Gloria Flanagan (Assistant Director, Alexandria Small Business Development Center)
- Maria Ciarrrocchi (Chief Operating Officer and Vice President of Alexandria Chamber of Commerce)
- Marlo Johnson (Manager Small Business Programs, WMATA)
- John Schneidawind (Vice President, Public Affairs, American Road and Transportation Builders Association)
- Richard Gordon (Virginia Department of Small Business and Diversity)
- Ramon Ceballos (Metropolitan Washington Airports Authority)
- Michael Zajur (Executive Director, Virginia Hispanic Chamber of Commerce)
- Susana Marino (Northern Virginia Hispanic Chamber of Commerce)
- My Lan Tran (Asian Chamber of Commerce)
- Sheila Dixon (NOVA Black Chamber of Commerce)
- Sharon Plymire (Virginia Department of Transportation)
- Leslie Martin (NOVA District Civil Rights Manager)
- Mr. Darren Brown (VDOT Business Opportunity and Workforce Development Center)
- Jim Maslanka (City of Alexandria Transportation Planning Section)
- Brittany Sumpter (Northern Virginia Transportation Commission)
- Reginald Arno (City of Alexandria Department of Project Implementation)
- Jason Hawkins (City of Alexandria Purchasing Department)
- Daphne Kott (City of Alexandria Department of Project Implementation)
- Murphy Ng (City of Alexandria Department of Project Implementation)

Below is the invitation that was sent out:

Greetings!

As a recipient of Federal Transit Administration (FTA) funding, the City of Alexandria is committed to leveling the playing field by providing small businesses owned and controlled by socially and economically disadvantaged individuals a fair opportunity to compete for our federally funded transportation contracts. To accomplish this effort, we have developed a Disadvantaged Business Enterprise (DBE) goal for DBE participation in our FTA-assisted projects over the next three years and we want to hear from you!

We invite you to join us on **May 27, 2020 from 1 PM to 2 PM** for a Virtual Consultation, where we will be sharing the process we used to calculate our proposed DBE goal with representatives of minority, women's, and community organizations that may have information concerning the availability of disadvantaged and non-disadvantaged businesses and the effects of discrimination on opportunities for DBEs. Due to your unique position in the community, we believe that you can
provide us with valuable feedback about our goal setting process, identify areas that we may have overlooked for DBE participation in our federally funded transportation contracts, and offer insight on ways we can further establish a level playing field for the participation of DBEs.

Your participation in this discussion is vital! If you are able to join us, please reply to this email and indicate you can make it to the meeting. When the meeting time comes up click on the Microwave Teams character, and you will join the meeting.

We look forward to connecting with you soon!

Kind Regards,

Jim Maslanka

The following individuals participated in the virtual meeting:

- Gloria Flanagan (Assistant Director, Alexandria Small Business Development Center)
- Marlo Johnson (Manager Small Business Programs, WMATA)
- Ramon Ceballos (Metropolitan Washington Airports Authority)
- Susana Marino (Northern Virginia Hispanic Chamber of Commerce)
- Leslie Martin (NOVA District Civil Rights Manager)
- Mr. Darren Brown (VDOT Business Opportunity and Workforce Development Center)
- Sharon Plymire (Virginia Department of Transportation)
- Daphne Kott (Alexandria Department of Project Implementation)
- Reginald Arno (Alexandria Department of Project Implementation)
- Murph Ng (Alexandria Department of Project Implementation)
- Jason Hawkins (Alexandria Purchasing Department)
- Brittany Sumpter (Northern Virginia Transportation Commission)
- Jim Maslanka (Alexandria Transportation Planning)

After introductions were made, Jim Maslanka and Brittany Sumpter gave a presentation which explained what DBE firms were, how firms can become certified, and the step-by-step process that was followed to develop the overall FFY 2021–2023 DBE goal. The table below outlines the feedback received and the City’s response:

<table>
<thead>
<tr>
<th>FEEDBACK</th>
<th>RESPONSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>It was recommended that Construction Management and Concrete Paving expenses be combined under one NAICS code.</td>
<td>Staff grouped Construction Management and Concrete Paving under the NAICS code 237310.</td>
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<tr>
<td>FEEDBACK</td>
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<tr>
<td>It was suggested that the state of Virginia was too broad of a market area and the City should consider only firms in Northern Virginia.</td>
<td>Staff’s original calculation considered the relative availability of DBEs in the entire state of Virginia. The purpose for expanding the market area to the entire state was to capture the maximum amount of potential DBE firms that may be interested in doing work with the City of Alexandria. However, after consultation, the City re-directed its focus to where it found majority of its contractors and subcontractors. Accordingly, the City revised its local market area to include the following jurisdictions: Alexandria, Virginia; Arlington, Virginia; Fairfax County, Virginia; Fairfax City, Virginia; Falls Church, Virginia; Loudoun County, Virginia; Prince William County, Virginia; District of Columbia; Montgomery County, Maryland; Prince George’s County, Maryland</td>
</tr>
<tr>
<td>It was recommended that the City engage in &quot;direct solicitation&quot; to locate DBE firms that could provide the services needed.</td>
<td>Staff will consider this technique if it becomes necessary to actually meet the goal, while also remaining mindful of federal guidance regarding full and open competition; set-asides (§26.43); good faith efforts (Appendix A to Part 26); and maintaining a generally narrowly tailored DBE Program.</td>
</tr>
<tr>
<td>It was suggested that the City look into banking as another sector that might have DBE firms.</td>
<td>While the City does not have any banking opportunities present in its FFY 2021–2023 projections, the City does comply with 49 CFR 26.27 as it relates to DBE Financial Institutions. The City of Alexandria will continue to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, make reasonable efforts to use these institutions, and encourage prime contractors to use such institutions.</td>
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<tr>
<td>There was concern that the NAICS code 484220 will only capture information about hauling materials &quot;in&quot; to a work category.</td>
<td>In utilizing the six-digit NAICS code 484220, the City is relying on the most refined data to capture the &quot;hauling&quot; work category. Furthermore, the North American</td>
</tr>
<tr>
<td>FEEDBACK</td>
<td>RESPONSE</td>
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<tr>
<td>site but will not capture firms that haul demolished items &quot;off&quot; the site.</td>
<td>Industry Classification System does not signify whether the firms haul items &quot;on&quot; or &quot;off&quot; site.</td>
</tr>
<tr>
<td>It was suggested that the goal should account for the cost of supplies and equipment.</td>
<td>Project management staff from the City confirmed that they are unable to itemize the costs of the various components that add up to the unit rate of a specific item. Therefore, they are unable to include these types of items in their work breakdown/ cost estimates. Accordingly, the City could not consider this work category in its DBE goal methodology.</td>
</tr>
<tr>
<td>It was recommended that Asphalt should be considered as a DBE subcontracting opportunity.</td>
<td>The NAICS code for Asphalt Paving is 237310, which was already considered in the original methodology. Staff, however, included the word “asphalt” in the work category title to make this more apparent.</td>
</tr>
<tr>
<td>It was recommended that demolition should be considered as a DBE subcontracting opportunity.</td>
<td>The City added 238910 Demolition/ Site Preparation as a work category in its revised DBE methodology.</td>
</tr>
</tbody>
</table>

### 7. Proactive Engagement

Although it is not required, the City of Alexandria engaged in a tremendous amount of outreach and discussions with those in the community regarding its DBE Program and FFY 2021–2023 Proposed DBE goal. The conversations were centered on ways the City can best position itself to locate DBEs, share upcoming opportunities, and increase DBE participation in its FTA-funded projects.

The following is an excerpt of those conversations:

- On March 12, 2020, staff participated in a Minority and Economic Development Roundtable event, hosted by the Alexandria Chamber of Commerce, that discussed the opportunities and challenges minority-owned businesses face in doing business with the City of Alexandria. Those in attendance included Chamber leadership and representatives from local businesses, such as banks, IT consulting, construction, and food catering. City staff particularly addressed questions related to the City’s DBE and SWaM Programs, the procurement/solicitation process, and future City related events.
Following the Roundtable event, staff provided to the Alexandria Chamber of Commerce a list of its FFY 2021–2023 upcoming projects and DBE needs and asked that it be distributed to its members.

- In April 2020, the City sent Ms. Flanagan of the Alexandria Small Business Development Center a listing of the types of work it will be requiring from FFY 2021–2023 and asked that she share it with the firms that interface with her organization.
  - As a result of this dissemination of information, staff received a referral from her about a firm based in Alexandria who is interested and capable of doing some of the work the City has programmed. This firm is currently acquiring DBE certification.
  - Alexandria will make sure that this firm is notified about specific opportunities for participation as a DBE when the work is released.

- On April 16, 2020, staff spoke with Ms. Marlo Johnson, head of WMATA's Office of Small Business Programs, and she provided an extensive amount of suggestions on how the City could obtain more DBE participation.
  - She stated that a very useful technique for getting DBE firms to solicit interest in work is to do direct solicitations to firms self-identifying themselves as having capabilities determined by a NAICS code.
  - She also suggested that using a mass e-mail, perhaps using the blind e-mail feature, can be a very good way of advertising a piece of work.
  - She also indicated that a quarterly newsletter indicating up-coming solicitations might also be a good way of indicating business opportunities.
  - She encouraged the City to attend as many DBE events as possible and transcribe all of the business cards from different contacts into one master list that can be used to solicit work from DBE firms whenever the opportunity arises.

- In April 2020, staff reached out to Mr. John Schneidawind of the American Road Builders Association and he indicated that his organization was no longer doing in person activities to partner contractors with DBEs, as they had in the past, until the COVID-19 pandemic passes.

- On April 15, 2020, staff spoke with Mr. Richard Gordon of the Virginia Department of Small Business and Supplier Diversity about the program he administers. He indicated that his primary clients are the Virginia Department of Transportation and the Washington Metropolitan Airports Authority.
  - He offered to send an e-mail blast to DBE firms listed in the Virginia DBE Directory concerning the City of Alexandria’s upcoming opportunities.

- In November 2019, staff made initial contact with the Virginia Hispanic Chamber of Commerce, and were eventually were able to set up a telephone conversation with the Executive Director, Michael Zajur, in January 2020. During the call, staff discussed upcoming opportunities for doing business with the City of Alexandria.
  - In April 2020, staff followed-up with Mr. Zajur, via email, for recommendations on finding DBE firms that can participate on projects with the City of Alexandria.
• On May 7, 2020, the City of Alexandria’s Purchasing Department partnered with the Asian Chamber of Commerce to host a webinar highlighting how to do business with the City of Alexandria.
  - Seventeen people attended the webinar, with most of the focus on how to do business with the City of Alexandria.
• On May 12, 2020, staff engaged in an in-depth follow-up discussion with Ms. Tran from the Asian Chamber of Commerce regarding ways DBE firms could become more involved in the City’s contract opportunities.
  - She shared her belief that most DBE work appeared to be in construction, where seemingly only Black and Hispanic DBE firms do the work (and not Asians).
  - She indicated that racism is a big factor that limits the use of Asian-American, Black, and Hispanic DBEs.
  - She indicated that there is an “old boy network” that keeps much of the work in the hands of a few firms.
  - She indicated that it takes firms a lot of time to network, learn of work that is provided, and locate DBEs that are not part of the “old boys” network.
  - She suggested that the City start analyzing the DBEs that are used on its projects to determine whether prime contractors are actually using new DBE firms to do some of the work. “The new DBE firms need a chance,” she said.
  - She was concerned that prime contractors seem to be “wedded” to using only DBEs who they already know.
  - Another problem Ms. Tran has observed is that there seems to be a very low DBE attendance at meetings oriented to DBEs.
  - She commended the City on thinking ahead for the next three years, determining which FTA-funded projects the City will award, and identifying the types of work DBEs could participate in.
  - Ms. Tran encouraged the City to continue screening for the participation of DBEs, make an effort to influence Primes to try new DBE subcontractors, and make a serious effort to monitor the performance of DBEs.
• In February 2020, staff made initial contact with Ms. Sheila Dixon, the new Executive Director of the Black Chamber of Commerce, and explained the process for doing business with the City of Alexandria.
  - She invited the City to an April 30, 2020 Zoom call with her organization to speak about upcoming opportunities.
    - The call included 15 individuals from all parts of Northern Virginia.
    - Staff received excellent feedback from a woman who owns a trucking company who will look into opportunities as a DBE.
    - Another person on the call indicated that, in previous times, he had a difficult time getting information about DBE opportunities at the City of Alexandria. He wanted to know how he could receive information about opportunities. Staff provided him with the information on how to do so.
Another person indicated that there seems to be a shortage of black-owned firms that do construction. He urged black-owned businesses to either be established or to expand to get more construction work as a subcontractor to a larger firm.

- Ms. Dixon is also in the process of developing a portal that will provide a more seamless method of partnering chamber members with agencies that want to do business with them.
- On April 21, 2020, staff spoke with Mr. Darren Brown of VDOT’s Business Opportunity and Workforce Development (BOWD) Center.
  - The primary purpose of this program is to provide training, assistance and services to disadvantaged business enterprises to help these businesses grow, become self-sufficient, more competitive in pursuing federally funded contract opportunities, move into non-traditional areas of work and compete in the marketplace beyond the DBE program.
  - Mr. Brown offered his services as a speaker to speak about the DBE program and his agency.
  - He also offered to distribute the information regarding the City’s upcoming opportunities to his database of over 2,000 DBE firms.

8. Conclusion

In conclusion, the City of Alexandria has determined that the overall DBE goal for FFY 2021–2023 is **15%** of the federal monies it will expend in FTA-assisted contracts. The City understands that this goal is only a projection for what it believes it can achieve during FFY 2021–2023. As a result, it will continue to monitor DBE participation during each year to determine whether this projection is on target. This will be done by analyzing the DBE awards and commitments reported to the FTA on a semi-annual basis for actual DBE participation.

If the DBE awards/commitments are *less* than the overall DBE goal, the City will develop a written analysis of the shortfall and create a corrective action plan, which will be implemented to remedy the shortfall. Conversely, if the DBE awards/commitments are *greater* than the overall DBE goal, the City will reduce or eliminate the use of contract goals to the extent necessary to ensure that the use of contract goals does not result in exceeding the overall goal, as required by Federal guidance. Also, in the event that any significant changes are made to the City of Alexandria’s FTA-assisted contract projections, the City will re-calculate the overall DBE goal and, if warranted, submit an adjusted overall DBE goal for FTA approval.