



**Toledo Area Regional Transit Authority**

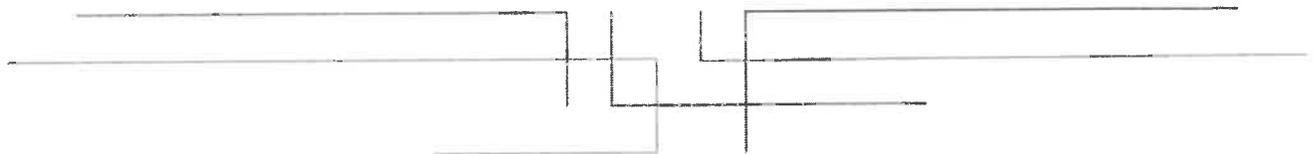
Toledo, Ohio

**Disadvantaged Business  
Enterprise Program  
Including Small Business Provision**

February 2024

*\*This Disadvantaged Business Enterprise (DBE) program shall remain in effect  
January 1, 2024 - December 31, 2026*

TOLEDO AREA REGIONAL TRANSIT AUTHORITY



## Approvals

The TARTA Disadvantaged Business Enterprise Program has been reviewed and authorized by the following individuals:

  
\_\_\_\_\_  
**Ms. Laura Koprowski**  
Chief Executive Officer

  
\_\_\_\_\_  
**Ms. Sophie Giviyani-Kermani**  
Chief Financial Officer

  
\_\_\_\_\_  
**Sean Smith**  
DBE & Ethics Officer / Disadvantaged Business Enterprise  
Liaison Officer

  
\_\_\_\_\_  
**Zach Morrison**  
DBE & Ethics Officer / Disadvantaged Business Enterprise  
Liaison Officer

### Transit Agency Information

Toledo Area Regional Transit Authority  
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Toledo, Ohio 43610  
(419) 243-7433  
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Toledo Area Regional Transit Authority | **Disadvantaged Business Enterprise Program**

<b>Board of Trustees President</b>	Mary Morrison	<i>Sylvania</i>
<b>Accountable Executive</b>	Laura Koprowski	<i>Chief Executive Officer</i>
<b>Supervisory Officer</b>	Sophie Giviyan-Kermani	<i>Chief Financial Officer</i>
<b>DBE &amp; Ethics Officer &amp; Disadvantaged Business Enterprise Liaison Officer</b>	Sean Smith	<i>Grant Manager</i>
<b>DBE &amp; Ethics Officer &amp; Disadvantaged Business Enterprise Liaison Officer</b>	Zach Morrison	<i>Procurement Manager</i>
<b>Modes</b>	Bus and Paratransit	<i>Fixed-Route, Bus Paratransit</i>
<b>FTA Funding Types</b>	5303, 5307, 5309, 5337, and 5339	<i>Urban Area and Advanced Mobility Capital Investments State of Good Repair Bus and Bus Facility Program</i>

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## Acronyms

ADA	Americans with Disabilities Act
AE	Accountable Executive / Chief Executive Officer
APTA	American Public Transit Association
CEO	Chief Executive Officer
CFO	Chief Financial Officer
CFR	Code of Federal Regulations
DBE	Disadvantaged Business Enterprise
DBELO	Disadvantaged Business Enterprise Liaison Officer
DOT	Department of Transportation
EPA	Environmental Protection Agency
FTA	Federal Transit Administration
HVAC	Heating, ventilation and air conditioning
IAPP	Internal Audit Program Plan
ID	Identification
MAP-21	Moving Ahead for Progress in the 21 <sup>st</sup> Century
MBE	Minority Business Enterprise
MPO	Metropolitan Planning Organization
MSF	Maintenance and Storage Facility
NAIC	North American Industrial Classification Codes
N/A	Not Applicable
NTD	National Transit Database
O&M	Operation and Maintenance
ODOT	Ohio Department of Transportation
ORC	Ohio Revised Code
OSHA	Occupational Safety and Health Administration
PTASP	Public Transportation Agency Safety Plan
SBA	US Small Business Administration
SBE	Small Business Enterprise
SGR	State of Good Repair
SME	Subject Matter Expert
SOP	Standard Operating Procedures
TAM	Transit Asset Management Plan
TARPS	Toledo Area Regional Paratransit Service
TARTA	Toledo Area Regional Transit Authority
TMACOG	Toledo Metropolitan Area Council of Governments
USC.	United State Code
USDOT	United States Department of Transportation
WBE	Woman Business Enterprise

## Definitions

**Administrator:** The Federal Transit Administrator or the Administrator's designee.

**FTA:** The Federal Transit Administration, an operating administration within the United States Department of Transportation.

**Individual:** A passenger; employee; contractor; other rail transit facility worker; pedestrian; trespasser; or any person on rail transit-controlled property.

**The operator of a Public Transportation System:** A provider of public transportation as defined under 49 USC 5302(14).

**Passenger Operations:** The period when any aspect of the transit agency's operations is initiated to carry passengers.

**Person:** A passenger, employee, contractor, pedestrian, trespasser, or any individual on the property of a rail fixed guideway public transportation system.

**Race-Conscious:** Race conscious is a measure or program that is explicitly focused on assisting only DBEs. An example of a race-conscious measure is the establishment of contract goals for DBE participation.

**Race Neutral:** is a measure or program that is used to assist all small businesses. A race neutral approach, which allows all small business to compete with each other, including DBEs, is one way to meet your DBE goal.

**Rolling Stock:** Transit vehicles such as buses, vans, cars, railcars, locomotives, trolley cars and buses, and ferry boats, as well as vehicles used for support services.

**Security:** the freedom from harm resulting from intentional acts or circumstances.

**Small Public Transportation Provider:** A recipient or sub-recipient of Federal financial assistance under 49 USC 5307 with one hundred (100) or fewer vehicles in peak revenue service and does not operate a rail fixed guideway public transportation system.

**State:** A State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

**State of Good Repair:** The condition in which a capital asset can operate at its full level of performance.

**Transit Agency:** An operator of a public transportation system.

**Transit Asset Management Plan:** The strategic and systematic practice of procuring, operating, inspecting, maintaining, rehabilitating, and replacing transit capital assets to manage their performance, risks, and costs over their life cycles, to provide safe, cost-effective, and reliable public transportation, as required by 49 USC 5326 and 49 CFR part 625.

**Vehicle:** Any of the rolling stock of a public transportation system, including but not limited to passenger and maintenance vehicles.

## **Disadvantaged Business Enterprise Program – Frequently Asked Questions**

### **What is the Disadvantaged Business Enterprise (DBE) Program?**

The DBE Program is a written plan that ensures firms that are owned and controlled by minorities, women, and those socially and economically disadvantaged may compete equally with non-disadvantaged businesses for contracts administered by the Toledo Area Regional Transit Authority (TARTA).

The DBE Program's specific purpose is to increase the participation of minority and women-owned businesses in local transportation projects.

### **Why have a DBE program?**

Grant recipients of U.S. Department of Transportation funds are required to maintain a DBE Program as specified in the 49 CFR, Part 26. TARTA maintains a program under 49CFR as amended.

### **Who are DBE eligible Recipients?**

Firms owned and controlled by minorities, women, and other socially and economically disadvantaged individuals subject to the eligibility criteria specified in this program.

### **How does a vendor get DBE certification?**

Contact the Ohio Department of Transportation (ODOT) for the DBE certification package. ODOT provides statewide DBE certification, as compared to certification by a local governmental unit.

### **How long does it take to get certified under the DBE program?**

Certification time varies with the agency performing the review and the number of applications processed. Typically, the processing time is 90-days. Please direct inquiries as to time requirements for FTA processing time to that agency's equal opportunity office.

### **What is the authority and purpose of the program?**

The DBE program is a federal program operating under the United States Department of Transportation (USDOT). Authorization for the program comes from 49 Code of Federal Regulations, Part 26. TARTA, as a grant recipient of USDOT funds, must comply with the requirements of 49 CFR 26.

The DBE Program's specific purpose is to increase the participation of minority and women-owned businesses in local transportation projects.

### **What type of contracts are available?**

Various contracting opportunities are available to regional firms participating in the DBE program, ranging from office supplies to professional services contracts. Other examples of contracting opportunities may include but certainly are not limited to:

- Office Supplies
- Printing
- Environmental Consulting Services
- Engineering Services
- Graphic Design Services
- Roofing and other Specialty Trade Contractors
- Motor Vehicle and Motor Vehicle Parts and Supplies
- Office Equipment
- Computer and Computer Software and Equipment

## Toledo Area Regional Transit Authority | **Disadvantaged Business Enterprise Program**

- Transportation Equipment and Supplies Management
- Consultant Services
- Computer System Design Services Building
- Finishing Contractors Biodiesel Fuel
- Industrial Supplies Merchant Wholesalers
- Painting
- Plumbing
- HVAC

### **What are the requirements and how to qualify as a DBE?**

In general, to be eligible for the DBE program, persons must own 51% or more of a “small business,” establish they are socially and economically disadvantaged, and they control the business.

For full USDOT eligibility guidelines, see: <https://www.transportation.gov/civil-rights/disadvantaged-business-enterprise/do-you-qualify-dbe>

For general inquiries, please contact:

*Michelle Nuveman*

*ODOT Northwest Regional Outreach Manager – Districts 1, 2 & 3*

*Division of Opportunity, Diversity & Inclusion (ODI)*

*317 East Poe Rd, Bowling Green, OHIO, 43402-1330*

*Phone: (419) 345-7828*

*Email [michelle.nuveman@dot.ohio.gov](mailto:michelle.nuveman@dot.ohio.gov)*

## **1. Disadvantaged Business Enterprise Program – General Information**

### **1.0 Business Status**

A firm or business must be in existence, operational, and for profit. The disadvantaged owners of that firm must possess the resources and the expertise to operate in the firm's field of work. Firms must provide more than a prima facie or just the appearance that they are a functioning business.

Physical as well as written evidence that a real business exists may be required.

### **1.1 Small Business size**

A firm and its affiliates must qualify as a small business defined by the U.S. Small-Business Administration (SBA) Regulations 43 CFR 121. Therefore, a firm and any affiliates are required to meet SBA size standards for the firm's primary work area. In addition, they must fall within the overall limits established by the USDOT regulations and guidance.

### **1.2 Social and Economic Disadvantaged Status**

Individuals intended for this protected status will include the following:

Citizens and certain permanent residents who:

(1) Are found to be socially and economically disadvantaged under the 8 (a) program of the small-business administration and granted an 8 (a) certification;

(2) Women and member(s) of one of the minority groups as designated in CFR 26.62, including individuals who are African-American, Hispanic, Asian Pacific, Asian Indian, Native American; when that particular minority community so regards such individuals;

(3) Or any individual(s) who, although not a woman or a member of one of the minority groups, is designated in 49 CFR 26 as socially and/or economically disadvantaged, based upon identification with another group.

### **1.3 Ownership**

Ownership by a disadvantaged individual(s) must represent a minimum of 51 percent of the business interest. In addition, the DBE must demonstrate that ownership is from individually owned real and substantial contributions of capital, expertise, personal services, and other tangible assets.

### **1.4 Control**

The disadvantaged owner(s) must demonstrate controllership traits of the organization and demonstrate independent decision-making in daily operations.

### **1.5 Independence**

A DBE firm must not be inseparably associated with another firm or individual for shared ownership, affiliation, sharing of employees' facilities, or profit and losses. It does not preclude the use of "project teams" in the contracting process. To be allowed, however, such concepts must be fully disclosed in the proposal to perform services.

## **2. Disadvantaged Business Enterprise Program – Compliance**

### **2.0 Non-Discrimination (26.7)**

TARTA will never exclude any person for participation in, deny any person the benefits of; or, otherwise discriminate against anyone in connection with the awarding and performance of any contract covered by 49 CFR, part 26 based on race, color, sex, or national origin.

### **2.1 DBE Program Updates (26.21)**

TARTA will continue to carry out this program while FTA's financial assistance exists. In addition, TARTA will provide FTA updates representing significant changes in this program.

### **2.2 Quotas (26.43)**

TARTA does not and will not use quotas in the administration of this DBE program. TARTA will not set-aside contracts for DBEs except in limited and extreme circumstances when no other method could be reasonably expected to redress egregious instances of discrimination, as set forth in 49 CFR Part 26 § 26.43.

### **2.3 The Disadvantaged Business Enterprise Liaison Officer (DBELO) (26.45)**

TARTA designates the following individual as the DBELO:

Sean Smith – Grant Manager  
Office: 419.245.5217  
Email: [ssmith@tarta.com](mailto:ssmith@tarta.com)

Zach Morrison – Procurement Manager  
Office: 419.245.5237  
Email: [zmorrison@tarta.com](mailto:zmorrison@tarta.com)

In this capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that TARTA complies with all provisions of 49 CFR, Part 26. In addition, the DBELO will have a direct line of communication with TARTA's Chief Executive Officer (CEO) concerning DBE program matters.

The DBELO and their designated support staff are responsible for developing, implementing, and monitoring the DBE program in coordination with other TARTA staff, consultants, and contractors.

DBELO duties and responsibilities include:

- Gathers reports, statistical data, and other information as required by the FTA.
- The review of third-party contracts and purchase requisitions to ensure compliance with the DBE program.
- Works with all departments to set an overall annual DBE goal.
- Ensures that bid notices and requests for proposals are available to DBEs and all interested vendors in a timely way.
- Identifies contractors and procurements to include DBE goals in solicitations.
- Analyzes TARTA's progress toward goal attainment and identifies ways to improve progress.
- Participates in pre-bid meetings.
- Advises the Chief Executive Officer on DBE matters and achievement.
- Participates with legal counsel and others to determine contractor compliance with good faith efforts.
- Provides DBEs or coordinates the dissemination of information and assistance in preparing bids.
- Maintains TARTA's updated bidders' list of certified DBEs

## **2.4 Federal Financial Assistance Agreement Assurance**

TARTA has signed the following assurance, applicable to all FTA-assisted contracts and their administration. In addition, this language will appear in financial assistance agreements with sub-recipients.

TARTA shall not discriminate based on race, color, national origin, or sex in the award and performance of any FTA-assisted contract or in administering its DBE programs or the requirements of 49 CFR part 26. The recipient shall take all necessary and reasonable steps under 49 CFR part 26 to ensure non-discrimination in FTA-assisted contracts' award and administration. As required by 49 CFR part 26 and approved by FTA, the recipient's DBE Program is incorporated by reference in this agreement. Implementation of this program is a legal obligation. Failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to TARTA of its failure to carry out its approved programs, the Department may impose sanctions as provided for under part 26. In addition, it may, in appropriate cases, refer the matter for enforcement under 18 USC 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 USC 3801 et seq.).

## **2.5 Directory (26.25)**

TARTA utilizes the Ohio Department of Transportation (ODOT) DBE directory. This directory may be used as a source document when soliciting proposals for contracts.

## **2.6 Over concentration (26.33)**

This does not apply. Required Contract Clauses (26.13, 26.29)

## **2.7 Contract Assurance**

TARTA will place the following clause in every FTA assisted contract and subcontract:

The contractor or subcontractor shall not discriminate based on race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of the FTA-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, resulting in the termination of this contract or such other remedy as the recipient deems appropriate.

## **2.8 Prompt Payment**

TARTA will include the following clause in each FTA-assisted prime contract.

The prime contractor agrees to pay each subcontractor no later than 30 calendar days from each payment the contractor receives from TARTA for the satisfactory performance of its contract. The prime contractor agrees to return retainer payments to each subcontractor within 30 days after the subcontractor's work is satisfactorily completed. Any delay or postponement of such amount from the above referenced time frame may occur only for a good cause following written approval by TARTA. This clause applies to both DBE and non-DBE subcontractors.

## **2.9 Monitoring and Enforcement Mechanisms (26.37)**

TARTA staff will notify the FTA of any false, fraudulent, or dishonest conduct connected with the DBE program. This will enable the FTA to take the steps (e.g., referral to the Department of Justice for criminal prosecution; referral to the FTA Inspector General; action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in Section 26.109.

TARTA will also consider similar action under its legal authorities, including responsibility determination in future contracts. In addition, TARTA will review the DBE bidders list with the certified FTA list to maintain and monitor DBEs.

## **2.10 Amount of Goal**

TARTA's overall goal for the three years starting F.Y. 2024 – F.Y. 2026 is 10% of the Federal financial assistance it will expend in FTA-assisted contracts.

## **2.11 Method**

The following is a summary of the method used to calculate this goal.

TARTA has derived, from the Bureau of Census figures, the percentage of businesses in this region and the rate of disadvantaged businesses. This comparison resulted in a calculation of DBE businesses divided by the total business. Therefore, based upon this data and further calculations, TARTA will set 10% for its goal for the three years (FY2024-2026).

Please see section 7 of this program titled, "7. DBE Goal Methodology (Calculation of DBE Percentage)" for full details of goal calculation.

## **2.12 Process (26.51)**

TARTA is required to submit its overall goal to the FTA.

TARTA will make the overall goal available to the public in the form of a notice. This notice will include the goal, calculations, and rationale and be available for 30 calendar days.

The notice will be available to any party showing interest or requesting a copy. These parties include but are not restricted by the following:

- United Way of Greater Toledo
- Advocates for Basic Legal Equity, Inc.
- Toledo Lucas County Public Library
- NAACP Toledo
- United Pastors for Social Empowerment
- Sojourner's Truth
- La Prensa
- Toledo Journal
- The Blade
- Mass Transit
- American Public Transportation Association

This notice will also appear on TARTA's website <https://tarta.com/news-alerts/tarta-business/>. It will be available for public viewing during regular business (office) hours at TARTA's Central Avenue premises 1127 Central Ave, Toledo, OH 43610 and TARTA's transit hub, 612 N Huron St Toledo, OH 43604.

The notice will appear once in a newspaper and/or electronic media that features a general audience and once in two newspapers with a minority audience on each newspaper's highest weekly or monthly circulation day. In addition, the notice will feature in the Public Notices (or equivalent) section.

These newspapers and other print and/or electronic media include, but are not restricted by the following:

- Sojourner's Truth (Minority paper)
- La Prensa (Spanish language paper)
- Mass Transit
- American Public Transportation Association
- Toledo Journal
- The Blade

For a total of 45 calendar days from the date of the notice, TARTA will accept public comment. The notice will include TARTA's address and office hours, the DBELO name and contact information, and TARTA's website address.

TARTA's overall goal submission to the FTA will summarize information and comments received during this public participation process and subsequent agency responses.

### **2.13 Breakout of Estimated Race-Neutral and Race-Conscious Participation**

TARTA will meet the goal by using race-neutral facilitating DBE participation. TARTA uses the following race-neutral means to increase DBE participation:

- Provide assistance to overcome obstacles that would make it difficult or preclude a DBE from participating in contracting opportunities. This would include not being overly burdensome in the requirements of bonding and surety bonds.
- Establish adequate time constraints to permit the DBE to participate in the process adequately.
- Break down large projects into more minor elements to provide bid opportunities for DBE and small business firms.

TARTA will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see Section 26.51(f)). TARTA 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 obtained through customary competitive procurement procedures;
- DBE participation through a subcontract on a prime contract that does not carry DBE goals;
- 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.

### **2.14 Contract Goals (26.51)**

TARTA will use contract goals to meet any portion of the overall goal. TARTA does project to meet its goal using race-neutral means. Contract goals are established to cumulatively result in meeting any part of TARTA's overall goal.

TARTA will establish contract goals only on those FTA-assisted contracts that have subcontracting possibilities. TARTA may not set a contract goal on every such contract. TARTA may adapt the size and circumstances of each contract (e.g., type and location of work, availability of DBEs to perform the particular kind of work)

TARTA will express its contract goals as a percentage of the total amount of FTA-assisted funds.

### **2.15 Good Faith Goals (26.53)**

TARTA treats bidders' compliance with good faith efforts requirements as a matter of responsiveness.

Before the execution of the contract, or in the event of existing contracts, each solicitation that establishes a contract goal requires the bidders to submit the following information. This information must be submitted within terms as defined by TARTA in the contract solicitation.

- The names and addresses of DBE firms participating in the contract.
- A description of the work each DBE will perform.
- Each DBE firm's dollar amount.
- Written and signed commitment whenever feasible to use a DBE.

- Subcontract whose participation it submits to meet a contract goal.
- Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment; and
- If achieving the contract goal is not possible, provide evidence of good faith efforts.

### **2.16 Demonstration of Good Faith Efforts**

The bidder must make good faith efforts. The bidder can demonstrate that it has done so by meeting the contract goal or documenting these efforts.

The TARTA DBELO is responsible for determining whether a bidder who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive.

TARTA will ensure that all information is complete and accurate and adequately documents the bidder's good faith efforts before it commits to the performance of the contract by the bidder.

### **2.17 Administrative Reconsideration**

Within thirty days of a bidder being informed that it is not responsive as it has not documented sufficient good faith efforts, the bidder may request administrative reconsideration. The bidder should make this request in writing to the following reconsideration official address:

*TARTA Chief Executive Officer*

*Laura Koprowski*

*1127 West Central Avenue*

*Toledo, Ohio, 43610*

*Phone: 419 245 5219*

*Email: lkoprowski@tarta.com*

The reconsideration official will not have played any role in the original determination that the bidder did not make sufficient good faith efforts.

As part of this reconsideration, the bidder will have the opportunity to provide written documentation or argument concerning whether it met the goals or made adequate good faith efforts to do so. In addition, TARTA will give the bidder a written description of reconsideration. This will detail the basis for finding that the bidder met the goal or made adequate good faith efforts.

The result of the reconsideration process is not able to be appealed to the FTA.

### **2.18 Good Faith Efforts When Replacing a DBE on the Contract**

TARTA will require a contractor to make good faith efforts to replace a terminated DBE with another certified DBE to the extent needed to meet the contract goal. In addition, TARTA will require the prime contractor to notify the DBELO immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, TARTA will require the prime contractor to obtain prior approval of the substitute DBE and provide copies of new or amended subcontracts or documentation of good faith efforts.

Should the contractor fail or refuse to comply in the time specified, TARTA's contracting officer will issue an order stopping and/or limiting work and payment until the contractor has taken satisfactory action. If the contractor still fails to comply, the contracting officer may issue a determination for default proceeding.

### **2.19 Counting DBE participation (26.55)**

TARTA will count DBE participation toward overall contract goals as provided in 49 CFR 26.55.

### **2.20 Certification (26.61-26.91)**

TARTA uses DBEs certified through the OHIO DBE Unified Certification Program.

### **2.21 Process**

Unified Certification Program

FTA and TARTA have DBE programs in place. Contractors and bidders qualified as DBEs by FTA or any other recognized certifying agency will not need to replicate the certification/qualification process. The TARTA DBELO or FTA decision shall determine who is a “recognized” certifying agency.

### **2.22 Certification Appeals**

Any firm or complainant may appeal a decision in the certification matter to FTA. Please send appeals to:

*U.S. Department of Transportation*

*Departmental Office of Civil Rights*

*Disadvantaged Business Enterprise Division (S-33)*

*1200 New Jersey Ave, S.E.*

*Washington, DC 20590*

*United States*

TARTA will promptly implement any certification appeal decisions affecting the eligibility of

DBEs for TARTA FTA-assisted contracting.

### **2.23 “No Change” Affidavits and Notices of Change**

TARTA will require all DBEs to inform it, in a written affidavit, of any change to its circumstances affecting its ability to meet size, disadvantaged status, ownership, or control criteria of 49 CFR Part 26, or of any material changes in the information provided with such DBE’s application for certification.

### **2.24 Information Collection and Reporting**

TARTA will create a bidders list consisting of all DBE and non-DBE firms bidding or quoting on FTA-assisted contracts. The purpose of this requirement is to allow the use of the bidder’s list approach to calculating overall goals. The bidders’ list will include:

- Bidder’s name
- Bidder’s trade
- Bidder’s contact
- Bidder’s website (if available)

TARTA will collect this information in the following ways:

TARTA will include a clause requiring disclosure of names, addresses, and other information about the FTA-assisted contract. Prime contractors must include such a clause in sub-contracting agreements.

### ***2.25 Monitoring payments to DBEs***

TARTA will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by any forthright representative of TARTA or FTA. This reporting requirement also extends to any certified DBE subcontractor.

TARTA will keep a running tally of actual payments made to DBE firms for work committed to them at the time of contract award.

TARTA will perform interim desk audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amount stated in the schedule of DBE participation.

### ***2.26 Confidentiality***

TARTA will safeguard third-party disclosure information, which may be regarded as confidential business information, consistent with federal, state, and local law. Notwithstanding any contrary provisions of state or local law, TARTA will not release personal financial information submitted in response to the personal net worth requirements to third parties (other than FTA and its authorized state FTA agencies) without the written consent of the submitter.

### ***2.27 TARTA's Reporting to FTA***

TARTA will report DBE participation to FTA as follows:

- FTA Recipients - TARTA will report DBE participation on a semi-annual basis, using FTA Form 4630. These reports will reflect payments made to DBEs on FTA-assisted contracts.
- FHWA Recipients - TARTA will report DBE participation on a semi-annual basis, using FTA Form 4630.

### **3. Disadvantaged Business Enterprise Program – Small Business Provision**

TARTA initiated a Disadvantaged Business Enterprise (DBE)/Small Business Enterprise (SBE) Development Program following section 26.39 Fostering Small Business Participation.

The principle purpose of the program is to create business opportunities to move DBEs and SBEs into non-traditional areas of work and/or to become independently competitive in the marketplace outside of the DBE and SBE programs and within TARTA's purchasing system in areas that have historically laced DBE and SBE participation, and to provide assistance in achieving this goal to DBEs and SBEs.

The TARTA business development plan permits certified DBEs, as defined in Title 49 CFR part 26.2, to participate in the program. In addition, per Title 49 CFR part 26.39, the program has opened to other small business concerns.

TARTA has developed a "How to Do Business with TARTA" outreach program. This program is designed to provide the Small Business contracting community with supportive services and information to facilitate their participation in TARTA's contracting opportunities.

TARTA is involved in the Toledo Lucas County Port Authority's Diversified Contractors Accelerator Program. This program provides funding to participating small businesses to foster their participation in projects.

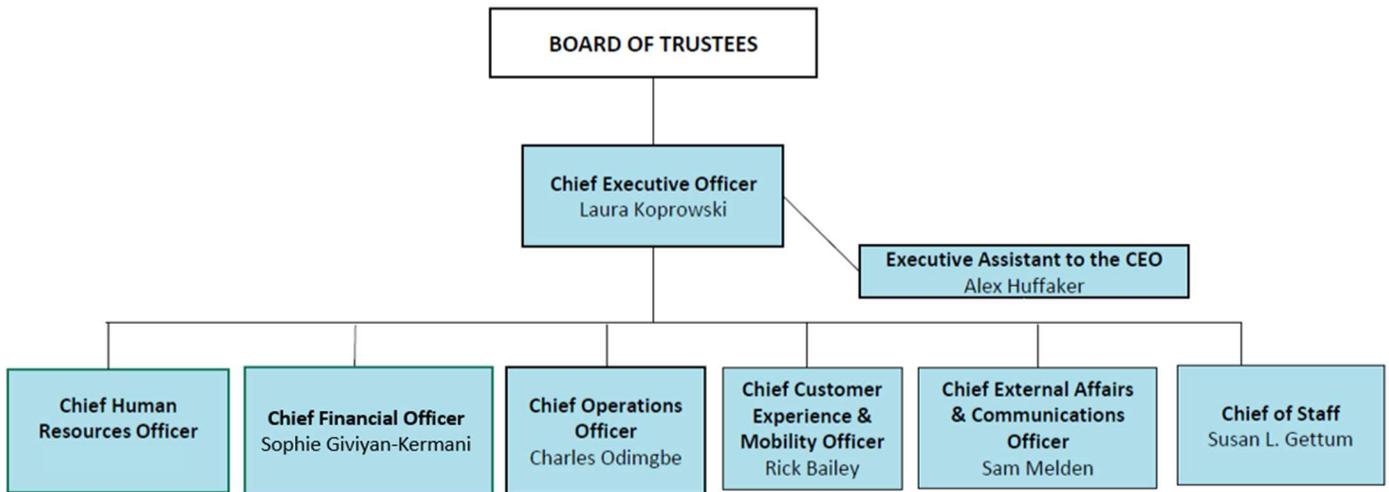
TARTA also has a working partnership with the Toledo Chamber of Commerce Business Development Services to develop more relationships with the local small business owner. TARTA anticipates that this program will result in an increased level of DBE/SBE participation in contracts with TARTA.

## 4. TARTA Finance Personnel and Critical Task Matrices

The following matrices list Finance Department staff and the performance of critical tasks as referenced in the Disadvantaged Business Enterprise Program:

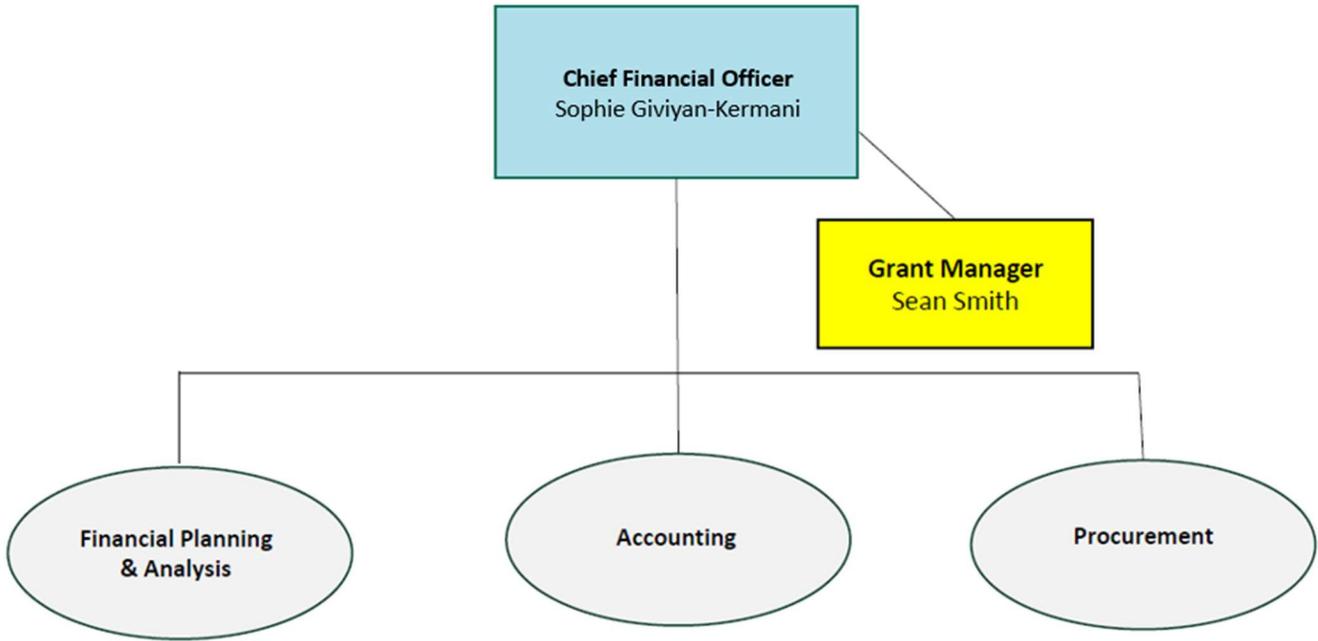
### 4.0 TARTA Executive Organizational Chart

Toledo Area Regional Transit Authority Executive Organizational Chart

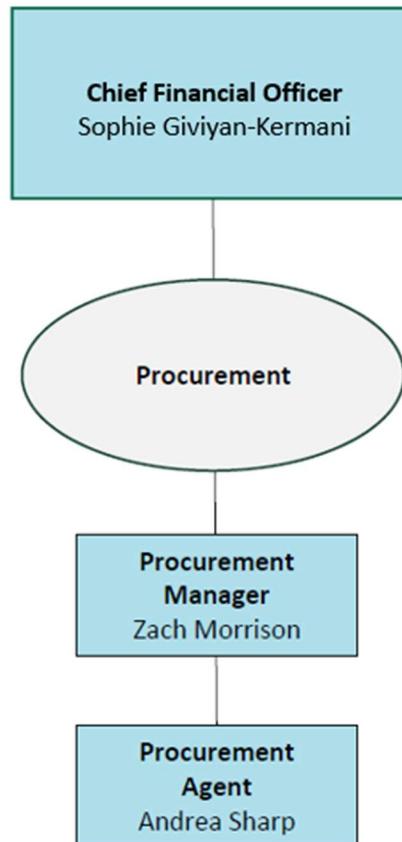


### 4.1 TARTA Finance Organizational Chart

Toledo Area Regional Transit Authority Finance Organizational Chart



## Toledo Area Regional Transit Authority Finance Organizational Chart



### 4.2 DBE Goal Methodology for Fiscal Years 2024 - 2026

TARTA's overall goal for Fiscal Years 2024 through 2026 (beginning January 1<sup>st</sup>) is a percentage of FTA funds that TARTA projects it will expend in FTA-assisted contracts (exclusive of rolling stock/transit vehicles).

TARTA expects to spend about \$18.8 million for total Federal contracting in Fiscal Years 2024-2026, subject to DBE participation requirements. **The projected triennial DBE goal is 10%.**

The following is a summary of the method used to establish TARTA's annual goal.

According to USDOT rules and regulations, 49 CFR PART 26, TARTA has adopted percentage goals for DBE participation which are consistent with TARTA's spending patterns with equipment, supplies, and construction and with the amount of DBE participation that would be expected to be achievable in a Race Neutral marketplace.

The rules and regulations require that goals be based upon verifiable evidence of relative availability of DBE's in the TARTA geographical and product markets.

#### **STEP ONE**

- a) Availability Analysis: TARTA consulted the U.S. Census throughout the counties near Toledo, Ohio to include: Fulton, Henry, Lucas, Ottawa, Wood to determine the total number of business establishments

available in its marketplace identified by North American Industrial Classification Codes (NAICs). Then TARTA used the state's DBE directories to determine the number of ready, certified DBE's in its marketplace to assist in the projects TARTA has planned. The objective is to determine how many businesses in the region serve as TARTA's primary marketplace for supplies and services. How many and what percentage of all available businesses are DBE's in each relevant NAICS.

- b) "Weighting" of relative availability to reflect the amount to be spent in each NAICS area: TARTA utilized due diligence to select DBE's from the directories by NAICS, which were likely to be interested in the FTA-assisted contracting. This narrow-tailoring aspect ensured that a more accurate availability figure would emerge from the Step One calculation. More emphasis was placed on the NAICS, which made up the majority percentage of the total TARTA budget. TARTA has identified the relevant NAICS code services and commodities approximated for acquisition these fiscal years.

TARTA utilized the following formula in establishing this goal: Number of Local DBEs available to perform this work divided by the total number of local firms available multiplied by the weighted budget percentage.

**TARTA'S MAJOR CONTRACTS PROJECTED FOR FEDERAL FISCAL YEAR 2024-2026**

NAICS	Project Description	Number of Local DBEs	Number of Local Firms	Base Figure (DBE/All Firms)	2024-2026 Estimated Budget Amount
541511	Computer Programing	0	72	0.0%	\$900,000
443142	Computer RETAILERS equipment, and software	0	52	0.0%	\$1,000,000
441310	Automotive parts and accessories	0	98	0.0%	\$1,400,000
236220	Commercial Construction Contractor	1	52	1.9%	\$7,500,000
238210	Electrical Contractors	4	104	3.8%	\$100,000
561720	Janitorial Services	2	102	2.0%	\$200,000
541614	Consulting services	2	13	15.4%	\$1,100,000
236220	Bus Shelter Construction and General Contracting	1	52	1.9%	\$537,000
238220	HVAC and Plumbing Services	1	182	0.5%	\$50,000
561730	Landscaping and Snow Removal	0	262	0.0%	\$100,000
423840	Janitorial Supplies	1	25	4.0%	\$50,000
238290	Bus Shelters	0	20	0.0%	\$300,000
336320	Motor Vehicle Electrical and Electronic Equipment Manufacturing	0	0	0.0%	\$700,000
485310	Taxi and Ridesharing Services	1	11	9.1%	\$4,892,040
	<b>Totals</b>	<b>33</b>	<b>2442</b>	<b>1.4%</b>	<b>\$18,829,040</b>

Toledo Area Regional Transit Authority | **Disadvantaged Business Enterprise Program**

The total projected expenditures for Fiscal Years 2024, 2025, and 2026 = \$18,829,040

Assumptions of the dollar projections are based on:

- a) Increases in local funding in sales tax.
- b) Ability to use federal funding for increased amounts in capital projects.
- c) Percentages rounded to the nearest 100<sup>th</sup> thousandth.
- d) Transit Vehicle purchases and internal operating costs are not included

**Base Rate:**

The calculation of the goal is based on the results from the following formula to establish the Base Rate from the U.S. Census index of the counties of Fulton, Henry, Lucas, Ottawa, Wood, Ohio. All these counties border TARTA location in Lucas County divided by ODOT-UCP (DBE) Directory business in reasonable proximity to TARTA location and project activity type.

NAICS: Each NAICS Code varies by a percentage depending on estimated spending in that category planned for the F.Y.'s 2024-2026.

The step one base figure is calculated by dividing certified DBE's by all firms ready willing and able:

R, W, A DBE's / All R, W, A firms = step one base figure

1.4% represents the BASE RATE for TARTA's F.Y. 2024-2026 DBE utilization.

Toledo Area Regional Transit Authority | Disadvantaged Business Enterprise Program

**STEP TWO**

Computation of weighted goal:

Due to a limited number of DBEs for the budgeted projects, the Base Rate is significantly low. The base figure of each project type is multiplied by the budget percentage and summed together to get the weighted goal.

Weighted goal = 3.263%

Since consultant services typically come from outside the GMA and are also a significant percentage of the overall budget, we propose adjusting the base figure to that statewide amount.

Adjusted goal = 4.289%

NAICS	Project Description	Number of Local DBEs available to perform this work - Ohio Unified DBE Directory (Lucas/Fulton/Wood/Henry/Ottawa)	Number of local firms available (including DBEs) - 2021 Census	Base Figure (C/D)	Number of DBEs available in ODOT area - Ohio Unified DBE Directory	Total Number of Establishments available in Ohio	2024-2026 Estimated Budget Amount	Budget % (Gtotal)	Weighted Base Figure (E*H)
541511	Computer Programming	0	72	0.0%	72		\$ 800,000	4.8%	0.000%
423430	Computer WHOLESALEERS equipment, and software	0	8	0.0%	8		\$ -	0.0%	0.000%
443142	Computer RETAILERS equipment, and software	0	52	0.0%	52		\$ 1,000,000	5.8%	0.000%
441310	Automotive parts and accessories	0	98	0.0%	98		\$ 1,400,000	7.4%	0.000%
541330	Engineering Services	3	104	2.9%	151		\$ -	0.0%	0.000%
236220	Commercial Construction Contractor	1	52	1.9%	83		\$ 7,500,000	39.8%	0.760%
238310	Drywall Contractors	1	27	3.7%	17		\$ -	0.0%	0.000%
238130	Framing Carpenters	0	8	0.0%	12		\$ -	0.0%	0.000%
238350	Finish Carpenters	0	41	0.0%	14		\$ -	0.0%	0.000%
238320	Painting Contractors	1	60	1.7%	30		\$ -	0.0%	0.000%
238330	Flooring Contractors	1	25	4.0%	10		\$ -	0.0%	0.000%
238140	Masonry	0	29	0.0%	18		\$ -	0.0%	0.000%
238210	Electrical Contractors	4	104	3.8%	67		\$ 100,000	0.5%	0.020%
238220	Plumbing Heating Contractors	1	182	0.5%	19		\$ -	0.0%	0.000%
424720	Petroleum and petroleum products	0	0	0.0%	13		\$ -	0.0%	0.000%
561720	Janitorial Services	2	102	2.0%	44		\$ 200,000	1.1%	0.021%
541614	Consulting services	2	13	15.4%	64	283	\$ 1,100,000	5.8%	0.899%
236220	Bus Shelter Construction and General Construction	1	52	1.9%	83		\$ 537,000	2.9%	0.055%
561621	Security Services	0	13	0.0%	13		\$ -	0.0%	0.000%
541690	Radio and IT Consulting Services	0	26	0.0%	75		\$ -	0.0%	0.000%
5413	On-Call Architectural and Engineering Services	7	140	5.0%	330		\$ -	0.0%	0.000%
424710	Fuel for Paratransit	0	8	0.0%	4		\$ -	0.0%	0.000%
238220	HVAC and Plumbing Services	1	182	0.5%	19		\$ 50,000	0.3%	0.001%
541620	Environmental Services	0	14	0.0%	67		\$ -	0.0%	0.000%
561730	Landscaping and Snow Removal	0	262	0.0%	44		\$ 100,000	0.5%	0.000%
423840	Janitorial Supplies	1	25	4.0%	13		\$ 50,000	0.3%	0.011%
2382	Sprinklers, Fire Extinguishers, and Emergency Services	5	319	1.6%	85		\$ -	0.0%	0.000%
561710	Pest Control	0	19	0.0%	0		\$ -	0.0%	0.000%
423130	Fire Lease	0	14	0.0%	2		\$ -	0.0%	0.000%
238290	Overhead Door Services	0	20	0.0%	9		\$ -	0.0%	0.000%
812332	Uniform Rental for Maintenance	0	4	0.0%	2		\$ -	0.0%	0.000%
333618	Electric Motors	0	0	0.0%	0		\$ -	0.0%	0.000%
423120	Fadeners and Other Shop Supplies	1	21	4.8%	3		\$ -	0.0%	0.000%
238290	Bus Shelters	0	20	0.0%	9		\$ 300,000	1.6%	0.000%
621999	Paratransit Eligibility Assessments	0	9	0.0%	0		\$ -	0.0%	0.000%
488410	Towing Services	0	15	0.0%	1		\$ -	0.0%	0.000%
811121	Body Shop Services	0	53	0.0%	0		\$ -	0.0%	0.000%
811111	Rebuilt Engines	0	194	0.0%	4		\$ -	0.0%	0.000%
811310	Elevator Maintenance and Repair	0	44	0.0%	4		\$ -	0.0%	0.000%
336320	Motor Vehicle Electrical and Electronic Equipment	0	0	0.0%	0		\$ 700,000	3.7%	0.000%
485310	Taxi and Ridesharing Services	1	11	9.1%	1		\$ 4,892,040	26.0%	2.362%
	<b>Totals</b>	<b>33</b>	<b>2442</b>	<b>1.4%</b>	<b>1376</b>		<b>\$ 18,829,040</b>		<b>3.236%</b>

4.289% \*adjusted for statewide consultant pool

**STEP THREE**

According to Section 26.45 (d), the following calculation to determine the historical rate of DBE participation averaged over a three-year period based on semi-annual reports.

<b>Period</b>	<b>DBE % Awarded</b>	<b>DBE % Paid</b>	<b>Yearly Average Awarded</b>
F.Y. 2020 ( 1st half)	0.79 %	100%	<b>2020</b>
FY 2020 ( 2 <sup>nd</sup> half)	1.27 %		<b>1.03 %</b>
FY 2021 ( 1 <sup>st</sup> half)	16.12 %	100%	<b>2021</b>
FY 2021 ( 2 <sup>nd</sup> half)	16.01 %		<b>16.07 %</b>
FY 2022 ( 1 <sup>st</sup> half)	0 %	100%	<b>2022</b>
FY 2022 ( 2 <sup>nd</sup> half)	0 %		<b>0 %</b>
F.Y. 2023 ( 1st half)	33.18 %	100%	<b>2023</b>
FY 2023 ( 2 <sup>nd</sup> half)	0%		<b>16.59 %</b>
(2021-2023) Average			<b>10.86 %</b>

Drawing insights from our history of DBE contracts, it is foreseeable that we will experience phases of heightened engagement as well as periods with limited or no contracts. Irrespective of whether our target is set at 4% or close to the past average of 10%, adherence to regulatory requirements demands that we provide explanations to the FTA when we report zero contracts. For this reason, TARTA has opted to embrace the aspirational DBE goal of 10%. This decision underscores our dedication to making a positive social impact and fostering economic development.

**RACE-NEUTRAL AND RACE-CONSCIOUS METHODOLOGIES FOR FY 2024-2026**

TARTA has established a Race-Neutral method that has produced acceptable levels of participation in the past. The method includes community outreach and pre-bid conferences on all proposed grant contracts. Community organizations, and DBEs, certified per 49 CFR Part 26, are invited to attend the pre-bid/proposal meetings enabling them to network with prime contractors and request clarification on any project questions.

Of the overall goal of 10% DBE participation for Fiscal Years 2024, 2025, and 2026, TARTA seeks to achieve the overall goal by Race Neutral means.

If DBE participation falls under the goal, TARTA will seek guidance from FTA about using Race-Conscious Methods such as reaching out directly to DBE when posting bids for projects.

## **5. Public & Community Outreach for DBE Program and Goal Updates**

In Fiscal Years 2024, 2025, and 2026, TARTA will continue to participate in ODOT contracting fairs, business development, and marketing efforts to contact DBEs and small businesses. The express purpose is to discover and assist these businesses in bidding for TARTA contracts.

For full details of TARTA's planned Public outreach for the DBE Program and Goal Updates, please see section 3.13 of this program, titled "3.13 Process (26.51).".

## **6. Census Data Source**

The data from the 2020 Census revealed the following statistics:

- Black/African American: Lucas County – 20.6%
- Hispanics: Lucas County – 8%
- Asian: Lucas County – 1.8%
- American Indians and Alaska Lucas County – 0.4%
- Total employer establishments: Lucas County 9,394 = 100%
- Minority-owned firms: Lucas County 573 = 6%
- Women-owned firms: Lucas County 951 = 10%

TARTA will prioritize its outreach effort to provide more significant opportunities in the targeted NAICS to ensure contracting opportunities are fully promoted before resorting to race-conscious contract goals to achieve the projected DBE Goal.

This completes the analysis and calculation for the DBE goal for F.Y. 2024-2026.

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