In-Person Workshop

DBE/ACDBE CERTIFICATION WORKSHOP

JUNE 29, 2023 | 10:00 A.M.
Content

01 Overview of DBE/ACDBE Program
02 Benefits of Certification
03 How to Become Certified
04 What's Next?
U.S. DOT Program

Operating Administrations that oversee the daily administration of the program by recipients and enforce compliance.

01 Federal Transit Administration

02 Federal Highway Administration

03 Federal Aviation Administration

U.S. DOT Regulations

49 CFR Part 26 (as amended)

U.S. DOT Regulations

49 CFR Part 23
Objectives

Objective 01
To ensure nondiscrimination in the award and administration of DOT-assisted contracts in the Department’s highway, transit, and airport financial assistance programs;

Objective 02
To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;

Objective 03
To ensure that the Department’s DBE program is narrowly tailored in accordance with applicable law;

Objective 04
To ensure that only firms that fully meet this part’s eligibility standards are permitted to participate as DBEs;

Objective 05
To help remove barriers to the participation of DBEs in DOT-assisted contracts;
Objectives

Objective 06
To promote the use of DBEs in all types of federally-assisted contracts and procurement activities conducted by recipients.

Objective 07
To assist the development of firms that can compete successfully in the marketplace outside the DBE program; and

Objective 08
To provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.
TIMELINE

Established under Title VI of the Civil Rights Act of 1964
49 Code of Federal Regulations Part 23 and 26

1980 Program Created
1983 Women added
At least 10% funds
1987 DBE Plan: Unified Certification Programs

2003 Implemented a MOU with SBA
2009 Adjustment to $22.41M
2011 Expedited Interstate Certification; increased PWV and updated certification requirements
2014 Improvements for certification and modifications to provisions; Adjustment to $23.98M

2003
2009
2011
2014

2021 Notice to Proposed Rulemaking; Adjustment to $26.29M
2022 Adjustment to $28.48M
2023 Adjustment to $30.40

2011 Adjusted to $22.41M
2014 Improvements for certification and modifications to provisions. Adjustment to $23.98M
2021 Notice to Proposed Rulemaking; Adjustment to $26.29M
2022 Notice to Proposed Rulemaking; Adjustment to $28.48M
2023 Notice to Proposed Rulemaking; Adjustment to $30.40
California Unified Certification Program (CUCP)

Northern California:
- California Department of Transportation (Caltrans)
- Bay Area Rapid Transit (BART)
- City of Fresno
- San Mateo County Transit District (SAMTRANS)
- San Francisco International Airport (SFO)
- Santa Clara Valley Transportation Authority (VTA)

Southern California:
- City of Los Angeles
- Los Angeles County Metropolitan Transportation Authority (METRO)
- San Diego County Regional Airport Authority (SDCRAA)
DISADVANTAGED BUSINESS ENTERPRISE/ AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE

**A for-profit small business concern**

At least 51% is owned by one or more individuals who are both socially and economically disadvantaged; and the management and daily business operations are controlled by one or more of the socially and economically disadvantaged business owners.

**Presumed disadvantaged groups**

Americans and permanent U.S. residents that are Black, Hispanic, Native, Asian-Pacific, Subcontinent Asian and women.

**Annual Size Standard FTA/FHWA/FAA**

Average annual gross receipts, as defined by SBA regulations (see 13 CFR 121.104), over the firm's previous three - five fiscal years, in excess of $30.40M (FTA/FHWA); $56.42M (FAA) and car rental companies, $75.23M.
The 51% majority owner(s) must not exceed PNW of $1.32 million

**Note:** There may be some cases in which an individual whose PNW is less than $1.32 million may not be regarded as economically disadvantaged. Refer to 49 CFR 26.67.
Benefits of DBE Certification

- Certification is FREE
- Recognized by subrecipient local agencies in California
- Interstate certification
- Federal program recognized nationwide
- Recipient of FTA, FHWA and FAA funds need to meet overall triennial DBE goals
- Millions of dollars awarded to DBE firms
- Infrastructure Investment and Jobs Act (BIL)
- Prime and subcontractors need DBEs/ACDBEs to meet contract goal requirements
- Listing in Unified Certification Program (UCP) DBE directories
How to Become Certified

https://californiaucp.dbesystem.com/
Create an Online Certification Account

- Tax ID
- Business Information
- Contact Information
- Company Contact Person
How to Become Certified Cont.

1. Start at Caltrans Website (https://dot.ca.gov/), then click “Programs”

2. Click “Civil Rights”

3. Click “California Unified Certification Program”

4. Click “Find a Certifying Agency”
5. The Online Certification screen will populate, click “show details” under the “Is your firm located in the Northern California area?”

6. Click on a certifying agency in your respective areas/counties

7. Click “Apply for/Renew Certification”

8. The Online Certification screen will populate, click “Create Account”
What's Next?

Meet with a Certifier - 15-minute appointments!

**PROCESS**
- Application is assigned to a certification analyst
- Analyst conducts review for missing documentation and requests further clarification (if needed)
- Site visit is scheduled and conducted
- Analyst to conduct final review for eligibility recommendation
- Certification determination completed

**RESOURCES**
- US DOT DBE Program
  [https://www.transportation.gov/civil-rights/disadvantaged-business-enterprise](https://www.transportation.gov/civil-rights/disadvantaged-business-enterprise)
- DBE Federal Program
THANK YOU
Office of Business & Diversity Programs

- Visit https://www.vta.org/business-center/business-diversity-programs to review the Disadvantaged and Small Business Enterprise (D/SBE) Programs
- OBDP created a BART Silicon Valley (BSV) Phase II Progressive Design Build Project Goal of 12% with an 11% race-conscience and 1% race-neutral split for all federal contracts under this area.
- Contracting Package No. 2 under BSVII has a 15% DBE goal and 20% SBE goal applied.
- In addition, VTA has an overall SBE Aspirational Goal of 19% for all non-federal contracts.
- Bidders and Proposers must meet goals or provide good faith efforts documentation.
VTA’s BART Silicon Valley Phase II (BSVII)

6-Mile Extension of BART Service

- Project Alignment
  - 5-mile single-bore tunnel, 1-mile at-grade

- 4 New BART Stations
  - 3 underground, 1 at-grade
  - 2 Mid-Tunnel Facilities
  - Storage Yard & Maintenance Facility
Tunnel & Trackwork (CP2) Update

- Design Professional Services underway
- In anticipation of tunnel boring machine (TBM) procurement, detailed review of tunnel space-proofing and negotiations underway
- Kiewit Shea Traylor (KST) advancing design and cost estimating of Early Work Packages (TBM, associated works, and West Portal)
  https://kstjv.com/contracting-opps
- Ongoing cost and schedule submittal reviews
- Pre-Bid Briefing, Thursday July 6 (flyers at VTA’s table)
Project Look Ahead

- **2023**: Request Entry into FTA New Starts Engineering
- **2024**: Anticipated Full Funding Grant Agreement (FFGA)
- **2025**: Early Construction
- **2026**: Major Construction

Based on preliminary schedule for planning purposes.
Eastridge to BART Regional Connector (EBRC)
The EBRC Design Build is Non-Federal

• The Project is non-federal with an SBE goal of 8%
• The Project is estimated between $275 million and $300 million
• OBDP will host an EBRC DBE/SBE Outreach Engagement on July 26, 2023, between 10 AM and 12 PM at VTA’s administration location: 3331 North First Street, San Jose CA 95134 (Auditorium)
EBRC Proposed Project

- Extend VTA Light Rail from South of Alum Rock Station to Eastridge
- 2.4 Miles Long
- Aerial Guideway in median of Capitol Expressway
- Minor Roadway Widening
- Construct Two Stations - Story Road and Eastridge
- Construct Pedestrian Overcrossing at Story Station
- Construct Two Traction Power Substations
- Relocate Major Utilities (Third Party)
<table>
<thead>
<tr>
<th>Event</th>
<th>Date/Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-Qualification Request</td>
<td>June 15, 2023</td>
</tr>
<tr>
<td>Invitation for Bids</td>
<td>July 25, 2023</td>
</tr>
<tr>
<td>Pre-Bid Conference</td>
<td>August 15, 2023, at 10:00 AM</td>
</tr>
<tr>
<td>Pre-Qualification Due</td>
<td>August 15, 2023, at 2:00 PM</td>
</tr>
<tr>
<td>Bids Due Date</td>
<td>October 12, 2023, at 2:00 PM</td>
</tr>
<tr>
<td>Construction start</td>
<td>Early 2024</td>
</tr>
</tbody>
</table>
(EBRC) Highway Program/Construction Contracts

- **Q3 2023**
  - Calaveras Blvd Near-term Improvements

- **Q3 2023**
  - US 101/Blossom Hill Road Interchange Plant Establishment

- **Q4 2023**
  - I-280/Wolfe Road Interchange Improvement

- **Q1 2024**
  - I-280 Soundwalls
EBRC Highway Program/Construction Contracts

- **Q1 2024**
  - US 101/SR 85 Express Lanes Phase 4

- **Q1 2024**
  - SR 85 Noise Reduction

- **Q3 2024**
  - US 101 SR 25 Interchange Imp. Phase 1
Aerial Guideway (Photo Simulation)

Median of Capitol Expressway

Tully Road
Story Station (Photo Simulation)
Tully Road Crossing (Photo Simulation)
Eastridge Station (Photo Simulation)
Other Requirements applied to both Design Builds

• The Project Labor Agreement (PLA) applies to both BSVII and EBRC. Flowed down to all Tiers.
• Both BSVII and EBRC must follow the Prevailing Wage requirements for all Tiers.
Other Upcoming Construction/Services Contracts

Q3 2023
- River Oaks and Cerone Lighting Replacement
- Light Rail Platform Rehabilitation
- Dry Fire Suppression at Berryessa and Milpitas BART Station
- EV Chargers at River Oaks

Q4 2023
- Light Rail Station Facilities Bridge and Structure Repairs
- Security Enhancement at Chaboya Parking Lot
VTA Procurement Information

Please visit VTA’s website for all contracts at: https://procurement.opengov.com/portal/vta

For CP2 Bart Tunnel and Trackwork Contracting Opportunities, visit https://kstjv.com/contracting-opps

*Information subject to change.

Email obdp@vta.org for any questions.
Questions?

Stella Becerra
Business Diversity Programs Manager
Office of Business Diversity Programs
Stella.becerra@vta.org