



DISADVANTAGED BUSINESS ENTERPRISE

**Goal Setting Methodology
FFY 2024 - 2026**

Table of Contents

| | |
|---|----|
| Table of Contents..... | i |
| Introduction | 1 |
| Background | 1 |
| 1. Summary..... | 2 |
| 2. FFY 2024-2026 FTA-Assisted Contracts..... | 2 |
| 3. Local Market Area Determination..... | 3 |
| 4. Methodology..... | 4 |
| 4.1 Step One: Base Figure Determination (49 CFR 26.45(c)) | 5 |
| Base Figure Formula | 5 |
| Weighting..... | 6 |
| 4.2 Step Two: Base Figure Adjustment (49 CFR 26.45(d))..... | 7 |
| 4.2.1 Past Participation..... | 7 |
| 4.2.2 Disparity Studies..... | 8 |
| 4.2.3 Other Evidence..... | 9 |
| 5. Race/ Gender-Neutral and Race/ Gender-Conscious Breakdown (49 CFR 26.51) | 9 |
| 5.1 Amount Exceeded Overall Goals in Past Years..... | 9 |
| 5.2 DBE Prime Contractors..... | 10 |
| 5.3 DBE Subcontractors..... | 10 |
| 6. Public Consultation | 12 |
| 7. Public Notice | 14 |
| 8. Public Comment | 16 |
| 9. Conclusion..... | 16 |

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 2024 through 2026.

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 over \$300 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, some of 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 passes some federal funds to subrecipients, 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 2024-2026 triennial period.¹ Therefore, NVTC’s FFY 2024-2026 overall DBE goal captures the opportunities for DBE participation in both NVTC *and* the City of Alexandria’s FTA-assisted contracts.

¹ Although the City of Falls Church receives FTA funds through NVTC, the city does not anticipate any contract awards during FFY 2024-2026.

1. Summary

The Northern Virginia Transportation Commission (NVTC) has determined that the overall **Disadvantaged Business Enterprise (DBE) goal for Federal Fiscal Years (FFY) 2024-2026 is 16%** of the federal monies it will expend in Federal Transit Administration (FTA)-assisted contracts. NVTC estimates that, in meeting its 16% overall goal, 8% will be obtained through race/gender-neutral measures and 8% through race/gender-conscious participation.

2. FFY 2024-2026 FTA-Assisted Contracts

NVTC made its FFY 2024-2026 FTA-funded contract projections by first assessing the federal funds it currently has remaining in each of the active FTA grants it manages on behalf of the City of Alexandria. NVTC then worked with the city to determine where, within those active grants, potential contract awards exist during the FFY 2024-2026 triennial period. Through this analysis, the city anticipates that it will award FTA-funded contracts during the FFY 2024-2026 triennial period in its Eisenhower Avenue Pedestrian Improvements and Potomac Yard Metroway Extension projects.²

In addition, NVTC has been awarded \$2 million in federal Community Project Funding (CPF) funds to advance the final planning stages and NEPA analysis for its Envision Route 7 BRT project. These earmark funds will be programmed in a federal grant, which will then fund a federal procurement to carry out this effort during the FFY 2024-2026 triennial period. Therefore, NVTC also included this project in its list of anticipated awards.

Table 1 displays the active grant(s)/funding source associated with each project, the project name and the amount of FTA-assistance that will be attributed to the project.

| TABLE 1: ANTICIPATED AWARDS | | | |
|-----------------------------|--------------------------|--|---------------------|
| | FTA Grant | Project Name | FTA Assistance |
| City of Alexandria | VA-95-X107 VA-04-0048 | Eisenhower Avenue Pedestrian Improvements Phase II | \$ 3,334,716 |
| | VA-2022-033 | Potomac Yard – Metroway Extension to the North | \$ 1,256,416 |
| NVTC | Route 7 Earmark | Route 7 Design and NEPA Analysis | \$ 2,000,000 |
| Total | | | \$ 6,591,132 |

Next, NVTC and the city evaluated the possible subcontracting opportunities within these larger projects. **Table 2** displays the actual categories of work that will be available during FFY

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.

2024-2026, the appropriate six-digit North American Industry Classification System (NAICS) codes, and their respective cost estimates.³

| TABLE 2: WORK CATEGORIES | | |
|--|--------------|--|
| Work Categories | NAICS | Estimated FTA Dollars per NAICS |
| Public opinion research and polling services | 541910 | \$ 100,000 |
| Engineering consulting services | 541330 | \$ 2,000,000 |
| Hauling | 484220 | \$ 72,000 |
| Maintenance of Traffic | 561990 | \$ 100,000 |
| Electrical Contractors and Other Wiring Installation Contractors | 238210 | \$ 80,000 |
| Construction Site Walls | 238190 | \$ 96,000 |
| Landscape Services | 561730 | \$ 56,000 |
| Construction Management | 237310 | \$ 500,000 |
| Public Relations | 541820 | \$ 104,000 |
| Surveying | 541370 | \$ 40,000 |
| Landscape Architectural Services | 541320 | \$ 50,000 |
| Totals | | \$ 3,198,000 |

NVTC and the city believe that these categories of work accurately reflect where opportunities, both prime and subcontracting, truly exist for DBE participation during the FFY 2024-2026 triennial period.

3. Local Market Area Determination

NVTC and the City of Alexandria find most of their contractors and subcontractors in the following jurisdictions:

- City of Alexandria, Virginia
- Arlington County, Virginia
- Fairfax County, Virginia
- City of Fairfax, Virginia
- City of Falls Church, Virginia
- Loudoun County, Virginia
- Prince William County, Virginia
- District of Columbia
- Montgomery County, Maryland
- Prince George’s County, Maryland

³ The work category costs estimates were provided by staff and included for the purposes of weighting.

Thus, NVTC 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, NVTC 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, NVTC calculated a base figure for the relative availability of DBE firms that are ready, willing and able to compete for the FTA-assisted contracts that NVTC and the city intend to award during FFY 2024-2026.

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 Commonwealth of Virginia Unified Certification Program (UCP) DBE Directory is the source of data used to identify the DBE firms that are ready, willing and able to bid. 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 United States Census Bureau County Business Patterns database is 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.
- In order to ensure an apples-to-apples comparison between the UCP DBE Directory and the Census database, NVTC only included certified DBE firms located within its local market area.
- NVTC then divided the number of DBE firms identified for each NAICS works category that are ready, willing and able to bid on the contracts NVTC and the city intend to award during FFY 2024-2026 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 3: RELATIVE AVAILABILITY OF DBE FIRMS | | | |
|--|--------------|-----------------------------|---|
| Work Categories | NAICS | Total # of DBE Firms | Total # of All Firms (DBE and non-DBE) |
| Public opinion research and polling services | 541910 | 23 | 156 |
| Engineering consulting services | 541330 | 147 | 1783 |
| Hauling | 484220 | 176 | 192 |
| Maintenance of Traffic | 561990 | 13 | 205 |
| Electrical Contractors and Other Wiring Installation Contractors | 238210 | 64 | 754 |
| Construction Site Walls | 238190 | 11 | 73 |
| Landscape Services | 561730 | 27 | 1264 |
| Construction Management | 237310 | 90 | 107 |
| Public Relations | 541820 | 28 | 814 |
| Surveying | 541370 | 21 | 56 |
| Landscape Architectural Services | 541320 | 16 | 80 |
| Total | | 616 | 5484 |

$$\begin{aligned}
 \text{Step One Base Figure} &= 616 \text{ DBEs} / 5484 \text{ Total Firms} \\
 &= .1123 \\
 &= 11.2\%
 \end{aligned}$$

The Step One Base Figure calculated is **11.2%**, which indicates that there are 11.2% ready, willing and able DBEs in NVTC’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. NVTC weighted the Step One Base Figure of 11.2% by incorporating the amount of estimated FTA-assistance that will be spent under each NAICS code. The weight was determined by dividing the estimated amount of FTA dollars per NAICS by the total amount of FTA dollars per NAICS. NVTC then multiplied the weight by the respective relative availability of DBEs in each NAICS category. This produced the weighted availability of DBE firms for each NAICS category. The weighted availability of DBE firms in all NAICS categories was then added to determine the total weighted availability of DBEs, which is **22.63%**.

See **Table 4** below:

| TABLE 4: WEIGHTED AVAILABILITY OF DBE FIRMS | | | | | | |
|--|--------|----------------------|--|---------------------------------|-------------|-------------------------------|
| Work Categories | NAICS | Total # of DBE Firms | Total # of All Firms (DBE and non-DBE) | Estimated FTA Dollars per NAICS | Weight | Weighted Availability of DBEs |
| Public opinion research and polling services | 541910 | 23 | 156 | \$ 100,000 | 0.031269543 | 0.00461025 |
| Engineering consulting | 541330 | 147 | 1783 | \$ 2,000,000 | 0.625390869 | 0.05156055 |
| Hauling | 484220 | 176 | 192 | \$ 72,000 | 0.022514071 | 0.0206379 |
| Maintenance of Traffic | 561990 | 13 | 205 | \$ 100,000 | 0.031269543 | 0.00198295 |
| Electrical Contractors and Other Wiring Installation | 238210 | 64 | 754 | \$ 80,000 | 0.025015635 | 0.00212334 |
| Construction Site Walls | 238190 | 11 | 73 | \$ 96,000 | 0.030018762 | 0.00452338 |
| Landscape Services | 561730 | 27 | 1264 | \$ 56,000 | 0.017510944 | 0.00037405 |
| Construction Management | 237310 | 90 | 107 | \$ 500,000 | 0.156347717 | 0.13150743 |
| Public Relations | 541820 | 28 | 814 | \$ 104,000 | 0.032520325 | 0.00111864 |
| Surveying | 541370 | 21 | 56 | \$ 40,000 | 0.012507817 | 0.00469043 |
| Landscape Architectural | 541320 | 16 | 80 | \$ 50,000 | 0.015634772 | 0.00312695 |
| Totals | | 616 | 5484 | \$ 3,198,000 | | 0.22625586 |

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, NVTC 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 NVTC and 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 NVTC'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 the "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).

See **Table 5** for NVTC’s DBE Attainment for the past three federal fiscal years⁴:

| TABLE 5: DBE ATTAINMENT | |
|--------------------------------|-----|
| FFY 2020 | 16% |
| FFY 2021 | 0% |
| FFY 2022 | 9% |

The median past participation percentage is 9%.⁵

NVTC then added the weighted base figure of 22.63% to the median of the past three years, 9%, and divided that figure by 2 to get the average:

$$22.63 + 9 = 31.63\%$$

$$31.63 / 2 = 15.82\%$$

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 15.82%, rounded up to **16%**.

4.2.2 *Disparity Studies*

Neither NVTC nor the City of Alexandria have commissioned or conducted a disparity study regarding DBEs. However, a 2020 Commonwealth of Virginia Disparity Study was completed in January 2021, prepared by BBC Research and Consulting for the Department of Small Business and Supplier Diversity.⁶ BBC conducted the disparity study based on contracts and procurements that Commonwealth executive branch agencies and higher education institutions awarded between July 1, 2014 and June 30, 2019. The study evaluated the effectiveness of the Virginia Small, Women, and Minority-owned Business (SWaM) Program in encouraging the participation of minority- and woman-owned businesses in state contracts and procurements.

The study concluded that disparities exist in contracting opportunities for minority and women-owned businesses within the Commonwealth’s construction, professional services, and goods and other services contracts and procurements. However, NVTC has determined that because

⁴ DBE Attainment for FFY 2020 through FFY 2022 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 that although there may have been periods when NVTC and the city did not make any “new awards” to DBEs and DBE Attainment was, therefore, low; there was significant “ongoing payments” made to DBE firms already present in existing contracts during this time.

⁶ BBC Research & Consulting. *Commonwealth of Virginia 2020 Disparity Study*. Prepared for Virginia Department of Small Business and Supplier Diversity. www.sbsd.virginia.gov/wp-content/uploads/2021/01/2020-Commonwealth-of-Virginia-Disparity-Study-Final.pdf

its DBE program is based on the participation of DBEs on *federal* contracts, and not *state* contracts, it is inappropriate for NVTC to rely on the results of this disparity study to further adjust the DBE goal.

4.2.3 Other Evidence

NVTC 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 16% DBE goal.

In consideration of these factors, NVTC adjusted its Step One Base Figure DBE Goal to **16%**.

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.

According to the U.S. Department of Transportation's "Tips for Goal-Setting in the DBE Program," the following tools are helpful to consider when projecting the race/gender-neutral participation one can expect in the future:

- The amount by which a federal recipient exceeded its overall goals in past years
- Past participation obtained by DBE prime contractors
- Past participation obtained by DBE subcontractors on contracts without goals⁷

5.1 Amount Exceeded Overall Goals in Past Years

Federal guidance suggests that looking at the median amount by which a federal recipient exceeded its overall goals in past years can be a useful tool in helping you project the race/gender-neutral participation you can expect in the future.

Table 6 below displays the amount NVTC exceeded its DBE Goal over the past three federal fiscal years:

⁷ *Tips for goal-setting in the Disadvantaged Business Enterprise (DBE) program.* U.S. Department of Transportation. www.transportation.gov/osdbu/disadvantaged-business-enterprise/tips-goal-setting-disadvantaged-business-enterprise

| | DBE Overall Goal | DBE Attainment | Amount Exceeded |
|----------|-------------------------|-----------------------|------------------------|
| FFY 2020 | 15% | 16% | +1 |
| FFY 2021 | 15% | 0% | -15 |
| FFY 2022 | 15% | 9% | -6 |

The DBE participation obtained during this time was through contracts all awarded by the city using race-conscious measures.⁸ Thus, since the overall DBE goal for FFY 2024-2026 now captures the opportunities for DBE participation in both the City of Alexandria *and* NVTC’s FTA-assisted contracts, it is inappropriate for NVTC to rely solely on this data to determine its race/gender-neutral projections for FFY 2024-2026.⁹

5.2 DBE Prime Contractors

Neither NVTC nor the city obtained any of its past participation through the use of DBE primes. Therefore, it is not reasonable to consider this factor.

5.3 DBE Subcontractors

Federal guidance suggests that if a portion of DBE attainment resulted from the participation of DBE subcontractors on contracts without goals, and thus from race/gender-neutral means, then it may be appropriate to assume that the federal recipient will be able to achieve similar results in the future. While NVTC did not obtain any of its past participation through the use of DBE subcontractors on *federal* contracts without DBE goals, it did obtain an exceptionally high amount of DBE participation on its *non-federal* contracts without DBE goals.¹⁰

Table 7 below displays the non-federal contracts NVTC awarded over the last 3 years that received DBE participation:

| Contract Name | Total Dollars Awarded | Total Dollars to DBE Subcontractors | DBE Attainment |
|-------------------------------|------------------------------|--|-----------------------|
| Route 7 Mobility Study | \$ 453,176 | \$ 57,062 | 13% |
| ZEB Strategic Plan | \$ 466,295 | \$ 135,210 | 29% |
| Regional Bus Transit Analysis | \$ 299,900 | \$ 99,773 | 33% |

The median amount of DBE participation was 29%, which is higher than the proposed overall goal of 16%, and these contracts reflect similar types of contracts that NVTC will be awarding

⁸ During this period, NVTC was only a pass-through entity and, therefore, reported on the DBE activity of its subrecipient, the City of Alexandria.

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.

¹⁰ To ensure that NVTC remains compliant with FTA’s requirement to administer a narrowly tailored DBE Program, it does not apply DBE goals to contracts that do not have federal funding.

during FFY 2024-2026. Therefore, it is reasonable to assume that NVTC will replicate similar levels of participation by DBE subcontractors on these types of contracts during FFY 2024-2026.

Accordingly, NVTC believes that it can achieve at least 50% of its FFY 2024-2026 overall goal through race/gender-neutral measures. This will be the first triennial period where the overall DBE goal captures the opportunities for DBE participation in both NVTC *and* the City of Alexandria's FTA-assisted contracts. As a result, NVTC believes that 50% accurately accounts for the significant DBE participation NVTC obtained on its non-federal contracts without DBE goals but also acknowledges the times that the city did not meet or exceed the established DBE goals in past years.

NVTC remains committed and steadfast on ensuring that the maximum feasible portion of the overall goal will be met by using race/gender-neutral means. To that end, NVTC will begin the triennial period by utilizing race/gender-conscious measures only to ensure that the goal is met.¹¹ NVTC will closely monitor and assess DBE participation while using contract goals, and, if it is determined that NVTC will exceed its overall goal, it will immediately eliminate the use of contract goals and begin using race/gender-neutral measures for the remainder of the triennial period. NVTC believes that this is the appropriate order to carry out the 50/50 split for its race/gender-neutral and race/gender-conscious projections.

In addition, the following are some of the efforts NVTC and the city will continue to implement to foster race/gender-neutral 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, 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; and
- Provide technical assistance as needed.

¹¹ Federal guidance states that if a recipient 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.

Thus, NVTC estimates that, in meeting its 16% overall goal, **8% will be obtained through race/gender-neutral measures and 8% through race/gender-conscious participation.**¹²

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.

On Thursday, April 20, 2023, NVTC hosted a Virtual DBE Public Consultation event via Microsoft Teams. NVTC sent out invitations to the following individuals:

- Tenley O'Hara (Northern Virginia Transportation Commission)
- Murphy Ng (Alexandria Department of Project Implementation)
- Christina Alexander (Alexandria Department of Transportation & Environmental Services)
- Lisa Robrahn (Alexandria Department of Project Implementation)
- Daphne Kott (City of Alexandria Department of Project Implementation)
- Jennifer Monaco (Alexandria Department of Transportation & Environmental Services)
- Chris Ziemann (City of Alexandria Transportation Planning Section)
- Reginald Arno (City of Alexandria Department of Project Implementation)
- Gloria Flanagan (Alexandria Small Business Development Center)
- Tony Curry-Fisher (Alexandria Chamber of Commerce)
- John Schneidawind (American Road and Transportation Builders Association)
- Robinson Vasquez (American Road and Transportation Builders Association)
- Richard Gordon (Virginia Department of Small Business and Diversity)
- Ramon Ceballos (Metropolitan Washington Airports Authority)
- Michael Zajur (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)
- Rene Malone (VDOT BOWD Center)
- Leslie Martin (VDOT NOVA District Civil Rights Manager)
- Sharon Plymire (Virginia Department of Transportation)
- Andres Echeverr (Greater Washington Hispanic Chamber of Commerce)
- Karen Smaw (Fairfax County, Director of Diversity Business Investment and Entrepreneurship)

¹² The race/gender-conscious percentage was determined by calculating the difference between the overall goal (16%) and the race/gender-neutral percentage (8%).

Below is the invitation that was sent out:

Greetings!

As a recipient of Federal Transit Administration (FTA) funding, the Northern Virginia Transportation Commission (NVTC) 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 **April 20, 2023** 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! We look forward to connecting with you soon!

Kind Regards,

Brittany Sumpter, J.D.

The following individuals participated in the virtual meeting:

- Brittany Sumpter (Northern Virginia Transportation Commission)
- Tenley O'Hara (Northern Virginia Transportation Commission)
- Xavier Harmony (Northern Virginia Transportation Commission)
- My Lan Tran (Asian Chamber of Commerce)
- Christina Alexander (Alexandria Department of Transportation & Environmental Services)
- Richard Gordon (Virginia Department of Small Business and Diversity)
- Jennifer Monaco (Alexandria Department of Transportation & Environmental Services)
- Arnold Jolivet (Metropolitan Washington Airports Authority)
- Karen Smaw (FFX County Director of Diversity Business Investment and Entrepreneurship)
- Rene Malone (VDOT BOWD Center Manager)
- Murphy Ng (Alexandria Department of Project Implementation)
- Phillipe Simon (Alexandria Department of Transportation & Environmental Services)
- Robinson Vasquez (American Road and Transportation Builders Association)

- Sheila Dixon (NOVA Black Chamber of Commerce)
- Reginald Arno (Alexandria Department of Project Implementation)
- 4 DBE Firms

After introductions were made, Brittany Sumpter, NVTC's DBE Liaison Officer, gave a presentation which explained what DBE firms are, how firms can become certified, and the step-by-step process that was followed to develop the overall FFY 2024-2026 DBE goal.

While NVTC engaged in a healthy discussion with participants regarding the DBE Program in general and DBE firm development, it did not receive any feedback related to its goal-setting process during the Public Consultation event.

7. Public Notice

According to 26.45(g)(1)(ii), a federal recipient must provide a published notice announcing its proposed overall goal before submission to the operating administration on August 1st. The notice must be posted on its official Internet Web site and may be posted in any other sources (e.g., minority-focused media, trade association publications).

On May 30, 2023, NVTC posted the proposed overall DBE goal to its website. See confirmation below:



PUBLIC NOTICE: DISADVANTAGED BUSINESS ENTERPRISE (DBE) GOAL FOR FFY 2024–FFY 2026

The Northern Virginia Transportation Commission (NVTC) announces a proposed **Disadvantaged Business Enterprise (DBE) goal of 16%** for DBE participation on work conducted with Federal Transit Administration (FTA) funding during the Federal triennial period of 2024 through 2026.

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 16% proposed goal was derived 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 May 30, 2023 to June 29, 2023.

Disadvantaged Business Enterprise

Comments on the proposed DBE goal will be accepted from **May 30, 2023 to June 29, 2023**

The Disadvantaged Business Enterprise (DBE) program is a Federal program designed to remedy ongoing discrimination and the continuing effects of past discrimination in federally-assisted highway, transit and airport contracting markets nationwide. The primary remedial goal and objective of the DBE program is to level the playing field by providing small businesses owned and controlled by socially and economically disadvantaged individuals a fair opportunity to compete for federally-funded transportation contracts.

NVTC has developed and implemented a DBE program and overall agency goal that conforms to the U.S. Department of Transportation's (DOT) standards set forth in 49 CFR Part 26. The overall agency goal is updated on a triennial basis.

PUBLIC NOTICE: Disadvantaged Business Enterprise Triennial Goal For FFY 2024- FFY 2026

The objectives of NVTC's DBE program are:

- To ensure nondiscrimination in the award and administration of DOT-assisted contracts;
- To ensure that only firms fully meeting the eligibility requirements of the DBE program are permitted to participate as DBEs;
- To help create a level playing field on which DBEs can fairly compete for DOT-assisted contracts;
- To help remove barriers to the participation of DBEs in DOT-assisted contracts;
- To promote the use of DBEs in all types of federally-assisted contracts and procurement activities conducted by NVTC and its subrecipients;
- To assist in the development of firms that can compete successfully in the marketplace outside of the DBE program; and
- To ensure that the DBE program is narrowly tailored in accordance with applicable federal, state and local laws;

These objectives will be implemented through NVTC's DBE program utilizing race-neutral measures to the maximum extent feasible.

Small businesses interested in participating in DOT-assisted contracts with NVTC under the DBE program must be Virginia DBE certified. More information regarding the certification process for the Commonwealth of Virginia can be found by visiting the [Virginia Department of Small Business and Supplier Diversity](#).

8. Public Comment

According to 26.45(g)(2), at its discretion, a federal recipient may inform the public that the proposed overall goal and its rationale are available for inspection during normal business hours at its principal office and for a 30-day comment period. Notice of the comment period must include addresses to which comments may be sent.

On May 30, 2023, NVTC informed the public that the goal and methodology were available for inspection and comments. NVTC utilized the following means to notify the public and solicit comments:

- Posting the goal and methodology to its website on May 30, 2023, with Brittany Sumpter being directed as the point of contact
- Posting a notice on NVTC's LinkedIn

The Public Comment period concluded on June 29, 2023 and no comments were received.

9. Conclusion

In conclusion, NVTC has determined that the overall DBE goal for FFY 2024-2026 is **16%** of the federal monies it will expend in FTA-assisted contracts. NVTC understands that this goal is only a projection for what it believes it can achieve during FFY 2024-2026. 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, NVTC 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, NVTC 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.¹³ Also, in the event that any significant changes are made to NVTC's or the City of Alexandria's FTA-assisted contract projections, NVTC will re-calculate the overall DBE goal and, if warranted, submit an adjusted overall DBE goal for FTA approval.

¹³ 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.