

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING) RESOLUTION NO. 96-2408
A DISADVANTAGED BUSINESS)
ENTERPRISE (DBE) GOAL FOR) Introduced by Mike Burton
FISCAL YEAR 1996-97) Executive Officer

WHEREAS, the DBE Program was implemented in 1993 as an approach to remedy historical patterns of exclusion of and discrimination against racial and ethnic groups; and

WHEREAS, Metro is committed to provide maximum contracting opportunities to disadvantaged businesses and supports efforts that contribute to building a stronger economic foundation for the region; and

WHEREAS, Metro informs all employees, governmental agencies and the general public of its commitment to the DBE Program; and

WHEREAS, Metro Code section 2.04.300, Disadvantaged Business Enterprise (DBE) Program, was adopted pursuant to 49 CFR 23 and is intended to comply with relevant federal regulations; and

WHEREAS, Metro Code section 2.04.300 requires the Metro Council to establish annual DBE goals for the ensuing fiscal year; now therefore,

BE IT RESOLVED, that the Metro Council hereby adopts a 12% DBE goal for FY 1996-97.

ADOPTED by the Metro Council this ____ day of _____, 1996.

NOT ADOPTED

Jon Kvistad, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 96-2408 FOR THE PURPOSE OF ADOPTING A DISADVANTAGED BUSINESS ENTERPRISE (DBE) GOAL FOR FISCAL YEAR 1996-1997

Date: November 6, 1996

Presented by: Scott Moss

PROPOSED ACTION

Adoption of Resolution No. 96-2408 , establishing a Disadvantaged Business Enterprise (DBE) goal for FY 96-97.

FACTUAL BACKGROUND AND ANALYSIS

Metro Code sections 2.04.300 - 2.04.390 establish a program to encourage the utilization by Metro of disadvantaged businesses by creating for such businesses the maximum possible opportunity to compete for and participate in federally-funded Metro contracting activities. Through the DBE Program, Metro expresses a strong commitment to provide maximum opportunity to disadvantaged businesses in contracting; informs all employees, governmental agencies and the general public of its interest to promote the DBE Program; and assures conformity with applicable federal regulations as they exist or may be amended.

Metro Code section 2.04.300 requires the Metro Council to establish annual DBE goals for the ensuing fiscal year. Annual goals established take into consideration the following factors:

- 1) Projection of the number and types of contracts to be awarded by Metro for the ensuing year;
- 2) Projection of the number, expertise and types of DBEs likely to be available to compete for the contracts;
- 3) Past results of Metro's efforts under the DBE Program; and
- 4) Existing goals of other local USDOT recipients and their experience in meeting these goals.

Metro Code sections 2.04.300-390 were adopted pursuant to 49 CFR 23 and are intended to comply with relevant federal regulations. In particular, Metro Code section 2.04.022 states that, notwithstanding any provision of the Metro Code, the applicable federal laws, rules and regulations shall govern in any case where federal funds are involved and the federal laws, rules and regulations conflict with any of the provisions of the Metro Code or require additional conditions in public or personal services contracts not authorized by the Metro Code. The DBE Program does not apply to locally-funded contracts, which are governed by 2.04.100 & 2.04.200 (MBE/WBE programs). DBE

projections and reporting is done on a federal calendar year - October 1 through September 30.

Projections for federally-funded contracts for FY 1996-1997 and past results of Metro's efforts for FY 1995-1996 are outlined in Attachment A. However, in light of the Federal Transit Administration's Region 10 Bulletin No. 96-12 (Attachment B), and recommendation from the Oregon Department of Transportation's Civil Rights Unit, it is proposed that the DBE goal for FY 1995-96 be continued through FY 1996-97.

BUDGET IMPACT

No budget impact is anticipated.

EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 96-2408.

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October 15, 1996

ATTACHMENT A

FACTUAL BACKGROUND & ANALYSIS DBE PROGRAM

PAST RESULTS OF METRO'S EFFORTS - FY 1995-1996

For FY 1995-1996, Metro received \$2,432,128 of federal assistance for personal services contracts. Of that total, \$370,423 was subcontracted to DBE firms. There were no prime contracts awarded to DBEs for federally-assisted projects for FY 1995-1996. This constitutes 15% DBE utilization, which exceeds the 12% goal for FY 1995-1996.

Contract No.	Project	Federal Share (\$)	Awards to DBE(s)	DBE Utilization (%)
904099	S/N Technical Assistance, Financial Analysis & Intergovernmental Coordination	\$233,750	\$51,343	21%
904524	S/N Legal Service, Land Use Analysis	\$21,249	\$0	0%
904878	Wireless Keypad Response System	\$5,832	\$0	0%
904896	S/N Facilitator	\$3,323	\$0	0%
904856	S/N Illustrations	\$1,955	\$0	0%
904021	S/N Environmental Services	\$1,275,000	\$179,343	14%
905048	Pre-Project Study of Congestion Pricing - Technical Component	\$272,000	\$38,600	14%
905049	Pre-Project Study of Congestion Pricing - Public Involvement Component	\$302,600	\$54,400	17%
905205	S/N Graphic Design & Illustration	\$1,700	\$0	0%
905196	S/N Legal Services	\$21,250	\$0	0%
905209	S/N Interpretation & Translation Services	\$2,125	\$0	0%
TOTALS		\$2,140,784	\$323,686	15%

Note: The DBE goal applies only to the federally-funded portion of the project.

PROJECTIONS FOR FY 1996-1997

Federal assistance will be received from the Federal Transit Administration (FTA) and/or Federal Highway Administration (FHWA), via Oregon Department of Transportation, for, but not limited to, the following projects in FY 1997-98.

FY 1996-97 PROJECTIONS

PROJECTS	ALLOCATED CONTRACT AMOUNT	FEDERAL SHARE	ANTICIPATED DBE PARTICIPATION (12%)
TRANSPORTATION DEPARTMENT - HIGH CAPACITY TRANSIT (HCT)			
South/North DEIS: Public Involvement	\$150,000	\$127,500	\$15,300
South/North DEIS: Financial Services	\$50,000	\$42,500	\$5,100
South/North FEIS: Environmental Services	\$1,250,000	\$1,062,500	\$127,500
South/North FEIS: Technical Services	\$175,000	\$148,750	\$17,850
South/North FEIS: Financial Analysis	\$25,000	\$21,250	\$2,550
South/North FEIS: Public Involvement	\$75,000	\$63,750	\$7,650
South/North FEIS: Station Area Planning	\$200,000	\$170,000	\$20,400
South/North FEIS: Station Area Planning	\$150,000	\$127,500	\$15,300
TRANSPORTATION DEPARTMENT - REGIONAL TRANSPORTATION PLANNING (RTP)			
Port of Portland Airport Access Study	\$250,000	\$212,500	\$25,500
Transit Oriented Development: Professional Services	\$113,000	\$96,050	\$11,526
Longitudinal Household Panel Survey	\$150,000	\$134,595	\$16,151
Model Development: Person Travel	\$75,000	\$67,297	\$8,075
Commodity Flow Model: Guidance	\$20,000	\$17,946	\$2,153
Commodity Flow Model-Survey	\$212,500	\$190,676	\$22,881
Commodity Flow Model-Vehicle Classification	\$20,000	\$17,946	\$2,153
GROWTH MANAGEMENT DEPARTMENT			
Regional Framework Plan Public Involvement: Communications Consultant	\$78,000	\$69,989	\$8,398
Regional Framework Plan Public Involvement: Video Production	\$10,000	\$8,973	\$1,076
Growth Management Newsletter(s): Printing	\$45,000	\$40,378	\$4,845
Regional Framework Mailer: Printing	\$35,000	\$31,405	\$3,768
Housing Consultant	\$20,000	\$17,946	\$2,153
Engineering Assistance: Public Facilities and Services	\$20,000	\$17,946	\$2,153
Martin Luther King Jr. Blvd. Planning	\$25,000	\$22,432	\$2,691
Fiscal Policy Analysis	\$20,000	\$17,946	\$2,153
Performance Measure Development	\$15,000	\$13,459	\$1,615
RUGGO and 2040 Growth Concept: Implementation Services	\$22,000	\$19,740	\$2,368
Parking Handbook: Printing	\$28,000	\$25,124	\$3,014
Household Survey	\$10,000	\$8,973	\$1,076
Aerial Photography	\$20,000	\$17,946	\$2,153
Storefront Marketing Support	\$10,000	\$8,973	\$1,076
ArcView Application Development	\$10,000	\$8,973	\$1,076
Paper Streets: Identify and Eliminate	\$20,000	\$17,946	\$2,153
REGGIE Network Connection: Washington County	\$5,000	\$4,486	\$538
Temporary Help Services, Storefront	\$54,400	\$48,813	\$5,857
TOTALS	\$3,362,900	\$2,902,208	\$348,252

Note: Many projects \$25,000 and under will not have subcontracting opportunities. Therefore, the proposed 12% DBE goal may be waived.



U.S. Department
of Transportation
Federal Transit
Administration

ATTACHMENT B

REGION X
Alaska, Idaho, Oregon,
Washington

Suite 3142
Jackson Federal Building
915 Second Avenue
Seattle, Washington 98174-1002

REGION 10 BULLETIN NO: 96-12

SUBJECT: 1997 DBE Program Goals

PROGRAM AREA: Civil Rights

DATE: August 30, 1996

The Federal Transit Administration has received several inquiries regarding the 1997 DBE goal setting process. As you know, the deadline for many recipients to submit their annual overall DBE Goals is August 1. The Department expects to propose amendments to its DBE regulations in light of the Supreme Court's decision in *Adarand v. Peña*. We anticipate that this will be issued for notice and comment in the near future. Given this rulemaking activity, the date for submission of DBE goals will be delayed. Further notice will be provided to establish a new date. Recipients who are on a calendar year, or local fiscal year, should also delay submission of their annual DBE goals until a new date for submission is established.

In the interim, recipients should continue to use the DBE goal set for the current fiscal year, unless a recipient believes that changed circumstances will make necessary the use of a different goal for the coming year. Any such new goals must be submitted to FTA for review and approval, along with an explanation for the changed circumstances and the basis for the new goal. FTA will work with the recipient to determine what data should be submitted in support of the new goal.

If you have any questions regarding the goal setting process, please contact Herman Payton, Regional Civil Rights Officer, at (206) 220-4462.

Helen M. Knoll
Regional Administrator