

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ADOPTING ) RESOLUTION NO. 91-1532  
DISADVANTAGED BUSINESS PROGRAM )  
GOALS FOR FISCAL YEAR 1990-91 ) Introduced by the  
AND 1991-92 ) Transportation & Planning  
 ) Committee

WHEREAS, The United States Department of Transportation (USDOT) assisted projects require, and the Metropolitan Service District has implemented, a Disadvantaged Business Program the purpose of which is to encourage participation of Disadvantaged Business Enterprises in the Metropolitan Service District contracting activities; and

WHEREAS, Metro Code Section 2.04.145(a) of the Disadvantaged Business Program requires that a goal for DBE participation in contracts be set annually; and

WHEREAS, A survey of existing goals of other local USDOT recipients and their experience in meeting same has been completed pursuant to Metro Code Section 2.04.145(b); now, therefore,

BE IT RESOLVED,

That the Disadvantaged Business Program goal for USDOT assisted projects of twelve (12) percent is hereby adopted for the period commencing July 1, 1990, through and including June 30, 1992.

ADOPTED by the Council of the Metropolitan Service District this 14th day of November, 1991.

  
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Tanya Collier, Presiding Officer

TRANSPORTATION AND PLANNING COMMITTEE

RESOLUTION NO. 91-1532, FOR THE PURPOSE OF ADOPTING  
DISADVANTAGED BUSINESS PROGRAM GOALS FOR FISCAL YEAR  
1990-91 AND 1991-92

Date: November 13, 1991

Presented by: Councilor McLain

COMMITTEE RECOMMENDATION: At the November 12, 1991 meeting, the Committee voted 4-0 to recommend Council approval of Resolution No. 91-1532. Voting in favor were Councilors Devlin, Gardner, McLain and Van Bergen. Councilor Bauer was excused.

COMMITTEE DISCUSSION/ISSUES: Procurement Officer Rich Wiley explained that federal law requires adoption of DBE goals prior to distribution of federal transportation funds. Because Metro has been considering revisions to its DBE/WBE program under state law, adoption of the federally-required DBE goal has been delayed. Metro was informed on November 8, 1991 that federal funds could be withheld if a DBE goal for FY 91 and FY 92 is not adopted. The Resolution sets a 12% DBE goal, which is the level adopted by Metro in previous fiscal years.

Mr. Wiley said that the Oregon Department of Transportation was in a similar position, and has taken expedited action to adopt a 12% goal.

The Committee discussed the differences between the state and federal requirements. Councilor Devlin noted the federal requirement stands alone, so action can be taken separately.

In response to an inquiry from Councilor McLain, Mr. Wiley indicated that immediate action is needed. If Congress approves transportation funding, and if the President concurs, Metro has been advised that funding will be withheld because of this deficiency. He said that after Metro establishes the goal, the U. S. Department of Transportation must be notified, with a 30 - 40 day public comment period.

Councilor McLain supported adoption of the Resolution on an expedited basis, because the federal DBE requirement is separate, and because the adoption process is lengthy.

Councilor Devlin noted that the issue regarding local DBE/WBE requirements is under review by the Governmental Affairs Committee. Councilor Van Bergen stated his desire to see the issue moved from that Committee so it could be resolved.

The Committee concurred with Council staff that the document before it, which was stamped "draft" and introduced by the Executive Officer, should be revised as a final document introduced by the Committee, since there was insufficient time to obtain the internal approvals normally required by the Executive Officer.

STAFF REPORT

DISADVANTAGED BUSINESS ENTERPRISE GOAL OF TWELVE (12) PERCENT  
FOR 1990-91, 1991-92 FISCAL YEARS

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Date: November 12, 1991

Presented by: Rich Wiley  
Procurement Officer

FACTUAL BACKGROUND AND ANALYSIS

The Metropolitan Service District has adopted a Disadvantaged Business Program and has structured its contracting procedures in accordance with that program. The recommended goal to be in effect from July 1, 1990 through June 30, 1992 is twelve (12) percent.

An analysis of Metro's previous success in meeting its goals for Disadvantaged and Women Business Enterprises (DBE/WBE) is attached as Exhibit A.

Andrew Cotugno and I were contacted on Friday, November 8th by a Mr. F.W. Fort, Area Civil Rights Officer for the U.S. Department of Transportation, Urban Mass Transportation Administration. He informed us that our grant applications are in jeopardy since our DBE goals had not been extended past June 30, 1989. In effect, if the Congress should act to provide funding and the President approve same, our grant applications would not be acted upon due to this deficiency.

In response to this need and with a sense of urgency, I have contacted local agencies inquiring as to their goals and experience. Based upon this process, I am recommending the twelve (12) percent goal.

ATTACHMENT 1

DBE/WBE HISTORICAL DATA

	82-83		83-84				84-85				85-86				86-87				87-88				88-89				89-90	
	Actual		DBE		WBE		DBE		WBE		DBE		WBE		DBE		WBE		DBE		WBE		DBE		WBE		Goals	
	DBE	WBE	Goals	Actual	Goals	Actual	Goals	Actual	Goals	Actual	Goals	Actual	Goals	Actual	Goals	Actual	Goals	Actual	Goals	Actual	Goals	Actual	Goals	Actual	Goals	DBE	WBE	
Construction	3.0	0.0	10.0	6.8	0.0	0.0	10.0	10.1	3.0	0.0	10.0	12.2	3.0	2.0	10.0	19.1	3.0	3.0	10.0	10.5	3.0	3.3	10.0	10.7	3.0	3.1	10.0	3.0
Labor & Material	x	x	5.0	6.0	5.0	1.4	5.0	3.1	2.8	0.3	5.0	9.9	2.8	4.6	5.0	14.9	2.8	0.0	7.0	7.7	3.0	0.0	7.0	7.2	3.0	3.6	7.0	3.0
Personal Services	1.4	2.5	3.0	31.9	3.0	0.4	5.0	0.0	4.0	0.1	3.0	3.1	3.0	43.5	5.0	2.8	10.0	2.6	7.0	3.0	5.0	0.4	7.0	20.6	5.0	15.0	7.0	5.0
Procurement	6.9	15.1	5.0	0.5	5.0	0.1	1.0	0.2	2.8	0.5	1.0	0.0	2.8	0.2	1.0	0.0	2.8	0.0	1.0	4.0	2.8	2.3	1.0	2.5	2.8	3.1	1.0	2.8
DOT Assisted	xx	xx	10.0	7.2	3.0	0.0	10.0	xxx	4.0	xxx	10.0	0.0	4.0	0.0	10.0	0.0	4.0	0.0	10.0	0.0	2.0	0.0	12.0	19.9	0.0	xxxx	12.0	xxxx
Overall	2.3	3.5	6.6	10.5	3.2	0.4	6.2	2.7	3.3	0.2	5.8	5.0	3.1	19.1	6.2	5.6	4.5	1.1	7.0	5.0	3.2	1.2	7.4	12.2	2.8	4.9	7.4	2.8

x Not tracked separately.

xx Not tracked.

xxx No subcontracting opportunities available

xxxx WBE considered DBE by definition.

Data from:

Res. No. 83-435

Ord. No. 84-181

Res. No. 84-511

Res. No. 85-596

Res. No. 85-697

Res. No. 87-815

Res. No. 88-981

Res. No. 89-1152

and accompanying staff reports.