

Notice of Public Meeting

Biddeford-Saco-Old Orchard Beach Transit is required by Federal regulations to set a goal for the use of certified Disadvantaged Business Enterprises in its procurement policy. A Public Meeting on developing this goal will be held on December 12, 2018, 7 pm at Biddeford City Hall Council Chamber, 205 Main St., Second Floor, Biddeford, ME. Interested parties and the general public are invited to attend. Please see the document accompanying this notice for information that will be the basis for discussions.

**AGENDA
PUBLIC MEETING
DBE GOAL SETTING
BIDDEFORD-SACO-OLD ORCHARD BEACH TRANSIT
DECEMBER 12, 2018**

1. Introduction
2. Overview of Biddeford-Saco-Old Orchard Beach Transit
3. Meeting purpose
4. Process that was used to develop the DBE goal
5. Proposed projects for the three fiscal years
6. Presentation of the proposed goal
7. Planned outreach efforts
8. Questions and answers

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Agenda Item 2: Overview of Biddeford-Saco-Old Orchard Beach Transit (BSOOB)

BSOOB operates a fixed-routes, public transit service throughout its primary service area (the municipalities listed in our name) as well as service to Portland/South Portland along both the Maine Turnpike (commuter express) and Route One (local stops) corridors. Regular routes cover approximately 1,200 miles per day and a seasonal trolley service covers approximately 750 miles per day during the summer tourism season. In the fiscal year ended June 30, 2018, over 357,000 rides were provided. BSOOB connects with Portland Metro and South Portland Bus Service through a free transfer arrangement providing riders a broad, regional travel area with access to the Portland Jetport, Casco Bay ferries, Greyhound Bus, Concord Coach, and Amtrak Downeaster as well as medical, shopping and other high activity centers in the area. On-demand service connections to the Sanford area are provided through York County Community Action Corporation's bus services.

Agenda Item 3: Meeting Purpose

Federal DBE regulations require public outreach to gather and disseminate information on the development of DBE goals by BSOOB.

Agenda Item 4: Process that was used to develop BSOOB's DBE goal

The goal-setting process involves three steps. Step 1 involves determining the availability of ready, willing and able DBEs and establishing a base figure. Step 2 involves the adjustment of that base figure to account for previous DBE utilization history. Step 3 involves determining the race/gender-neutral and race/gender conscious split.

Agenda Item 5: Proposed projects for the next three years

Continuing procurements of operations support items continues each year. Planning activities to support service alterations and improvements also is continuing. BSOOB, in conjunction with Portland Metro will be procuring two electric buses and, on its own, one coach-type diesel bus. A request for two trolley buses is being submitted to MaineDOT. A new bus wash system is planned for FFY2020 and a project upgrading GPS tracking, electronic fare collection and bus/passenger security is planned for FFY 2019 and 2020.

Agenda Item 6: Presentation of proposed goal

Step 1 – Determining availability of ready, willing and able DBEs

The available pool of ready, willing and able firms to participate in BSOOB's FTA-funded contracting opportunities is analyzed based on the specific MAICS codes and descriptions. The data sources used to drive the relative availability of DBEs in the BSOOB market area is the Census Bureau County Business Patterns database (<https://www.census.gov/data/tables/2016/econ/cbp/2016-combined-report.html>) and the Unified Certification Program (UCP) DBE Directories from the Maine Department of Transportation.

Table 1, 3-Year Estimated Budget and FTA Participation Listing by NAICS Code

NAICS Code	NAICS Code Description/Projects/Activities	Estimated Project Costs	Estimated FTA Participation
	CAPITAL PROJECTS		
336999	Other transportation equip manufacturing/Bus manufacturers	865,000	692,000
333318	Service industry machinery manufacturing/Garage equipment	40,000	32,000
423610	Electric equipment merchant/Security system	120,000	96,000
238220	Heating contractors/Replace heating system	50,000	40,000
336112	Light truck manufacturing/Pickup truck	40,000	32,000
	Sub-total Capital Projects	1,115,000	892,000
	PREVENTIVE MAINTENANCE		
441310	Automotive parts/Bus parts	326,227	260,982
	Sub-total Preventive Maintenance	326,227	260,982
	OPERATING ASSISTANCE		
541430	Prof. services/Graphic design services/Ad & brochure graphics	38,192	19,096
541850	Outdoor advertising/Bus advertising	31,827	15,914
488410	Motor vehicle towing/Towing services	22,900	11,450
441310	Automotive parts/Bus parts	722,473	361,237
441320	Tire dealers/Tires and tubes	186,000	93,000
811198	Other automotive repair/Bus heavy maintenance	50,000	25,000
454310	Fuel dealers/Diesel fuel & gasoline	570,868	285,434
221210	Natural gas distribution/Natural gas	28,644	14,322
541110	Offices of lawyers/Attorneys	3,183	1,592
221122	Electric power distribution/Electric power	31,827	15,914
453210	Office supply stores/Office supplies	23,870	11,935
444130	Hardware stores/Small tools	55,697	27,849
444130	Hardware stores/Operating & cleaning supplies	44,558	22,279
517110	Wireless telecommunications/Cell phone & Internet service	57,289	28,645
524114	Direct health insurance carriers/Health insurance	894,377	447,189
524126	Direct property & casualty insurance carriers/Prop & Cas Ins.	229,154	114,577
524292	Third party admin of insurance/HRA program admin	3,519	1,760
541211	Offices of CPAs/Audit services	63,972	31,986
541890	Other advertising services/Commissions paid	63,654	31,827
448190	Other Clothing stores/Drivers' uniforms	15,277	7,639
562111	Solid waste collection/Waste disposal	5,656	2,828
	Sub-total Operating Assistance	3,142,937	1,571,473
	PLANNING SERVICES		
541990	Other professional services/Planning consultant	95,481	76,385
	Sub-total Planning Services	95,481	76,385
	Project Totals	4,679,645	2,800,840

Table 2, Number of Maine Firms and Maine DBE Firms (as of October 4, 2018) by NAICS Code

NAICS Code	NAICS Code Description/Projects/Activities	Total Maine Establishments	Total Maine DBE Establishments
221122	Electric power distribution/Electric power	41	0
221210	Natural gas distribution/Natural gas	5	0
238220	Heating contractors/Replace heating system	619	1
333318	Service industry machinery manufacturing/Garage equipment	5	1
336112	Light truck manufacturing/Pickup truck	0	0
336999	Other transportation equip manufacturing/Bus manufacturers	0	0
423610	Electric equipment merchant/Security system	45	1
441310	Automotive parts/Bus parts	265	0
441310	Automotive parts/Bus parts	81	0
441320	Tire dealers/Tires and tubes	See other line	0
444130	Hardware stores/Operating & cleaning supplies	See other line	0
444130	Hardware stores/Small tools	146	0
448190	Other Clothing stores/Drivers' uniforms	57	0
453210	Office supply stores/Office supplies	15	0
454310	Fuel dealers/Diesel fuel & gasoline	276	0
488410	Motor vehicle towing/Towing services	41	0
517110	Wireless telecommunications/Cell phone & Internet service	217	0
524114	Direct health insurance carriers/Health insurance	33	0
524126	Direct property & casualty insurance carriers/Prop & Cas Ins.	81	0
524292	Third party admin of insurance/HRA program admin	19	0
541110	Offices of lawyers/Attorneys	653	1
541211	Offices of CPAs/Audit services	211	2
541430	Prof. services/Graphic design services/Ad & brochure graphics	65	7
541850	Outdoor advertising/Bus advertising	7	2
541890	Other advertising services/Commissions paid	36	1
541990	Urban planning services/Planning consultant	45	7
562111	Solid waste collection/Waste disposal	92	1
811198	Other automotive repair/Bus heavy maintenance	9	0
	Total Establishments	3,064	24

Based upon the above total numbers for all firms and DBE firms, the relative DBE availability is calculated as follows:

$$\text{Base figure} = \frac{24 \text{ (Ready, Willing and Able DBEs)}}{3,064 \text{ (Total Firms Ready, Willing and Able)}} = 0.78\%$$

Step 1 Base Figure Weighting – Weighting can help ensure that the Step 1 Base Figure is as accurate as possible. To establish the “Base Annual Goal,” the availability of DBEs in each NAICS code is computed and used to determine DBE contractible dollars. The total DBE contractible dollars are then divided by

the total projected contracting dollars to determine the “base” FFY annual DBE goal, expressed as a percentage.

Table 3, Calculation of BSOOB’s Annual Goal for FFYs 2018 – 2020

NAICS Code	NAICS Code Description/Projects/Activities	Total Maine Firms	FY18-FY20 Budgeted Dollars	Total Maine DBE Firms	DBE Percent	DBE Dollars
221122	Electric power distribution/Electric power	41	31,827	0	0.00%	0
221210	Natural gas distribution/Natural gas	5	28,644	0	0.00%	0
238220	Heating contractors/Replace heating system	619	50,000	1	0.16%	80
333318	Service industry machinery manufacturing/Garage equipment	5	40,000	1	20.00%	8,000
336112	Light truck manufacturing/Pickup truck	0	40,000	0	0.00%	0
336999	Other transportation equip manufacturing/Bus manufacturers	0	865,000	0	0.00%	0
423610	Electric equipment merchant/Security system	45	120,000	1	2.22%	2,664
441310	Automotive parts/Bus parts	265	1,048,700	0	0.00%	0
441320	Tire dealers/Tires and tubes	81	186,000	0	0.00%	0
444130	Hardware stores/Small tools	146	100,255	0	0.00%	0
448190	Other Clothing stores/Drivers' uniforms	57	15,277	0	0.00%	0
453210	Office supply stores/Office supplies	15	23,870	0	0.00%	0
454310	Fuel dealers/Diesel fuel & gasoline	276	570,868	0	0.00%	0
488410	Motor vehicle towing/Towing services	41	22,900	0	0.00%	0
517110	Wireless telecommunications/Cell phone & Internet service	217	57,289	0	0.00%	0
524114	Direct health insurance carriers/Health insurance	33	894,377	0	0.00%	0
524126	Direct property & casualty insurance carriers/Prop & Cas Ins.	81	229,154	0	0.00%	0
524292	Third party admin of insurance/HRA program admin	19	3,519	0	0.00%	0
541110	Offices of lawyers/Attorneys	653	3,183	1	0.15%	5
541211	Offices of CPAs/Audit services	211	63,972	2	0.95%	608
541430	Prof. services/Graphic design services/Ad & brochure graphics	65	38,192	7	10.77%	4,113
541850	Outdoor advertising/Bus advertising	7	31,827	2	28.57%	9,093

541890	Other advertising services/Commissions paid	36	63,654	1	2.78%	1,770
541990	Urban planning services/Planning consultant	45	95,481	7	15.56%	14,857
562111	Solid waste collection/Waste disposal	92	5,656	1	1.09%	62
811198	Other automotive repair/Bus heavy maintenance	9	50,000	0	0.00%	0
	Totals	3,064	4,679,645	24	0.88%	41,252
Base Triennial Goal = Total DBE Dollars/Total Budgeted Dollars =					0.88%	

Step 2 – Adjusting the Base Figure

Once the DBE base figure has been calculated, regulations 49 CFR Part 26.45(d) requires that “all of the evidence available” in your jurisdiction must be examined to determine what adjustment, if any, is needed to the base figure to arrive at your overall goal.

The regulations further state that there are several types of evidence that must be considered when adjusting the base figure, such as: *49 CFR Part 26.45(d)(1)(i)*, “The current capacity of DBEs to perform work in your DOT-assisted contracting, as measured by the volume of work DBEs have performed in recent years.”

BSOOB will adjust its base goal figure using past history of DBE awards. BSOOB began as a sub-recipient from MaineDOT, expanding to become a direct recipient of FTA Section 5307 Operating, Capital and Planning Assistance as well. BSOOB has, over the years, contracted with DBE vendors without the benefit of a formal DBE Plan until FFY 16. The only DBE vendor used has been ATA Advertising in NAICS Code 541850. The advertising contract with ATA expired on January 1, 2018. BSOOB plans to actively pursue further advertising through ATA, once replacement vehicles become available on which to place advertising.

Table 4, Adjusting Base Goal by Past DBE Vendor Experience

Adjusting Base Goal by Past DBE Vendor Experience			
Vendor	FY15	FY16	FY17
Advertising/Alternate Transit Advertising	5,400	5,400	5,400
Total DBE Expenditures	5,400	5,400	5,400
Non-Labor Budget Line-Item Expenditures	1,331,697	1,083,121	1,248,036
DBE Percentage			
Advertising/Alternate Transit Advertising	0.41%	0.50%	0.43%
Total DBE Percentage	0.41%	0.50%	0.43%
Median DBE Percentage			0.45%
Base DBE Goal			0.88%
Total Goal = (Median+Base)/2			0.67%

The DBE percentages for each vendor for each fiscal year are obtained by dividing the DBE expenditure by the total non-labor line item expenditures. Adding the median value of the sum of the DBE percentages (0.45%) of the historical DBE to the median value of the base DBE goal (0.88%) and dividing that sum by two results in an Overall DBE Goal of 0.67% to be applied to each of the three fiscal years covered by this Plan (FFY 17-19).

Step 3 – Determining the Race/Gender-Neutral and Race/Gender-Conscious Split

DBE Program guidelines at 49 CFR Part 26.51(a) states, *“You must meet the maximum feasible portion of your overall goal by using race-neutral means of facilitating race-neutral 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.”*

BSOOB will meet its DBE Goal entirely through race/gender-neutral means based on the following analysis. The number of firms, or contract opportunities listed in Table 3 represents every budget line item contract opportunity included in the FFY 18 budget and projected budgets for FFYs 19 and 20 as well as existing and pending FTA capital, operating and planning grants. Further, BSOOB’s goal as determined in Step 2, above, is based on demonstrable evidence of the availability of ready, willing and able DBEs relative to all businesses ready, willing and able to participate on its DOT-assisted contracts. The goal reflects BSOOB’s determination of the level of DBE participation it would expect absent the effects of discrimination. BSOOB’s standard operating procedure used to meet its goal on a race/gender neutral basis is as follows. For every contracting or vendor opportunity, BSOOB staff refers to the MaineDOT Certified List of DBEs to see if in fact there is a DBE available to provide the service or product. Any such firm identified is included in the procurement notification process. Finally, all RFPs include the required DBE participation language to encourage DBEs to propose as prime contractors and/or to utilize DBE sub-contractors.

Other factors that sustain no further enhancements of BSOOB’s Goal of 0.67% are:

- There have been no disparity studies in Maine on the ability of DBEs to obtain transit contracts;
- There is no data on self-employment, education, training and union apprenticeship programs relative to transit contracts;
- There is no data available in Maine relative to past discrimination in transit contracts.

Agenda Item 7: Planned Outreach Efforts

- This Public Meeting
- Consultation with all identified minority, women’s and general contractor groups, community organizations and other officials or organizations that could be expected to have information concerning the availability of disadvantaged and non-disadvantaged business, the effects of discrimination on opportunities for DBEs, and BSOOB’s efforts to establish a level playing field for the participation of DBEs. The consultations have been and will be made by face to face consultation with BSOOB’s municipal partners’ Economic Development offices, via meetings with the Executive Directors of the local area Chambers of Commerce and other stakeholders.
- An ongoing plan will be developed to identify forms that are eligible to be certified as DBS/WBEs. BSOOB staff will attend meeting of women’s and other stakeholder groups to network and offer assistance in becoming certified.