



# Spokane Transit

**SPOKANE TRANSIT AUTHORITY**

**DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM**

**AND GOAL**

**FEDERAL FISCAL YEARS (FFYs) 2023, 2024 and 2025**

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## **OBJECTIVES AND POLICY STATEMENT**

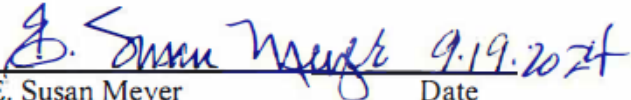
The Spokane Transit Authority (Spokane Transit) has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 Code of Federal Regulations (CFR) Part 26, as amended. Spokane Transit has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, Spokane Transit has signed an assurance that it will comply with 49 CFR Part 26.

Spokane Transit shall take all necessary steps in accordance with 49 CFR Part 26, as amended, to ensure DBEs have an equal opportunity to receive and participate in DOT-assisted contracts. It is Spokane Transit's policy to:

1. Ensure nondiscrimination in the award and administration of DOT-assisted contracts;
2. Create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. Ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. Ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. Help remove barriers to the participation of DBEs in DOT-assisted contracts; and
6. Assist in the development of firms that can compete successfully in the marketplace outside of the DBE Program.
7. Support small businesses to ensure free and open access to DOT-assisted contracting opportunities.

The Senior Procurement Manager serves as the Disadvantaged Business Enterprise Liaison Officer (DBELO) reporting to the Chief Executive Officer with regards to the DBE Program. In that capacity, the Senior Procurement Manager is responsible for implementing all aspects of the DBE Program. Implementation of the DBE Program is accorded the same priority as compliance with all other legal obligations incurred by Spokane Transit in its financial assistance agreements with the U.S. Department of Transportation.

Spokane Transit has disseminated this policy statement to the Spokane Transit Board of Directors and all of the components of our organization. Spokane Transit has made this statement available to DBE and non-DBE business communities that perform work for Spokane Transit on DOT-assisted contracts through business and minority outreach forums and through posting on the Spokane Transit company website.

  
\_\_\_\_\_  
E. Susan Meyer                      Date

Chief Executive Officer

## **A. GENERAL REQUIREMENTS**

### **1. Objectives – Section 26.1**

Spokane Transit's DBE Program objective is to ensure a level playing field and foster equal opportunity for all firms, including DBEs participating in DOT-assisted procurements and contracts. The objectives are found in the policy statement on the first page of this program.

### **2. Applicability – Section 26.3**

Spokane Transit is the recipient of Federal Transit funds authorized by Federal Transit laws in Title 49, U.S. Code, and the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21, Public Law 112-141, 2012).

### **3. Definitions – Section 26.5**

Spokane Transit adopts and incorporates by reference the definitions contained in 49 CFR Section 26.5 for this Program. A complete list of definitions may be found on the DOT website at <https://www.ecfr.gov/current/title-49/subtitle-A/part-26/subpart-A/section-26.5>.

### **4. Non-Discrimination Requirements – Section 26.7**

Spokane Transit will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE Program, Spokane Transit will not directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE Program with respect to individuals of a particular race, color, sex or national origin.

### **5. Record Keeping Requirements – Section 26.11**

#### **Reporting to DOT: 26.11(a) and (b)**

Spokane Transit will report DBE participation on a semi-annual basis using the Uniform Report of DBE Awards of Commitments and Payments as provided by the Federal Transit Administration (FTA) in TrAMS.

#### **Bidders List: 26.11©**

Spokane Transit will create a bidders list, consisting of information about all DBE and non-DBE firms that may bid or quote on DOT-assisted contracts. This bidders list will be used to calculate and help set overall goals. The bidders list will include the firm name, address, DBE/non-DBE status, age of the firm, NAICS codes relating to the work the firm is certified to perform, and annual gross receipts. Information will be collected in the following ways: a

contract clause requiring all prime contractors to report names, addresses, and DBE certification status of all firms used as subcontractors, notice in all solicitations requesting responding firms report DBE participation.

## **6. Federal Financial Assistance Agreement – Section 26.13**

Spokane Transit agrees to the following assurances, applicable to all DOT-assisted contracts and procurements and their administration:

### Assurance: 26.13(a)

The language below will appear in financial assistance agreements with sub-recipients should that sub-recipients be associated with federal financial assistance the agency receives.

*Spokane Transit shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE Program or the requirements of 49 CFR Part 26. Spokane Transit shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. Spokane Transit's DBE Program, as required by 40 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this Program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to Spokane Transit of its failure to carry out its approved program, the Department may impose sanction as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).*

### Contract Assurance: 26.13(b)

Spokane Transit will ensure that the following clause is placed in every DOT-assisted contract and subcontract:

*The contractor, sub-recipient, or subcontractor shall not discriminate on the basis of 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 DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.*

## **B. ADMINISTRATIVE REQUIREMENTS**

### **1. DBE Program Updates – Section 26.21**

Since Spokane Transit has received grants of \$250,000 or more in FTA planning, capital, and or operating assistance in a federal fiscal year, Spokane transit will continue to carry out this DBE Program until all funds from DOT financial assistance have been expended. Spokane Transit will provide updates to DOT representing significant changes in the DBE Program.

## **2. Policy Statement – Section 26.23**

The Policy Statement is elaborated on the first page of this Program.

## **3. DBE Liaison Officer (DBELO)**

Spokane Transit has designated the following individual as the DBE Liaison Officer:

Jordan Hayes-Horton, Senior Procurement Manager

1230 West Boone Avenue

Spokane, WA 99201

509-325-6032

[jhorton@spokanetransit.com](mailto:jhorton@spokanetransit.com)

The DBELO is responsible for implementing all aspects of the DBE Program and ensuring that Spokane Transit complies with all provisions of 49 CFR Part 26. The DBELO has direct, independent access to the Chief Executive Officer concerning DBE Program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment A to this Program.

The DBELO is responsible for developing, implementing, and monitoring the DBE Program, in coordination with other appropriate officials. The DBELO has access to all management staff responsible for conducting procurements and contract administration thereby assisting in the administration of the DBE Program.

The duties and responsibilities of the DBELO include:

- a. Gathers and reports statistical data and other information as required by DOT;
- b. Reviews third-party contracts and purchase requisitions for compliance with the DBE Program;
- c. Works with Spokane Transit departments in formulating overall agency wide, race-neutral DBE goals;
- d. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner;
- e. Encourages compliance by attending applicable pre-bid meetings and/or receives a copy of minutes and a list of attendees from Procurement staff;
- f. Participates in bid and proposal review panels;
- g. Provides outreach to DBEs and community organizations to alert them of potential business opportunities with Spokane Transit;
- h. Provides assistance to contractors in identifying DBE firms;

- i. Advises the Chief Executive Officer on DBE matters, including progress on DBE goal achievement;
- j. Refers interested DBEs to the Washington Procurement Technical Assistance Center (PTAC) and to the Office of Minority and Women's Business Enterprises (OMWBE) for information and assistance in preparing bids and obtaining bonding and insurance;
- k. Attends and participates in DBE related training seminars as appropriate and available.

#### **4. DBE Financial Institutions – Section 26.27**

Currently, Spokane Transit's banking services are provided by the Spokane County Treasurer, pursuant to the revise code of Washington. It is the policy of Spokane Transit to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions. Spokane Transit has investigated local financial institutions and searched the OMWBE directory in an effort to identify available institutions and, at the present time, there are no banks or financial institutions in Spokane County or Washington State that are certified DBEs. The DBELO will continue to re-evaluate availability on an annual basis.

#### **5. Prompt Payment Mechanisms – Section 26.29**

Spokane Transit will include the following clause in each DOT-assisted prime contract:

*The Contractor is required to make payment to subcontractors within thirty (30) days from the receipt of each payment the Contractor receives from Spokane Transit for satisfactorily completed subcontractor work, whether such payment is a progress or final payment. The Contractor agrees further to return retainage payments to each subcontractor within thirty (30) days after the subcontractor's work is satisfactorily completed. If payment disputes arise between the Contractor and its subcontractors, such disputes shall be resolved promptly through mediation or arbitration in order to prevent injury to small business subcontractors. The Contractor shall specify in its subcontract agreement what dispute resolution method will be used. In addition, the Contractor will not be paid for subcontractors' work unless the Contractor can show that a prompt payment method for its subcontractors is in place. The Contractor shall be required to provide copies of its subcontracts to Spokane Transit showing inclusion of these provisions. Spokane Transit may withhold the applicable sum due a subcontractor for non-compliance with this section.*

#### **6. Directory – Section 26.31**

Spokane Transit utilizes the OMWBE directory which identifies all firms eligible to participate as DBEs. This directory satisfies all requirements of 49 CFR Part 26.31 and is the approved Unified Certification Program (UCP) for DBE Certification under 49 CFR Part 26.81. The directory lists the owner's name, business name, contact information, certification status (including certification number), and the type of work the business has been certified to perform as a DBE, and the North American Industry Classification System code(s) (NAICS) of said work. The OMWBE directory is updated regularly and can be found on the OMWBE website at <https://omwbe.wa.gov/> or it may be requested by contacting the OMWBE at:

Office of Minority and Women's Business Enterprises  
PO Box 41160  
Olympia, WA 98504-1160  
PH: (360) 664-9750  
Toll Free: (866) 208-1064  
Fax: (360) 586-7079

#### **7. Overconcentration – Section 26.33**

Spokane Transit has not identified that overconcentration exists in the types of work that DBEs perform.

#### **8. Business Development Program – Section 26.35**

Spokane Transit has not established a business development program but does regularly encourage small businesses to utilize the resources of OMWBE and Washington Apex Accelerator (formerly Washington PTAC).

#### **9. Monitoring and Enforcement Mechanisms – Section 26.37**

Spokane Transit will employ the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

- a. Spokane Transit will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the Program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.
- b. Spokane Transit will consider similar action under its own legal authorities, including responsibility determinations in future contracts. Attachment B lists the regulations, provisions, and contract remedies available to Spokane Transit in the event of non-compliance with the DBE regulation by a participant in our procurement activities.
- c. Spokane Transit will provide monitoring and enforcement mechanisms to verify that work committed to DBEs at contract award is actually performed by DBEs. This will occur for each contract on which a DBE is participating and will be accomplished by



- review of contracting records and monitoring of work sites (if applicable) on which DBEs are performing work.
- d. Spokane Transit will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

#### **10. Small Business Participation – Section 26.39**

Spokane Transit has incorporated the following non-discriminatory small business element to its DBE Program, in order to facilitate competition on DOT-assisted public works projects by (DBE and non-DBE) small business concerns:

- a. Structure contracting requirements to facilitate and encourage competition and participation among small businesses and DBEs.
- b. Remove unnecessary and unjustified bundling of contract requirements.
- c. Require prime contractors to provide subcontracting opportunities of the type and size that small businesses, including DBEs, can reasonably compete for and perform where possible.
- d. Identify alternative strategies and structuring of purchases to allow consortia or joint ventures to compete for and perform prime contracts.
- e. Review available DBE and non-DBE small businesses, per OMWBE, in Spokane Transit's market area for DOT-funded projects and procurements.

### **C. GOALS, GOOD FAITH EFFORTS, AND COUNTING**

#### **1. Set-asides or Quotas – Section 26.43**

Spokane Transit does not use set-asides or quotas in any way in the administration of its race-neutral DBE Program.

#### **2. Overall Goals – Section 26.45**

A description of the methodology used to calculate the overall goal, and the goal calculations can be found in Attachment C of this Program. This section of the Program will be reviewed annually and will be updated every three (3) years.

In accordance with Section 26.45(f), Spokane Transit will submit its overall goal to DOT by August 1<sup>st</sup> of each triennium. Before establishing the overall goal, Spokane Transit evaluates anticipated DOT-funded project activity and consults with community organizations, DBE and non-DBE contractor associations, technical assistance agencies, and other officials or organizations as appropriate to obtain information concerning the availability of disadvantaged and non-disadvantaged small businesses, the effects of discrimination on opportunities for DBEs, and Spokane Transit's efforts to establish a level playing field for the participation of DBEs.

Following this consultation, Spokane Transit will publish a notice on its website [www.spokanetransit.com](http://www.spokanetransit.com) of the proposed overall goal, informing the public that the proposed goal and its rationale are available online for review and comment for a minimum of thirty (30) days following the date of notice. The notice will include contact information to which comments may be sent and comments will be accepted for forty-five (45) days following the date of notice. Normally, Spokane Transit will publish the proposed goal by June 1<sup>st</sup> of each triennium.

Spokane Transit's goal submission to DOT will include a summary of information, comments received during this public outreach process, and Spokane Transit's responses to the comments.

Spokane Transit will begin using the overall goal on October 1<sup>st</sup> at the start of each triennium unless DOT has provided instructions otherwise. If Spokane Transit establishes a project goal for a DOT-assisted project, the goal will be utilized at the time of the first solicitation for the project.

### **3. Shortfall Analysis – Section 26.47**

If awards and commitments shown on Spokane Transit's Uniform Report of Awards of Commitments and Payments at the end of any fiscal year are less than the overall goal applicable to that fiscal year, Spokane Transit will conduct a short-fall analysis which will:

- a. Analyze in detail the reason for the difference between the overall goal and the actual awards/commitments;
- b. Establish specific steps and milestones to correct the obstacles identified in the analysis;
- c. Maintain the information and corrective action efforts regarding the shortfall-analysis.
  - If Spokane Transit is a top fifty Transit Authority, as determined annually by the FTA, Spokane Transit will submit its short-fall analysis to the FTA Regional Civil Rights Officer.

### **4. Transit Vehicle Manufacturers Goals – Section 26.49**

Spokane Transit will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of 49 CFR Section 26.49 and will include such an obligation in any contract.

### **5. Meeting Overall Goals/Contract Goals – Section 26.51**

Spokane Transit will meet the maximum feasible portion of its overall goal using race-neutral means by facilitating DBE participation as outlined below:

- a. Arrange solicitations, times for presentation of bids, quantities, specifications, and delivery schedules in ways that enable DBE and other small business participation.
- b. Offer assistance in overcoming limitations in the ability to obtain bonding and/or financing.
- c. Provide technical assistance and other similar services to DBEs and other small businesses.
- d. Provide information and communication programs on contracting and business procedures and specific contracting opportunities.
- e. Implement, as appropriate, a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial accounting capabilities for DBEs and other small businesses.
- f. Provide services to help DBEs and other small businesses improve long-term development, increase opportunities to participate in varying types of work, handle projects of increased magnitude, and eventually achieve self-sufficiency.
- g. Assist new DBE and small business, startup firms with participation particularly in areas with historically low past participation.
- h. Unbundling of larger contracts, where feasible, to increase accessibility for DBE and small business participation
- i. Refer DBEs and other small businesses to programs that offer assistance in developing their capacity to utilize emerging technology and conduct business through electronic media.
- j. Conduct internal trainings to facilitate a better understanding of the objectives of the DBE Program.

**6. Good Faith Efforts Procedures – Section 26.53**

Spokane Transit does not utilize race conscious goals or contract goals; therefore, no demonstration of good faith efforts is required.

**7. Counting DBE Participation – Section 26.55**

When a DBE participates in a DOT-assisted contract, only the work performed by the DBE will be counted towards Spokane Transit’s goals as provided in 49 CFR 26.55. DBE participation credit will not be counted toward Spokane Transit’s goal until the DBE has received payment.

**D. CERTIFICATION STANDARDS**

**1. Certification Process – Section 26.61 – 26.73**

Spokane Transit will rely on the certification process of DBEs as conducted and maintained by the OMWBE. The OMWBE has the legislative authority to perform all minority, women, and disadvantaged business enterprise certifications for all public agencies in the state of

Washington and they are required to utilize certification procedures that meet all federal requirements as defined in 49 CFR Part 26 to ensure eligibility of certified firms for participation in DOT-assisted projects.

For information about the certification process, to apply for certification, or to obtain certification application forms or documents, firms may visit the OMWBE website [www.omwbe.wa.gov](http://www.omwbe.wa.gov) or by contacting OMWBE:

Office of Minority and Women's Business Enterprises  
PO Box 41160  
Olympia, WA 98504-1160  
PH: (360) 664-9750  
Toll Free: (866) 208-1064  
Fax: (360) 586-7079

## **E. CERTIFICATION PROCEDURES**

### **1. Unified Certification Programs – Section 26.81**

Spokane Transit is a member of the Unified Certification Program (UCP) administered by the OMWBE. The OMWB is the sole and exclusive certifying entity in the state of Washington. The UPC will meet all requirements of this section. OMWBE maintains the DBE directory which can be found online at <https://omwbe.wa.gov/directory-certified-businesses>.

### **2. Procedures for Certification Decisions – Section 26.83**

Firms will be directed to contact the OMWBE for information or questions about the DBE certification process.

Any firm or complainant may appeal the OMWBE's decision in a certification matter to the DOT. Such appeals may be sent to:

U.S. Department of Transportation  
Departmental Office of Civil Rights  
External Policy & Program Development Division  
1200 New Jersey Ave, SE – Room W76-101  
Washington, DC 20590-0001  
PH: (202) 366-4754  
TTY: (202) 366-9696  
Fax: (202) 366-5575

Spokane Transit will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for DOT-assisted contracting.

## **F. COMPLIANCE AND ENFORCEMENT**

### **1. Information, Confidentiality and Cooperation – Section 26.109**

- a. Spokane Transit will safeguard from disclosure to third parties any information that may reasonably be regarded as confidential business information, consistent with the Federal Freedom of Information and Privacy Acts and Washington State Public Disclosure law. See RCW Chapter 42.56 “Public Records Act” for Washington requirements. Such protection may be in the form of providing the party claiming to have confidential business information an opportunity to obtain an injunction from a court under RCW 42.56.540.

To the extent not contrary to provisions of state or local law, Spokane Transit will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submitter.

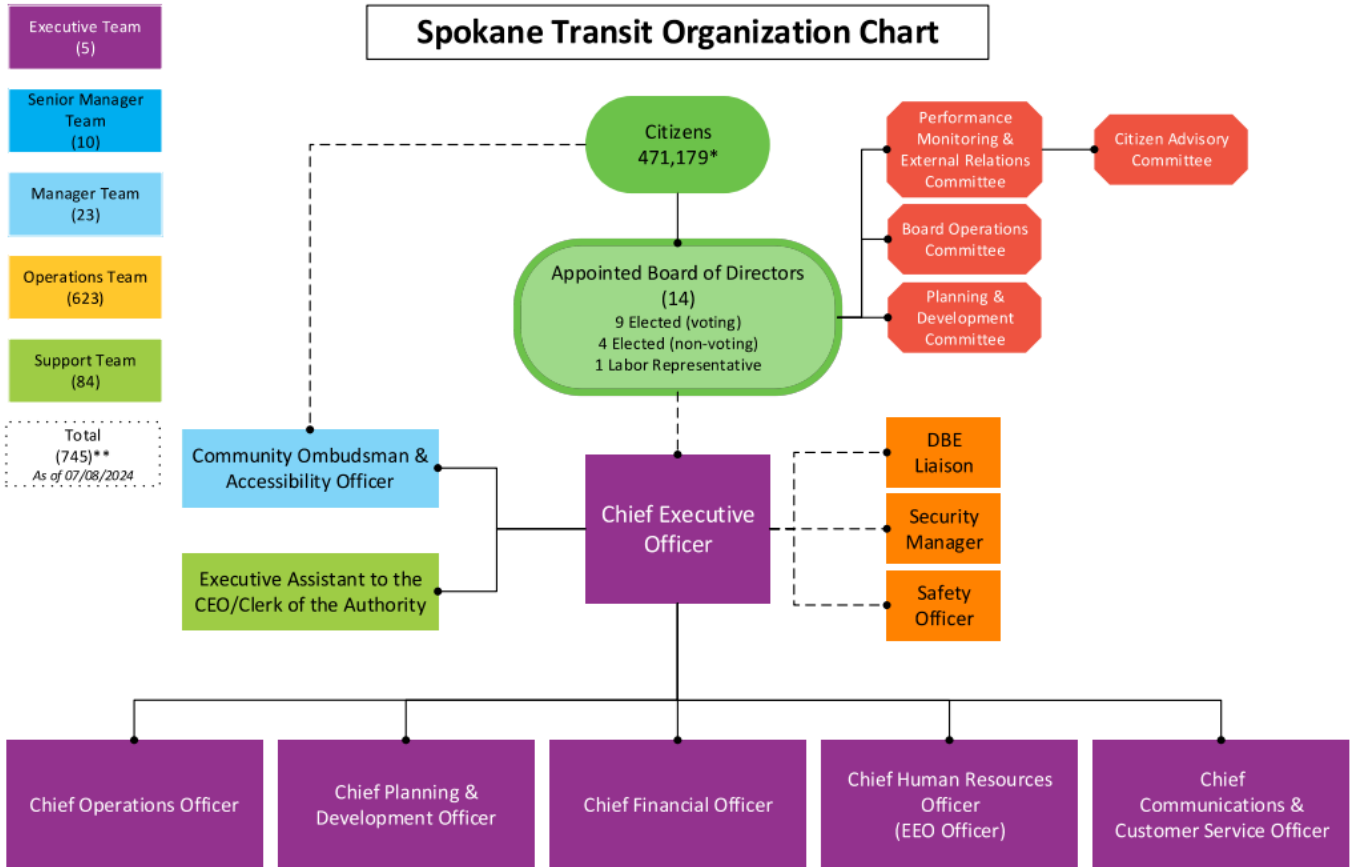
- b. Notwithstanding the provisions of paragraph *a.* of this section, Spokane Transit acknowledges that the identity of complainants shall be kept confidential, at their election. If such confidentiality will hinder the investigation, proceeding or hearing, or result in a denial of appropriate administrative due process to other parties, the complainant must be advised for the purpose of waiving the privilege.
- c. Spokane Transit will cooperate and promptly provide information as required for compliance reviews, investigations, and other requests for information from DOT.
- d. Spokane Transit employees, agents, or contractors will not intimidate, threaten, coerce, or discriminate against any individual or firm who has made a complaint, testified, assisted or participated in any manner in an investigation, proceeding, or hearing.

### **2. Monitoring Payments to DBEs**

Spokane Transit will require prime contractors to maintain records and documentation of payments to DBEs for three (3) years following the performance of a contract. These records will be made available for inspection upon request by any authorized representative of Spokane Transit or the DOT. The reporting requirement also extends to any certified DBE subcontractor.

Spokane Transit will keep a record of payments to DBE firms for work committed to them at the time of contract award. Spokane Transit will also perform 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 amounts stated in the schedule of DBE participation.

# ATTACHMENT A



## ATTACHMENT B

### **MONITORING AND ENFORCEMENT MECHANISMS**

Spokane Transit has available several remedies to enforce the DBE requirements contained in its contracts, including, but not limited to, the following:

1. Breach of contract action, pursuant to the terms of the contract.
2. Statutory penalties under RCW [39.19.080](#) and [39.19.090](#) for noncompliance.
3. Other applicable laws, statutes, and regulations.

In addition, the federal government has available several enforcement mechanisms that it may apply to firms participating in the DBE Program, including, but not limited to, the following:

1. Suspension or debarment proceedings pursuant to 49 CFR part 26
2. Enforcement action pursuant to 49 CFR part 31
3. Prosecution pursuant to 18 USC 1001.

## ATTACHMENT C

### **OVERALL GOAL CALCULATION – Section 26.45**

#### **1. Amount of Goal**

Spokane Transit has adopted an overall goal for FFYs 2023, 2024, and 2025 of 0.753% disadvantaged business participation in federally assisted contracting opportunities, exclusive of Federal Transit Administration funds allocated for rolling stock. Spokane Transit expects to award \$27,982,392 of DOT-assisted contracts during FFYs 2023, 2024, and 2025, with an anticipated goal of expending \$210,707 with DBEs.

#### **2. Methodology Used to Calculate Overall Goal**

Spokane Transit's DBE program does not utilize set-asides or quotas. An overall program, consistent with both Federal requirements and Washington State Law, has been established for soliciting DBE participation in contracts and procurements involving federal funds. The following, more detailed, categories of anticipated projects are established to better reflect the functional categories of Spokane Transit's upcoming project activity and to facilitate reporting.

Construction  
Professional Services  
Materials, Supplies & Equipment

The majority of the potential bidders/proposers competing for Spokane Transit contracts are from Spokane County or are within close proximity to Spokane County; therefore, the goal was established by comparing overall business availability for the Spokane area with area DBEs that are certified and capable of performing Spokane Transit contracts.

#### **a. Step One: Determine the base figure for the relative availability of DBEs – Section 26.45**

1. As a first step in developing Spokane Transit's base figure, staff from Purchasing, Planning, Maintenance and Finance, together with the DBELO, reviewed all known upcoming federally funded projects to determine the types/classes of work opportunities involved.
2. North American Industry Classification System (NAICS) codes were then selected based upon the type/class of work comprising each contracting opportunity. The United States Census Bureau website was utilized to research the appropriate NAICS codes for each industry and can be found online at [North American Industry Classification System \(NAICS\) U.S. Census Bureau](#)



3. Historically, the substantial majority of bidders/proposers on Spokane Transit’s contracting opportunities have been from Spokane County or within close proximity to Spokane County. For this reason, Spokane Transit refined its local market area to Spokane County.
4. To determine its relative base figure percentage (0.5873%) of ready, willing, and able DBEs in Spokane Transit’s local market area, the total of available DBE firms (30) was divided by the total of all available firms (5108). The following data was used:
  - The number of available contractors in Spokane County for each NAICS code was identified by utilizing the United States Census Bureau website. Information can be found here [Spokane County NAICS – Census Bureau Tables](#)
  - Available certified DBE firms in Spokane County were identified from the Washington State Office of Minority and Women’s Business Enterprises (OMWBE) directory which can be found here [Directory of Certified Businesses | Office of Minority and Women’s Business Enterprises \(wa.gov\)](#)
  - Spokane Transit’s Bidders List of both DBE and Non-DBE contractors was also reviewed.
5. Spokane Transit recognized the need to further refine our base figure of the relative availability of DBEs since opportunity for participation is dependent on the amount of dollars spent in each work/contracting type/category and cannot be assumed to be equal for all available DBEs. Therefore, Spokane Transit performed a weighted calculation by its main types of work projects (Construction, Professional Services, and Materials, Supplies & Equipment) to further ensure its base figure’s accuracy. Spokane Transit’s weighted base figure is 0.7003% as outlined below.

Type of Project	Amount of DOT funds on project:	% of total DOT funds (weight)	Number of DBEs available to perform this work	Number of all firms available (including DBEs)	Relative Availability %	\$	Weighted Base Figure %
Construction	\$ 11,608,524	0.41485	16	3297	0.0048529	\$ 56,335	0.002013
Professional Services	\$ 7,867,364	0.28115	12	1600	0.0075	\$ 59,005	0.002109
Materials, Supplies & Equipment	\$ 8,506,504	0.30399	2	211	0.00947867	\$ 80,630	0.002881
	\$ 27,982,392	1	30	5108	0.00587314	\$ 195,971	0.007003

**b. Step Two: Adjustment to the base figure – Section 26.45(d)**

1. Spokane Transit examined available evidence in its local market to determine what, if any, further adjustment to the base figure was needed.

- Spokane Transit has not conducted its own disparity study and is unaware of a vetted one specific to its local market; however, the disparity study conducted by Washington State in 2019 echoes many of the concerns encountered during outreach discussions and documents that minorities and women continue to suffer discriminatory barriers to full and fair access to contracts.
  - Although no adjustment to its base figure or race-neutral means was made based on this data, Spokane Transit acknowledges that an ongoing focus to level the playing field must be a vital component of our DBE program.
- Spokane Transit contemplated the capacity of DBEs to perform work as measured by the median past participation of DBEs on its federally funded projects for the last five years from FFY 2017 through FFY 2021 (0.80566%). Spokane Transit’s types of contracting opportunities are very similar year-to-year and therefore past participation is a good reference point for future capacity. Past participation is outlined below.

MEDIAN	
FISCAL YEAR	DBE PARTICIPATION%
2017	0.55074%
2020	0.63924%
2019	0.80566%
2021	0.99147%
2018	1.48786%

2. To further refine and arrive at its overall goal, Spokane Transit averaged the Step One weighted base figure (0.7003%) with our Step Two median past participation (0.80566%).

<b>Weighted Base Figure, 0.7003% + Median Past Participation 0.80566%</b>	<b>= Final Adjusted Goal 0.7530%</b>
2	

Spokane Transit feels this adjusted goal, 0.753%, accurately reflects the DBE participation that can be achieved by race-neutral measures for the type of project work/contracts that are anticipated to be awarded during FFY 2023-2025.

### 3. Public Participation

- a. Spokane Transit’s proposed goal was advertised on the Spokane Transit website on June 1, 2022, where comments were requested – no comments regarding Spokane Transit’s proposed goal were received.

- In conjunction with its goal, Spokane Transit also advertised on its website and the OMWBE website a virtual meeting to be held on June 24, 2022, where key stakeholders were encouraged to attend and provide feedback – no comments regarding Spokane Transit’s proposed goal were received.
- b. During the month of June, Spokane Transit’s procurement team engaged with the Spokane Office of U.S. Small Business Administration, Greater Spokane, Inc. & Procurement Technical Assistance Center regarding its DBE program, proposed goal, and upcoming opportunities – no comments regarding Spokane Transit’s proposed goal were received.
- c. Spokane Transit’s proposed goal was advertised and included in Spokane Transit’s public Performance, Monitoring and External Relations committee meetings and its public Board of Directors meetings as information and opportunity for public comment during the June & July committee and Board cycles – no comments regarding Spokane Transit’s proposed goal were received.
  - Performance, Monitoring and External Relations committee meeting: June 1, 2022, and July 6, 2022.
  - Board of Directors meeting: June 16, 2022, and July 21, 2022.
- d. Spokane Transit’s DBELO contacted each of the firms on its DBE bidders list during the first two weeks of July 2022, to inform them of its proposed goal for FFY 2023, 2024 & 2025 and to invite feedback and discussion about Spokane Transit’s proposed goal and upcoming opportunities.
  - One question/comment specific to Spokane Transit’s goal was received from Jacqueline Etter of West Star Construction, Inc. – why are the DBE goals on WSDOT jobs 17%-19% vs. Spokane Transit’s 0.753%?
    - A discussion followed in which the DBELO explained further how Spokane Transit’s goal is calculated and how it is dependent on the number of available DBE firms in its local market for the specific type of upcoming work Spokane Transit anticipates. This is a much smaller ratio in comparison to WSDOT’s market and the number of available DBE firms. Once a better understanding was had, Spokane Transit’s proposed goal made more sense.
- e. No changes were made to Spokane Transit’s proposed goal based on its consultation conversations.
  - The ongoing need for more registered DBE firms and how Spokane Transit can continue to help drive and support these efforts was a recurring topic during outreach.

**ATTACHMENT D**  
**SUPPLEMENTAL GOAL CALCULATION INFORMATION**

<b>Step One</b>					
<b>CONSTRUCTION</b>					
Project - Contracting Opportunity	Budgeted Cost	NAICS Code	Number of DBEs NAICS Code	Number of Total Firms in NAICS Code	Percent DBE per Project
Central City Line Construction	667,834	541380	0	16	0.00%
	1,736,369	238130	0	60	0.00%
	267,134	238210	1	133	0.75%
	5,342,675	561990	2	32	6.25%
Park & Ride Expansion East of Sullivan	23,872	541380	0	16	0.00%
	23,872	541370	0	8	0.00%
	131,296	236220	0	85	0.00%
	71,616	238910	2	113	1.77%
	29,840	237310	0	17	0.00%
	11,936	238990	1	63	1.59%
	29,840	238110	0	67	0.00%
	17,904	327320	0	4	0.00%
	35,808	238210	1	133	0.75%
	23,872	238220	0	154	0.00%
	11,936	238160	0	52	0.00%
	11,936	238130	0	60	0.00%
	11,936	238310	0	45	0.00%
	11,936	238330	0	51	0.00%
	11,936	238320	0	95	0.00%
	23,872	238140	0	27	0.00%
	23,872	238350	0	76	0.00%
	11,936	444190	0	43	0.00%
	5,968	442299	0	18	0.00%
	11,936	561730	0	213	0.00%
	35,808	561990	2	32	6.25%
Division BRT Construction and Implementat	137,186	541380	0	16	0.00%
	503,015	236220	0	85	0.00%
	228,643	238910	2	113	1.77%
	228,643	237310	0	17	0.00%
	91,457	238990	1	63	1.59%
	228,643	238110	0	67	0.00%
	91,457	327320	0	4	0.00%
	228,643	238210	1	133	0.75%
	91,457	238220	0	154	0.00%
	45,729	238160	0	52	0.00%
	91,457	238130	0	60	0.00%
	91,457	238310	0	45	0.00%
	45,729	238330	0	51	0.00%
	45,729	238320	0	95	0.00%
	45,729	238140	0	27	0.00%
	91,457	238350	0	76	0.00%
	45,729	444190	0	43	0.00%
	22,864	442299	0	18	0.00%
	91,457	561730	0	213	0.00%
	91,457	541370	0	8	0.00%
	228,643	561990	2	32	6.25%
Boone NWG Battery Electric Bus (BEB) Ch	15,000	541380	0	16	0.00%
	60,000	236220	0	85	0.00%
	3,000	238110	0	67	0.00%
	1,500	327320	0	4	0.00%
	3,000	532412	0	7	0.00%
	172,500	238210	1	133	0.75%
<b>Total Number of DBE's/Total Firms</b>			<b>16</b>	<b>3,297</b>	<b>0.4853%</b>
<b>Total Construction Contracts to let in 2023-2025</b>	<b>\$11,608,524</b>				
<b>Number of DBE's in NAICS Codes</b>	<b>16</b>				
<b>Number of Total Firms in NAICS Code</b>	<b>3297</b>				
<b>Percentage of Available DBE's to perform Construction Contracts</b>	<b>0.4853%</b>	Total DBE firms (16) divided by total firms In NAICS Code (3,297)			
<b>Total DBE \$</b>	<b>\$56,335</b>	Total Budgeted Cost multiplied by Percentage of Available DBE's (\$11,608,524 * 0.4853%)			

<b>PROFESSIONAL SERVICES</b>					
Project - Contracting Opportunity	Budgeted Cost	NAICS Code	Number of DBEs NAICS Code	Number of Total Firms in NAICS Code	Percent DBE per Project
Central City Line Construction Consulting	5,342,675	541618	0	3	0.00%
E Sullivan P&R Engineering Services	179,040	541330	1	109	0.92%
E Sullivan P&R Consulting Services	119,360	541611	2	85	2.35%
E Sullivan P&R Real Estate Services	59,680	531210	1	263	0.38%
E Sullivan P&R Architectural Services	119,360	541310	0	39	0.00%
E Sullivan P&R Landscape Architectural Services	23,872	541320	0	3	0.00%
E Sullivan P&R Construction Consulting	119,360	541618	0	3	0.00%
I-90 HPT Corridor Facilities Engineering	16,000	541330	1	109	0.92%
I-90 HPT Corridor Consulting Services	16,000	541618	0	3	0.00%
I-90 HPT Corridor Facilities Real Estate	8,000	531210	1	263	0.38%
Division BRT Engineering Services	685,930	541330	1	109	0.92%
Division BRT Architectural Services	320,101	541310	0	39	0.00%
Division BRT Landscape Achitectural Services	91,457	541320	0	3	0.00%
Division BRT Construction Management	685,930	541618	0	3	0.00%
Five Mile Mobility Hub Engineering	21,360	541330	1	109	0.92%
Five Mile Mobility Hub Consulting	7,120	541611	2	85	2.35%
Five Mile Mobility Hub Real Estate Services	7,120	531210	1	263	0.38%
Boone NWG BEB Charging Infrastructure	45,000	541330	1	109	0.92%
<b>Total Number of DBE's/Total Firms</b>			<b>12</b>	<b>1600</b>	<b>0.7500%</b>
<b>Total Professional Contracts to let in 2023-2025</b>	<b>\$7,867,364</b>				
<b>Number of DBE's in NAICS Codes</b>	<b>12</b>				
<b>Number of Total Firms in NAICS Codes</b>	<b>1,600</b>				
<b>Percentage of Available DBE's to perform Professional Svc Contracts</b>	<b>0.7500%</b>	Total DBE firms (12) divided by total firms in NAICS Code (1600)			
<b>Total DBE \$</b>	<b>\$59,005</b>	Total Budgeted Cost multiplied by Percentage of Available DBE's (\$7,867,364 * 0.7500%)			
<b>MATERIALS, SUPPLIES, &amp; EQUIPMENT</b>					
Project - Contracting Opportunity	Budgeted Cost	NAICS Code	Number of DBEs NAICS Code	Number of Total Firms in NAICS Code	Percent DBE per Project
Hose & Fittings Contract	64,893	423840	0	14	0.00%
Hazardous Material Removal Contract	241,307	532490	0	18	0.00%
Laundry/Uniform Linen Contract	293,371	812332	0	6	0.00%
Hardware	65,013	423710	0	14	0.00%
Janitorial Supplies	172,333	453998	1	66	1.52%
Auto Paint Supplies	192,693	452319	0	25	0.00%
Vehicle Parts	4,439,015	423120	0	34	0.00%
Tires	191,015	423130	0	5	0.00%
Paper Products	29,715	424130	0	10	0.00%
Petroleum Products	256,775	424720	1	5	20.00%
Other Supplies	2,560,374	423840	0	14	0.00%
<b>Total Number of DBE's/Total Firms</b>			<b>2</b>	<b>211</b>	<b>0.9479%</b>
<b>Total Material, Supplies &amp; Equipment Contracts to let in 2023-2025</b>	<b>\$8,506,504</b>				
<b>Number of DBE's in NAICS Codes</b>	<b>2</b>				
<b>Number of Total Firms in NAICS Codes</b>	<b>211</b>				
<b>Percentage of Available DBE's to perform Materials, Supplies &amp; Equipment Contracts</b>	<b>0.9479%</b>	Total DBE firms (2) divided by total firms in NAICS Code (211)			
<b>Total DBE \$</b>	<b>\$80,630</b>	Total Budgeted Cost multiplied by Percentage of Available DBE's (\$8,506,504 * 0.9479%)			
<b>Total Contracting Opportunities</b>	<b>\$27,982,392</b>				

<b>Step 1A - Calculate Weighted Percentage of Categories of Contracting Opportunities to Total Contracting Opportunities</b>			
Weighted Percent of Construction Contracts to total Contracting Opportunities	41.485%		Total Construction Contracts divided by Total Contracting Opportunities (\$11,608,524 divided by \$27,982,392) = .41485
Weighted Percent of Professional Services Contracts to total Contracting Opportunities	28.115%		Total Professional Services divided by Total Contracting Opportunities (\$7,867,364 divided by \$27,982,392) = .28115
Weighted Percent of Mats, Supplies & Equip Contracts	30.399%		Total Mat., Supp., & Equip Contracts divided by Total Contracting Opportunities (\$8,506,504 divided by \$27,982,392) = .30399
Total Number of DBE Contractors in NAICS Codes	30		(16) in Construction, (12) in Professional Svcs and (3) in Mats, Supplies and Equip Contractors
Total Number of Contractors in NAICS codes	5,108		(3,297) in Construction (1,600) in Professional Svcs and (211) in Mats, Supplies and Equip
Total DBE percent (of total firms)	0.5873%		Total DBE Contractors (31) divided by Total Number of Contractors (5,108).
Total DBE \$	\$164,345		Total Contracting Opportunities for all Contracting Categories (\$27,982,392) multiplied by Total DBE Percentage of Firms (.006069)
<b>Step 1B Weighted Base Goal in Percentage and Dollars</b>			
Construction DBE %	0.20132%	\$56,335	Percentage of Available DBE's to perform Construction Contracts multiplied by the Weighted Percent of Construction Contracts to total Contracting Opportunities (.004853 multiplied by 41.485) = .20132 \$27,982,392 * .20132% = \$56,335
Professional Services DBE %	0.21087%	\$59,005	Percentage of Available DBE's to perform Professional Services Contracts multiplied by the Weighted Percent of Professional Services Contracts to total Contracting Opportunities (.0075 multiplied by 28.115) = .21087 \$27,982,392 * .21087% = \$59,005
Material/Supplies DBE %	0.28815%	\$80,630	Percentage of Available DBE's to perform Material/Supplies/Equip Contracts multiplied by the Weighted Percent of Material/Supplies/Equip to total Contracting Opportunities (.014218 multiplied by 30.399) = .43222 \$27,982,392 * .43222% = \$120,946
Weight DBE % and \$ amount	0.7003%	\$195,971	Total Contracts \$27,982,392 * .008444
<b>Step 2 Adjustment for Past Participation</b>	0.75300%	\$210,707	Weighted DBE % + the median past participation divided by 2 (.8444 + .8057) / 2 \$27,982,392 * .0082504
<b>2023-2025 DBE Goal</b>	<b>0.75300%</b>	<b>\$210,707</b>	<b>Race Neutral Goal</b>
<p>1.) Research appropriate NAICS code for the project industry (use the 2017 index and search by key words)  <a href="https://www.census.gov/naics/">North American Industry Classification System (NAICS) U.S. Census Bureau</a></p> <p>2.) Search for certified (DBE) companies within a NAICS county wide  <a href="https://omwbe.diversitycompliance.com/">https://omwbe.diversitycompliance.com/</a></p> <p>3.) County Wide NAICS  <a href="https://www.spokane.gov/naics/">Spokane County NAICS - Census Bureau Tables</a></p>			