

City of Santa Rosa Transportation and Public Works Department/Transit Division
DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM
FOR FTA-ASSISTED CONTRACTS

*(Established September 1999; Revised January 2000; Updated February 2012; Updated July 2019;
Updated May 2022; Updated 2024/2025)*

POLICY STATEMENT/OBJECTIVES (Section 26.1, 26.23)

The City of Santa Rosa, a recipient of Federal financial assistance from the U.S. Department of Transportation (DOT), has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation, 49 CFR Part 26. As a condition of receiving federal financial assistance, the City of Santa Rosa has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the City of Santa Rosa to ensure that DBE firms as defined in part 26 have an equal opportunity to receive and participate in DOT-assisted contracts. It is our policy:


1. To ensure nondiscrimination in the award and administration of DOT-assisted contracts.
2. To create a level playing field on which Disadvantaged and Small Business Enterprises can compete fairly for DOT-assisted contracts.
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law.
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs.
5. To help remove barriers to the participation of Disadvantaged and Small Business Enterprises in DOT-assisted contracts.
6. To promote the use of DBEs in all types of federally-assisted contracts and procurement activities conducted by the City of Santa Rosa's Transit Division.
7. To assist in the development of firms that can compete successfully in the marketplace outside the DBE Program.
8. To provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

The Purchasing Agent for the City of Santa Rosa has been delegated as the DBE Liaison Officer. The Purchasing Agent shares responsibility for implementing all aspects of the DBE program with the Deputy Director-Transit. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the City of Santa Rosa in its financial assistance agreements with the U.S. Department of Transportation.

The City of Santa Rosa will post this policy statement on its website and disseminate this policy statement to the City Council and throughout the City organization and to members of DBE and non-DBE business communities that perform or are interested in performing work on FTA-assisted contracts.



Maraskeshia Smith, City Manager



Date

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The below sections of the City of Santa Rosa's Disadvantaged Business Enterprise (DBE) program specifically reference sections within the U.S. Department of Transportation, 49 CFR Part 26.

A. General Requirements

1. Objectives (Section 26.1)

The objectives are found in the policy statement on the first page of this program.

2. Applicability (Section 26.3)

The City of Santa Rosa is the recipient of federal transit funds authorized by Titles I, III, V and VI of ISTEA, Public Law 102-240 or by Federal transit laws in Title 49, U.S. Code, or Titles I, III, and V of the TEA-21, Public Law 105-178. Titles I, III, and V of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Public Law 109-59, 119 Stat. 1144; Divisions A and B of the Moving Ahead for Progress in the 21st Century Act (MAP-21), 0Public Law 112-141, 126 Stat. 405; Titles I, II, III, and VI of the Fixing America's Surface Transportation Act (FAST Act) Public Law 114-94; and Divisions A and C of the Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act (IIJA) (Pub. L. 117-58), Public Law 117-58. Titles I, III, V and VI of ISTEA, Pub. L. 102-240 or by Federal transit laws in Title 49, U.S. Code, or Titles I, II, and V of TEA-21, Pub. L. 105-178.

The DBE Program delineated in this document applies only to contracts assisted with funding from the Federal Transit Administration (FTA) of the U.S. Department of Transportation. The City of Santa Rosa maintains a separate and distinct DBE Program—also consistent with 49 CFR Part 26—for contracts assisted by funding from the Federal Highway Administration (FHWA) of the U.S. Department of Transportation.

3. Definitions (Section 26.5)

The City of Santa Rosa will adopt the definitions contained in Section 26.5 for this program.

4. Non-discrimination Requirements (Section 26.7)

The City of Santa Rosa 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, the City of Santa Rosa 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.

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5. Record Keeping Requirements (Section 26.11)

- i. Reporting to DOT: The Transportation & Public Works Department, Transit Division will continue to provide data about this DBE program to the FTA as directed and submit a report on DBE participation to FTA containing all the information described in the Uniform Report to this part, at the intervals required, and in the format acceptable to FTA, continue to provide data about your DBE program to the Department as directed.
- ii. Bidders list: The City of Santa Rosa, Transportation & Public Works Department, Transit Division along with assistance from the Finance Purchasing Division will obtain bidders list information as detailed in this section and enter it into a system designated by the FTA. The City will use the Bidders/Proposers Information Request Form (in Attachment 3) to collect this required information about all DBE and non-DBE contractors and subcontractors that bid or provide quotes on FTA-assisted contracts in helping the City set overall DBE goals.
 - a. The purpose of this requirement is to allow use of the bidders list approach to calculating overall goals to provide the FTA with data for evaluating the extent to which the objectives of § 26.1 are being achieved. The bidders list will include.
 1. The name,
 2. Address (including zip code), phone number, email
 3. Age of firm
 4. Description of the work performing
 5. NAICS code applicable to each scope of work the firm sought to perform in its bid,
 6. Firm annual gross receipts of firms.
 7. Race and gender information for the firm's majority owner.
 8. Firm status as a DBE or non-DBE.
- i. The City will collect this information by requiring that it be submitted with bids or initial responses to negotiated procurements. The City will enter this data in the FTA's designated system no later than **December 1** following the fiscal year in which the relevant contract was awarded.
- ii. In the case of a "design-build" contracting situation where subcontracts will be solicited throughout the contract period as defined in a DBE Performance Plan pursuant to § 26.53(e), the data must be entered no later than December 1 following the fiscal year in which the design-build contractor awards the relevant subcontract(s).
- ii. The City will maintain records documenting a firm's compliance with the requirements of this part. At a minimum, the City will keep a complete application package for each certified firm and all affidavits' Declarations of no-change, Eligibility, change notices, and on-site reviews, visit reports. These records must be retained in accordance with applicable record retention requirements for the recipient's financial assistance agreement. Other

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certification or compliance related records must be retained for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for the recipient's financial assistance agreement, whichever is longer.

6. Federal Financial Assistance Agreement (Section 26.13)

- i. **Recipients Assurance:** The City of Santa Rosa agrees to the following assurances, applicable to all DOT-assisted contracts and their administration. This language will appear in financial assistance agreements with any sub-recipients.

The City of Santa Rosa 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. The recipient shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The recipient's DBE Program, as required by 49 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 the City of Santa Rosa 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.).

- ii. **Contractors and subcontractors Assurance:** The City 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, which may include, but is not limited to: (1) Withholding monthly progress payments; (2) Assessing sanctions; (3) Liquidated damages; and/or (4) Disqualifying the contractor from future bidding as non-responsible, and/or 5) termination of the contract in whole or in part.

B. ADMINISTRATIVE REQUIREMENTS

1. DBE Program Updates (Section 26.21)

Since the City of Santa Rosa is a recipient of FTA planning, capital, and/or operating assistance and will award prime contracts (excluding transit vehicle purchases) with a cumulative total value that

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my exceeding \$670,000 in a federal fiscal year, the City will continue to carry out this program until all funds from DOT financial assistance have been expended. The City will provide to DOT updates representing significant changes in the program.

2. Policy Statement (Section 26.23)

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

3. DBE Liaison Officer (Section 26.25)

The City has designated the following individual as our DBE Liaison Officer:

City Purchasing Agent
City of Santa Rosa
635 1st Street, 2nd Floor
Santa Rosa, CA 95404
707-543-3706

- i. The DBE Liaison Officer and Deputy Director-Transit are responsible for implementing all aspects of the DBE program and ensuring that the City of Santa Rosa complies with all provisions of 49 CFR Part 26. The DBE Liaison Officer has direct, independent access to the City Manager concerning DBE program matters. An organization chart displaying the DBE Liaison Officer's position in the organization is found in Attachment 1 to this program.
- ii. The DBE Liaison Officer is responsible for developing, implementing and monitoring the DBE program, in coordination with the Deputy Director-Transit and other appropriate officials and staff. Staff available to the DBE Liaison Officer to assist in the administration of the program include the Deputy Director-Transit and Transit Planner. The duties and responsibilities of the DBE Liaison Officer, to be discharged with the assistance of the Deputy Director-Transit and Transit Planner, include the following:
 - a. Advise the City Manager/City Council on DBE matters and achievement.
 - b. Ensure that bid notices and requests for proposals are available to DBEs in a timely manner.
 - c. Provide DBEs with information and assistance related to bid documents, contract requirements, and bonding and insurance requirements.
 - d. Maintain bidders list.
 - e. Set triennial overall DBE goal.
 - f. Gather and report statistical data and other information as required by FTA.
 - g. Identify contracts and procurements so that DBE goals are included in solicitations.
 - h. Analyze the City of Santa Rosa's progress toward attainment and identifies ways to improve progress.

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- i. Review FTA-assisted third-party contracts and purchase orders for compliance with this program.
- j. Provide outreach to DBEs and community organizations to advise them of contracting opportunities.
- k. Participate in pre-bid meetings.

4. DBE Financial Institutions (Section 26.27)

It is the policy of the City of Santa Rosa 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 contract to make use of these institutions.

The City has made the following efforts to identify and use such institutions and relies on the Federal Reserve Board website at www.federalreserve.gov/releases/mob/ to identify minority-owned banks. Each quarter the Federal Reserve works with the Federal Deposit Insurance Corporation (FDIC) and the Office of Comptroller of the Currency (OCC) to populate and verify current data on minority depository institutions (MDIs). The latest list of MDIs, as well as historical data, can be viewed at the FDIC website. The City reviewed the Federal Minority Depository Institutions List Second Quarter 2024 MDI list (accessed on the Federal Reserve website at: <https://www.fdic.gov/regulations/resources/minority/mdi.html>). See list as Attachment 5 which identifies only those minority-owned depository institutions in the nine (9) Bay area counties as listed on Second Quarter 2024 MDI list.

Prompt Payment Mechanisms (Section 26.29)

The City of Santa Rosa will include prompt payment and retainage provisions (Attachment 2, REQUIRED CONTRACT PROVISIONS) in each DOT-assisted prime contracts. These provisions will typically be found in the Federal Clauses and supported by the City provided DBE Forms (Attachment 3) and Required Contract Provisions (Attachment 2) for Prime Bidders. Prompt payment provisions are further governed by Section 7108.5 of the California Business and Professions Code and Section 10262 of the California Public Contract Code.

The City will proactively monitoring and provide oversight of a prime contractor's compliance with subcontractor prompt payment and return of retainage requirements. Penalties for failure to comply are detailed in Attachment 2. Your program may also provide that any delay or postponement of payment among the parties may take place only for good cause, with your prior written approval.

5. Directory (Section 26.31)

The DBE Database is a directory that identifies firms that have been certified as DBEs by the California Unified Certification Program. The DBE Database is jointly maintained and updated

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by the CUCP certifying member agencies in coordination with Caltrans. The DBE Database is available at Caltrans' website at, <https://californiaucp.dbesystem.com>, and is made available to contractors and to the public. The City will use the DBE Database as a primary resource in developing overall goals and conducting outreach and other activities to promote DBE participation in DOT contracts. The directory can be queried or downloaded, and lists the firm's name, physical location and types of work utilizing the North American Industry Classification System (NAICS) codes for which the firm is certified as a DBE.

6. Overconcentration (Section 26.33)

The City of Santa Rosa has not identified that overconcentration exists in the types of work that DBEs perform.

7. Business Development Programs (Section 26.35)

The City of Santa Rosa has not established a business development program.

8. Monitoring and Enforcement Mechanisms (Section 26.37)

The City of Santa Rosa will use the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

- i. The City 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.
 - a. The City will consider similar action under our own legal authorities based on monitoring and enforcement mechanisms, including responsibility determinations in future contracts. Attachment 2 lists the regulation, provisions, and contract remedies available to the City in the events of non-compliance with the DBE regulation by a participant in our procurement activities.
- ii. The City will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs (primes and subcontractors) at contract award is actually performed by the DBEs according to the requirements of 26.55, including written verification that the City has reviewed the contracting records and monitored the work site to ensure DBEs are performing the work consistent with the DBE's function within the contract. This will be accomplished by review of contractor billing, inspection of construction sites, and for professional services agreements, review of copies of documents or other work products scoped for completion by DBEs.
- iii. The City will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made

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available for inspection upon request by any authorized representative of the City of Santa Rosa or DOT. This reporting requirement also extends to any certified DBE subcontractor.

- iv. The City will perform interim 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.
- v. The City will keep a running tally of actual payments to DBE firms for work awarded/commitment to DOT-assisted prime contract to determine; a) whether the City's current implementation of contract goals is projected to be sufficient to meet the City annual goal. This mechanism will inform the City's contract goal-setting decisions to implement goals on contracts to be advertised according to your established contract goal-setting process. B) Additionally, the tally will compare payments made to each DBE relative to the overall project to determine if the prime is on track to meet its DBE commitment for the project or whether a projected shortfall is likely to exist, which would require the prime contractor to remedy the matter (at least through good faith efforts)

9. Fostering Small Business Participation (Section 26.39)

The City of Santa Rosa will take positive action to facilitate competition by small business concerns (including DBEs) through race-neutral methods, taking all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors. The City of Santa Rosa will implement the following steps to foster small business participation:

- i. Provide contracts that small businesses can perform: Based on an evaluation of upcoming contracting opportunities, the City of Santa Rosa will take steps to ensure that a reasonable number of prime contracts are of a size that small businesses, including DBEs, can reasonably perform. To implement this strategy, the City of Santa Rosa will take the following steps:
 - a. When identifying FTA-assisted prime contracts the City of Santa Rosa expects to release in the coming fiscal year, an evaluation of the ability of small businesses to perform the anticipated prime contracts will be made. The City will identify SBE firms in the Department of General Services (DGS) database (<https://caleprocure.ca.gov/pages/PublicSearch/supplier-search.aspx>) for information on small business firms that may be availability to complete the expected work.
- ii. Based on this analysis, the DBE Liaison Officer and Deputy Director-Transit will determine whether a reasonable number of anticipated prime contracts are of a size that small businesses can reasonably perform. Because the City of Santa Rosa's FTA-assisted contracting activity varies widely from year to year no set thresholds for determining what constitutes as "reasonable number" are proposed at this time.

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- iii. If the DBE Liaison Officer and Deputy Director-Transit determine that there will not be a reasonable number of prime contracts of a size that small businesses can reasonably perform, they will identify and evaluate opportunities to promote small business participation in anticipated contracts through unbundling of contract requirements.
- iv. Efforts to enhance small business participation will be conducted through outreach and business development programs.
 - a. The outcome of this evaluation, including any resulting measures that are to be implemented to ensure a reasonable number of contracts are of a size that small businesses can reasonably perform (such as unbundling of contract requirements), will be documented.
- v. Track small business participation in contracting: Bidders on FTA-assisted contracts will be required to identify participation by DBE and non-DBE small businesses (as defined by SBA size standards). Information on small business participation in FTA-assisted contracting will be tracked by the City of Santa Rosa (using the Disadvantaged/Small Business Enterprise Forms).

C. Goals, Good Faith Efforts, and Counting

1. Set-asides or Quotas (Section 26.43)

The City of Santa Rosa does not use quotas in any way in the administration of this DBE program.

2. Overall Goals (Section 26.45)

- i. A description of the methodology to calculate the overall goal and the goal calculations can be found in the City's DBE Goal FY 2023-2025 (Attachment 4).
- ii. The DBE goal is updated every three years. In accordance with Section 26.45(f) the City of Santa Rosa will submit its overall goal to DOT by August 1 of the year in which an updated overall goal is due, in accordance with the update schedule determined by the Federal Transit Administration. Before establishing the overall goal, the City of Santa Rosa will consult with appropriate constituent groups representing minority, women, and general contractors' groups, community organizations, and other officials or organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the City of Santa Rosa's efforts to establish a level playing field for the participation of DBEs.
- iii. Following this consultation, a notice will be published on the City of Santa Rosa website of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the City of Santa Rosa Transit Division offices for 30 days following the date of the notice, and informing the public that the City of Santa Rosa and DOT will accept comments on the goals for a minimum of 30 days from the date of the notice. The notice and program documents will be posted on the Santa

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Rosa CityBus website. The City may, if advised through consultations publish in key newspapers, minority-focused media, and trade publications (e.g., the *Santa Rosa Press Democrat*, *La Voz*, and *Passenger Transport*). Normally, the City will issue this notice by June 1 of the year in which a new DBE goal is being formulated. The notice must include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed.

- iv. Our overall goal submission to FTA will include a summary of information and comments received during this public participation process and our responses.
- v. The Transit Division will begin using our new overall goal on October 1 of each year in which in the DBE goal is updated, unless otherwise instructed from FTA. If a goal is established on a project basis, the City will begin using our goal by the time of the first solicitation for a FTA-assisted contract for the project.

3. Failing to Meet Overall Goal (Section 26.47)

- i. If the awards and commitments shown on the Uniform Report of DBE Awards or Commitments and Payments at the end of any fiscal year are less than the overall goal applicable to that fiscal year, the City of Santa Rosa will;
 - a. Analyze in detail the reasons for the difference between the overall goal and the awards and commitments in that fiscal year (conduct shortfall analysis), and
 - b. Establish specific steps and milestones to correct the problems identified in the shortfall analysis to enable the City to fully meet its goal for the new fiscal year.
 - 1. The Transit Division will retain documentation of the shortfall analysis and corrective actions in our records for three years and make it available to FTA upon request. To ensure the City is implementing its DBE Program in good faith, specific steps and milestones to correct the problems identified and to meet overall goals for future fiscal years will identify in the Shortfall analysis and corrective actions established.

4. Transit Vehicle Manufacturer Goals (Section 26.49)

The City of Santa Rosa will require each transit vehicle manufacturer (TVM), 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 this section.

Alternatively, the City of Santa Rosa may (when no TVMs are available to manufacture the vehicle), with FTA approval, establish project-specific goals for DBE participation in the procurement of transit from specialized manufacturers when a TVM cannot be identified.

The City of Santa Rosa when purchasing FTA-assisted transit vehicle will report/send Transit Vehicle Manufacturer purchase information to FTA within 30 days of making an award, pursuant to 49 CFR §26.49(a)(4).

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5. Breakout of Estimated Race-Neutral & Race-Conscious Participation (Section 26.51 (a-c))

This section of the program will be updated when the goal calculation is updated. See the Attached DBE Goal FY 2023- FY2025 section titled Use of Race-Neutral Methods and DBE Contract Goals

6. Contract Goals (Section 26.51 (d-g))

The City will meet the maximum feasible portion of our overall race-neutral goal thru facilitating race-neutral DBE participation on contracts. 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 specified contract goal.

The City of Santa Rosa will use contract goals to meet any portion of the overall goal the City of Santa Rosa does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of the overall goal that is not projected to be met through the use of race-neutral means.

The Transit Division will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. The Transit Division needs not establish a contract goal on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work.)

The City Transit Division contract goals are a percentage of the federal share of a DOT-assisted contract.

7. Good Faith Efforts Procedures (Section 26.53)

- i. Demonstration of good faith efforts. The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by **meeting the contract goal or documenting good faith efforts**.
 - a. Examples of good faith efforts are found in *Appendix A to Part 26*.
 - b. The Deputy Director-Transit is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive.
- ii. Information to be submitted. The City of Santa Rosa treats bidder/offerors' with DBE requirements as a matter of responsiveness.
 - a. Each solicitation using FTA funds, both non-construction and construction contracts will require the bidders/offerors to submit a **Bidders/Proposers Information Request Form** and **Letter of Intent to Perform as a Subcontractor** for all subcontractors (forms

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- in Attachment 3) at the time of bid (as a matter of responsiveness) or no later than 5 days after bid opening (as a matter of responsibility).
- b. Written and signed confirmation from the DBE/SBE subcontractor, in the form of the **Letter of Intent to Perform as a Subcontractor** is required and is used to demonstrate participating in the contract as provided in the prime contractor commitment. Each DBE listed to perform the work as a regular dealer or distributor must confirm its participation in accordance with the Counting DBE Participation (Section 26.55) and
 - c. If the contract goal is not met, evidence of good faith efforts, in a manner consistent with *Appendix A to Part 26*.
 - 1. When a contractor selects a non-DBE subcontractor over a DBE subcontractor, copies of the quotes from each DBE and non-DBE subcontractor must be submitted. Provided that, in a negotiated procurement, such as a procurement for professional services, the bidder/offeror may make a contractually binding commitment to meet the goal at the time of bid submission or the presentation of initial proposals but provide the information of this section b.1-7 before the final selection for the contract is made by the recipient. This paragraph does not apply to a design-build procurement, which must follow the provisions in section 6.c.
 - 2. The City will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before we commit to the performance of the contract by the bidder/offeror.
 - a. For each DBE listed as a regular dealer or distributor the City will make a preliminary counting determination to assess its eligibility for 60 or 40 percent credit, respectively, of the cost of materials and supplies based on its demonstrated capacity and intent to perform as a regular dealer or distributor, as defined in § 26.55(e)(2)(iv)(A), (B), and (C) and (e)(3) under the contract at issue. The City's preliminary determination shall be made based on the DBE's written responses to relevant questions and its affirmation that its subsequent performance of a commercially useful function will be consistent with the preliminary counting of such participation. Where the DBE supplier does not affirm that its participation will meet the specific requirements of either a regular dealer or distributor, the City will make appropriate adjustments in counting such participation toward the bidder's good faith efforts to meet the contract goal. The bidder is responsible for verifying that the information provided by the DBE supplier is consistent with the counting of such participation toward the contract goal.
 - 3. Administrative reconsideration can be made within 15 days of being informed by the City of Santa Rosa that the bidder/offeror is not responsive because it has not documented sufficient good faith efforts. Bidder/offerors should make this request in writing to the following reconsideration official:

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- a. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.
 - b. As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so.
 - c. The bidder/offeror will have the opportunity to meet in person with our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do.
 - d. The City will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so.
 - e. The bidder/offeror may appeal this decision to the Santa Rosa City Council, per City Code Chapter 1-20, "Appeals Before City Council." The result of the reconsideration process is not administratively appealable to the Department of Transportation.
- iii. In a contracting situation, where the City solicits proposals to design and build a project with minimal-project details at time of letting, the City may set a DBE goal that proposers must meet by submitting a DBE Open-Ended DBE Performance Plan (OEPP) with the proposal. The OEPP replaces the requirement to provide the information required in section 6.b. To be considered responsive, the OEPP must include a commitment to meet the goal and provide details of the types of subcontracting work or services (with projected dollar amount) that the proposer will solicit DBEs to perform. The OEPP must include an estimated time frame in which actual DBE subcontracts would be executed. Once the design-build contract is awarded, the recipient must provide ongoing monitoring and oversight to evaluate whether the design-builder is using good faith efforts to comply with the OEPP and schedule. The recipient and the design-builder may agree to make written revisions of the OEPP throughout the life of the project, e.g., replacing the type of work items the design-builder will solicit DBEs to perform and/or adjusting the proposed schedule, as long as the design-builder continues to use good faith efforts to meet the goal.
- iv. **Termination of DBE firms by prime contractors.**

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- a. The City of Santa Rosa will require prime contractors to receive written approval from the City of Santa Rosa prior to terminating participation of a DBE subcontractor. A termination includes any reduction or underrun in work listed for a DBE not caused by a material change to the prime contract by the recipient. This requirement applies to instances that include, but are not limited to, instances in which a prime contractor seeks to perform work originally designated for a DBE subcontractor with its own forces or those of an affiliate, a non-DBE firm, or another DBE firm. Prime contractors may not terminate DBE subcontractors without good cause (i.e., DBE subcontractors participating in projects with DBE contract goals may not be terminated for convenience). Examples of “good cause” are provided in 49 CFR Part 26 (f)(3).
 - b. Before transmitting its request to terminate a DBE subcontractor or any portion of its work, the prime contractor must give notice in writing to the DBE subcontractor, with a copy to the City of Santa Rosa sent concurrently, of its intent to request to terminate, and the reason for the proposed request. The prime contractor must give the DBE five days to respond advising the City of Santa Rosa and the contractor of the reasons, if any, why it objects to the proposed termination of its subcontract or portion thereof and why the City of Santa Rosa should not approve the prime contractor's request. If required in a particular case as a matter of public necessity (e.g., safety), a response period shorter than five days is allowable.
 - c. In addition to post-award terminations, the provisions of this section apply to pre-award deletions or changes to DBEs or their listed work put forward by bidders/offerors in negotiated procurements.
- v. Good Faith Efforts when a DBE is replaced on a contract**
- a. The City of Santa Rosa will require a contractor to make good faith efforts to replace any portion of work committed to a DBE, including when work committed to a DBE is not countable or reduced due to overestimations made prior to award, that is terminated by the prime contractor or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. We will require the prime contractor to notify the DBE Liaison Officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.
 - b. In this situation, we will require the prime contractor to submit a request in writing to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.
 - c. If the contractor fails or refuses to comply in the time specified, our contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding.

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i. Counting DBE Participation (Section 26.55)

- a. Only the work actually performed by a DBE will be counted towards the DBE goal. Count the entire amount of that portion of a contract that is performed by the DBE's own forces. Work that a DBE subcontracts to a non-DBE firm does not count toward DBE goals.
- b. When a DBE performs as a participant in a joint venture, count a portion of the total dollar value of the contract equal to the distinct, clearly defined portion of the work of the contract that the DBE performs with its own forces toward DBE goals.
- c. Expenditures may only be counted if the DBE is performing a commercially useful function, when it is responsible for execution of the work of the contract and is carrying out its responsibilities by performing, managing, and supervising the work involved.
- d. DBE achievement will not be counted toward the goal until the DBE has been paid. The City will follow 49 C.F.R Part 26 section 26.87 and 26.88 regarding decertification and suspension of DBE certification in order to count that portion of a DBE's participation toward achieving the contract goal and the performance of the prime contractor.
- e. 49 C.F.R Part 26. Section 26.55.d-e details the factors used to determine DBE work to be counted toward the DBE contract goal for the following;
 1. trucking companies,
 2. materials and supplies depending on if there is a DBE manufacturer, DBE regular dealer (petroleum products, steel, concrete or concrete products, gravel, stone, or asphalt) or DBE distributor.

D. Certification Standards (Section 26.61-26.73)

The City of Santa Rosa will use the California Unified Certification Program (CUCP) and its directory of certified DBE contractors to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards per Subpart D of 49 CFR 26 and apply for certification through a CUCP certifying agency. The City of Santa Rosa is not a CUCP certifying agency.

For information about eligibility and the certification process, and to download application forms and view a list of CUCP certifying agencies, firms should visit <https://dot.ca.gov/programs/civil-rights>.

E. Certification Procedures (Section 26.81-26.73)

1. California Unified Certification Program (CUCP) (Section 26.81)

The City of Santa Rosa is a member of the California Unified Certification Program (CUCP). The CUCP provides "one stop shopping" certification services to small, minority and women-owned

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businesses seeking to participate in DOT DBE Program. A business certified as a DBE through the CUCP is automatically accepted as a DBE by all DOT recipients in California. The CUCP oversees the certification activities of certifying agencies and maintains a single statewide database of certified DBEs. Further information is available at <https://dot.ca.gov/programs/civil-rights>.

2. Procedures for Certification Decisions (Section 26.83)

The City of Santa Rosa relies upon the CUCP DBE certification process and procedures for all elements of the certification process, including processing of DBE certification applications, recertification, removal of a DBE’s eligibility and certification appeals.

For information about eligibility and the certification process, and to download application forms and view a list of CUCP certifying agencies, firms should visit <https://dot.ca.gov/programs/civil-rights>.

F. Compliance and Enforcement

1. Information, Confidentiality, Cooperation (Section 26.109)

The City will safeguard from disclosure to third party information that may reasonably be regarded as confidential business information, consistent with federal, state, and local law.

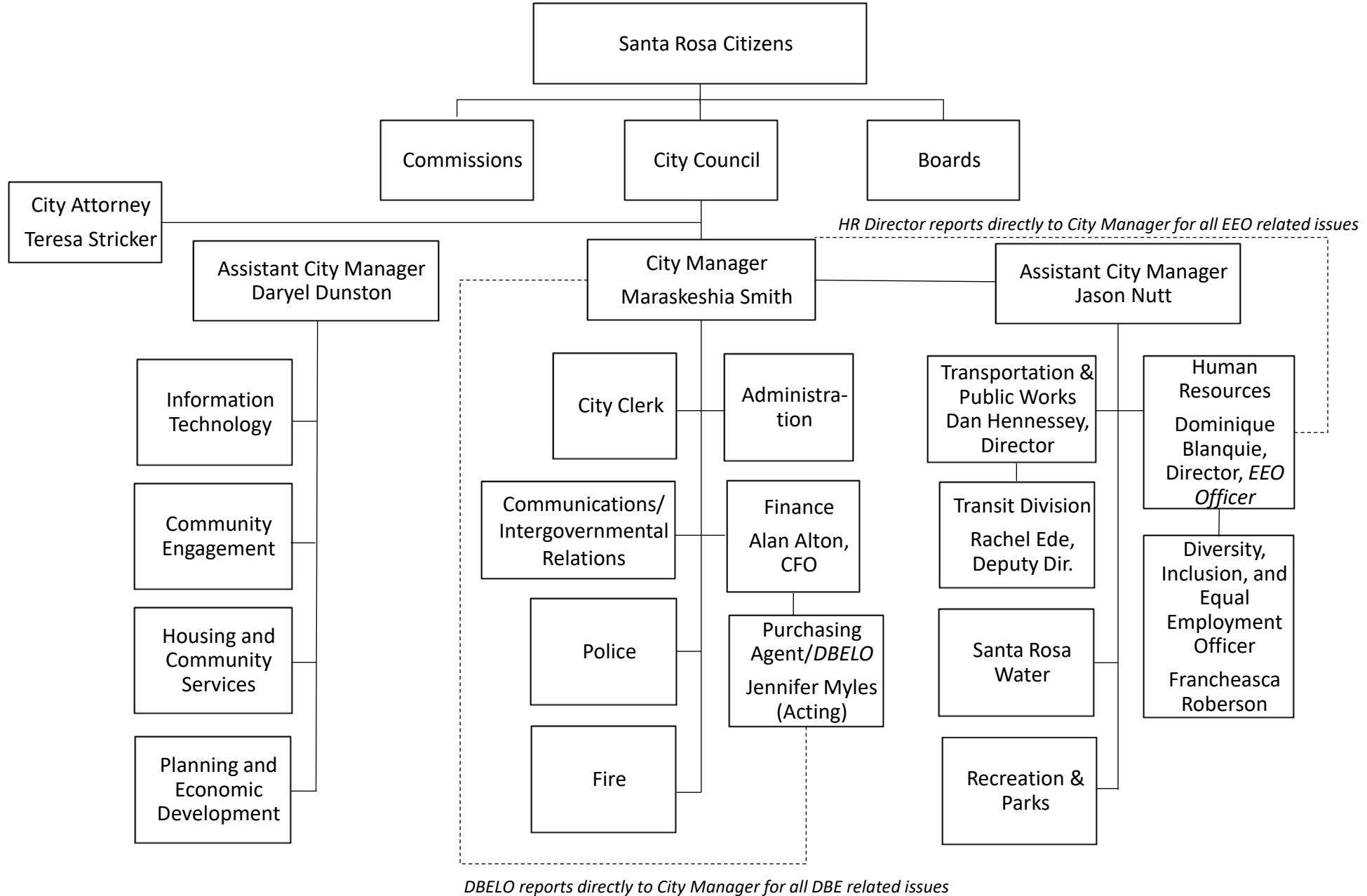
Notwithstanding any contrary provisions of state or local law, the City will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submitter.

The City will make available to the public any information concerning the DBE Program release of which is not prohibited by Federal law.

ATTACHMENTS

Attachment 1	Organizational Chart
Attachment 2	Required Contract Provisions - Monitoring & Enforcement Mechanisms
Attachment 3	Disadvantaged/Small Business Enterprise Forms
Attachment 4	DISADVANTAGED BUSINESS ENTERPRISE (DBE) GOAL FY 2023 - FY 2025
Attachment 5	DBE Financial Institutions in Bay Area

Attachment 1
City of Santa Rosa Organization Chart (January 2025)



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Attachment 2

REQUIRED CONTRACT PROVISIONS
Monitoring & Enforcement Mechanisms

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract thus the bidder/offeror shall meet the contract goal for DBE participation in the performance of this contract and/or show proof of good faith efforts. Award of this contract will be conditioned upon satisfying the requirements of this bid specification.

The City of Santa Rosa 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. Breach of contract action, pursuant to relevant state laws and codes.

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.

The DBELO (Disadvantage Business Enterprise Liaison Officer and DBE Program Administrators (Transit Division Deputy Director) shall have discretion to modify the provisions for particular contracts as needed, in consultation with the City Attorney.

1. The City's DBE Program policy statement. (Section 26.1, 26.23)

The City of Santa Rosa, a recipient of Federal financial assistance from the U.S. Department of Transportation (DOT), has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation, 49 CFR Part 26.

It is the policy of the City of Santa Rosa to ensure that DBEs as defined in part 26 have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT-assisted contracts;
2. To create a level playing field on which Disadvantaged and Small Business Enterprises can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;

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4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of Disadvantaged and Small Business Enterprises in DOT-assisted contracts;
6. To promote the use of DBEs in all types of federally - assisted contracts and procurement activities conducted by the City of Santa Rosa's Transit Division.
7. To assist the development of firms that can compete successfully in the market place outside the DBE Program.
8. To provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

The Purchasing Agent for the City of Santa Rosa has been delegated as the DBE Liaison Officer. The Purchasing Agent shares responsibility for implementing all aspects of the DBE program with the Deputy Director-Transit. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the City of Santa Rosa in its financial assistance agreements with the U.S. Department of Transportation.

1. DBE goal, Directory and Certification Standards (Section 26.1, 26.31, 26.37 26.53, 26.55, 26.61-26.73)
 - a. City of Santa Rosa Transit Division has a Disadvantaged Business Enterprise (DBE) race neutral goal of 6.45% for fiscal years 2023-2025. All prime contracts must complete required DBE forms to be considered responsive to this bid. The City of Santa Rosa encourages prime CONTRACTORS to assist us in meeting our goal by subcontracting with registered DBE firms as listed on the Caltrans list of certified DBE firms as found at <https://dot.ca.gov/programs/civil-rights/dbe> (DBE certification standards are also found here). Proposers can look up DBE firms by NAICS codes. Codes for services under this contract can include but are not limited to the following: (Provide Applicable NAICS list)
 - b. The bidder/offeror must demonstrate that it has either DBE participation in the contract and/or documenting good faith efforts by
 - i. The City of Santa Rosa treats bidder/offerors' compliance with DBE requirements as a matter of responsiveness. But the City does not rank bids based on amount of DBE participation.
 - ii. Each solicitation using FTA funds, both non-construction and construction contracts will require the bidders/offerors to submit a Bidders/Proposers Information Request Form and Letter of Intent to Perform as a Subcontractor that includes all subcontractors (forms in Attachment 3) at the time of bid (as a matter of responsiveness) or no later than 5 days after bid opening (as a matter of responsibility).
 - iii. Written and signed confirmation from the DBEs/SBEs subcontractor, in the form of the Letter of Intent to Perform as a Subcontractor is required and is used to

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- demonstrate participating in the contract as provided in the prime contractor commitment.
- iv. The City will ensure that all information is complete and accurate and adequately documents the bidder/offer's good faith efforts before we commit to the performance of the contract by the bidder/offeror.
 - v. Evidence of good faith efforts can be demonstrated in a manner consistent with Appendix A to Part 26 by;
 - 1. By showing that the bidders/offerors has taken all necessary and reasonable steps to achieve sufficient DBE participation
 - 2. By providing evidence of breaking out contract work items into economically feasible units to facilitate DBE participation, identifying DBE's that could perform as part of bid, early solicitation of DBE's participation, correspondence, follow-up and copies of quotes from DBE's.
 - 3. Lowest price alone is not a sufficient reason to reject DBE if price is reasonable
 - c. The contract includes this nondiscrimination assurance (26.13(b)) from the contractor (and each subcontract the prime contractor signs with a subcontractor).
 - i. 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, which may include, but is not limited to: (1) Withholding monthly progress payments; (2) Assessing sanctions; (3) Liquidated damages; and/or (4) Disqualifying the contractor from future bidding as non-responsible, and/or (5) termination of the contract in whole or in part.
 - d. DBE Financial Institutions (Section 26.27). Prime contractors are encouraged to use financial institutions owned and controlled by socially and economically disadvantaged individuals in the community.
 - i. The City of Santa Rosa encourages prime contractors to use minority-owned depository institutions in the nine (9) Bay area counties. Prime contracts can access a list of financial institutions owned and controlled by socially and economically disadvantaged individuals by going to the Federal Reserve Board website at www.federalreserve.gov/releases/mob/. Each quarter the minority depository institutions (MDIs) are verified. Prime contractors should access the list at <https://www.fdic.gov/regulations/resources/minority/mdi.html>.
 - e. Contract will ensure Monitoring and Enforcement Mechanisms (Section 26.37) and counting DBE Participation (Section 26.55)

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- i. The City will review the contracting records and monitored the work site to ensure DBEs are performing the work consistent with the DBE's function within the contract. This will be accomplished by review of contractor billing, inspection of construction sites, and for professional services agreements, review of copies of documents or other work products scoped for completion by DBEs. (26.37)
 - ii. The City will perform interim 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. (26.37)
 - iii. City of Santa Rosa will compare payments made to each DBE relative to the overall project to determine if the prime is on track to meet its DBE commitment for the project or whether a projected shortfall is likely to exist, which would require the prime contractor to remedy the matter, possibly through good faith efforts. Must complete reporting requirements, including a ensuring that DBE participation is credited only when payments are actually made to DBE firms and DBE firms are performing a commercially useful function.
 - f. The contractor must utilize the specific DBE subcontractor listed to perform the work as indicated in contract, unless the contractor obtains the City of Santa Rosa's written consent.
 - g. The City of Santa Rosa will require prime contractors to receive written approval from the City of Santa Rosa prior to terminating participation of a DBE subcontractor. Before transmitting its request to terminate and/or substitute a DBE subcontractor, the prime contractor must give notice in writing to the DBE subcontractor, with a copy to the City of Santa Rosa, of its intent to request to terminate and/or substitute, and the reason for the request. The prime contractor must give the DBE five days to respond to the prime contractor's notice and advise the City of Santa Rosa and the contractor of the reasons, if any, why it objects to the proposed termination of its subcontract and why the City of Santa Rosa should not approve the prime contractor's action. If required in a particular case as a matter of public necessity (e.g., safety), a response period shorter than five days is allowable. (26.53)
 - h. The City will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of the City of Santa Rosa or DOT. This reporting requirement also extends to any certified DBE subcontractor. (26.11)
2. A Prompt Payment clause And Mechanisms (Section 26.29)
- a. Prompt payment and return of retainage requirements apply to both DBE and non-DBE subcontractors at all tiers.

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- b. The prime contractor or subcontractor (i.e. construction contractors) are required to pay any subcontractor(s) not later than seven (7) days after receipt of each progress payment the City makes to the prime contractor, unless otherwise agreed to in writing.
- c. The prime professional is required to pay any subconsultant(s) not later than fifteen (15) days after receipt of each progress payment or final retention payment.
- d. The payment cannot be delayed because of disagreements on other contracts. Any delay or postponement of payment may take place only for good cause and with City's prior written approval.
- e. Any violation of the prompt payment provisions shall subject the violating Contractor to the penalties, sanctions and other remedies specified in Section 7108.5 of the California Business and Professions Code and Section 10262 of the California Public Contract Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies otherwise available to Contractor or subcontractor in the event of a dispute involving late payment, or nonpayment by Contractor, or deficient subcontractor's performance, or noncompliance by a subcontractor.
- f. Contractors shall include language in their subcontracts that stipulates Contractor, and subcontractors will use appropriate alternative dispute resolution mechanisms to resolve payment disputes.
- g. Contractor will not be reimbursed for work performed by subcontractors unless and until Contractor ensures that subcontractors are promptly paid for the work they have performed.
- h. In the event Contractor does not make progress payments or release retentions to the subcontractors in accordance with the time periods in this Section, Contractor will be subject to a charge of two percent (2%) per month on the untimely or improperly withheld payment as specified in Section 7108.5.
- i. The prime contractors are required to pay all retainage owed to construction subcontractors for satisfactory completion of accepted work within seven (7) days after the date the prime contractor receives a payment from the City. For consultant contracts, retainage must be paid not later than fifteen (15) days after receipt of final retention received after the subconsultant's work is satisfactorily completed.
 - i. The City based on U.S. DOT requires, will use one of the following methods to ensure prompt and full payment of any retainage kept by the prime contractor or subcontractor to a subcontractor, subject to state prompt payment requirements that do not conflict with federal regulations.
 - ii. Decline to hold retainage from prime contractors and prohibit prime contractors and subcontractors from holding retainage from subcontractors.
 - iii. Decline to hold retainage from prime contractors and include a contract clause obligating the prime contractor and subcontractors to make prompt and full payment of any retainage kept by the prime contractor or subcontractor to all subcontractors within the following timeframes:

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1. For construction subcontracts, retainage must be paid within seven (7) days of receipt unless otherwise agreed to in writing for construction work completed (Section 7108.5 of the CBPC and Section 10262 of the CPCC), and
 2. For consultant contracts, retainage must be paid not later than fifteen (15) days after receipt of final retention received after the subconsultant's work is satisfactorily completed (Section 3321 of the CCC).to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed.
- iv. Hold retainage from the prime contractor and provide for prompt and regular incremental acceptances of portions of the contract, pay retainage to prime contractors based on the acceptances and include a contract clause obligating the prime contractor and subcontractors to pay all retainage owed to all subcontractors within the following timeframes:
1. For construction subcontracts, retainage must be paid within seven (7) days of receipt unless otherwise agreed to in writing for construction work completed (Section 7108.5 of the CBPC and Section 10262 of the CPCC), and
 2. For consultant contracts, retainage must be paid not later than fifteen (15) days after receipt of final retention received after the subconsultant's work is satisfactorily completed (Section 3321 of the CCC).

Attachment 3

Disadvantaged/Small Business Enterprise Program and Forms

City of Santa Rosa Transit Division has a Disadvantaged Business Enterprise (DBE) race neutral goal of 6.45% for fiscal years 2023-2025. All prime contracts must complete required DBE forms **to be considered responsive to this bid**. The City of Santa Rosa encourages prime contractors to assist us in meeting our goal. DBE registered firms must be listed in the Caltrans list of certified DBE firms that can be found at http://www.dot.ca.gov/hq/bep/find_certified.htm. DBE firms can be looked up by NAICS codes.

Table of contents

1. How to complete DBE/SBE forms guidance
2. Bidders Information Request Form
(must be completed with bid)
3. Letter of Intent to Perform as Subcontractor
(must be completed with bid)
4. DBE-SBE-Progress Payment Report
(must be completed with invoice)
5. DBE-SBE-Sub Payment Declaration Form
(must be completed with invoice)
6. Final Expenditure Report

Disadvantaged/Small Business Enterprise Program Instructions and Forms for Prime Bidders

All Santa Rosa CityBus federally funded contracts include the requirement that the Contractor submit the following forms as part of our Disadvantaged Business Enterprise (DBE) and Small Business Enterprise (SBE) Programs:

Bidders/Proposers Information Request Form	To be submitted with a bid or proposal; (must also be re-submitted if the information has changed)
Progress Payment Report	To be submitted with every invoice or as agreed upon with City
Subcontractor Payment Declaration	To be submitted within five days of each Contractor payment to a subcontractor (and a Contractor is to pay all subcontractors within ten days of receiving payment)
Final Expenditure Report	To be submitted upon contract completion

These forms are necessary to monitor our federally-mandated DBE Program and SBE Program.

How to fill out the Bidders/Proposers Information Request Form

1. Name of Project/Proposal – insert name of the Santa Rosa CityBus Request for Proposals (RFP) or Invitation for Bids (IFB)
2. Project/Proposal Number – insert Santa Rosa CityBus-assigned number of the relevant RFP or IFB
3. Proposer Business Name and Address – insert company name and address of prime contractor. If proposal or bid is being made by a joint venture, contact Santa Rosa CityBus for an alternate form.
4. Name of Person Submitting Bid – insert contact name for the prime contractor
5. Signature of Proposer – signature of person listed in number 4
6. Date – date proposal or bid is being submitted
7. Note the requirements in small print – “IMPORTANT: 1) Identify all DBE and/or SBE firms being claimed for credit. 2) List names of all DBE and/or SBE subcontractors and their respective items of work. 3) Attach copy of the proof of DBE and/or SBE certification for each DBE and/or SBE subcontractor listed on this form. 4) Attach “Intent to Perform” letter signed by the subcontractor.”

Certification must be attached. Santa Rosa CityBus accepts DBE participation only from firms currently certified in the California Unified Certification Program (CUCP). For SBE participation, certifications are accepted from the CUCP and/or the State of California Department of General Services. If a proposal or bid includes subcontractors, a letter stating the subcontractor’s intent to perform work on the project must be attached.

8. Sections A and B must be completed, even if there is no DBE or SBE participation planned for the contract. The information in this section is required for Santa Rosa CityBus DBE/SBE Program monitoring purposes and for maintaining a federally-required bidders list. **Do not write “not applicable” or “n/a”.** If a proposal or bid is being submitted by one firm or individual, with no partners or subcontractors, then that firm or individual is the PRIME Contractor and must complete Section A. Even if the name, address and phone number are the same as provided above on the form, the remaining columns must be completed; do not write “same as above”. **All subcontractors, whether DBE and/or SBE or non-DBE/SBE, must be listed in Section B.** Use additional sheets if necessary. If there are no subcontractors proposed, Section B will remain blank.
 - Age of firm – how many years the firm has been in business
 - NAICS Code – North American Industry Classification System Code. Codes can be found at www.census.gov/naics.
 - Annual Gross Receipts of Firm – a range may be provided, e.g., less than \$500,000; \$500,000 - \$1,000,000; \$1,000,000 - \$5,000,000; \$5,000,000 - \$10,000,000; etc.
 - Race of firm's majority owner
 - Gender of firm's majority owner

- Certified DBE/SBE – mark yes or no in this column. If “yes”, list the type of certification: CUCP or DGS.
- DBE/SBE Certifying Agency – if you marked yes as a Certified DBE/SBE, note which agency your certification is from—Caltrans, BART, SFMTA, etc.
- Type of DBE and/or SBE – if you marked yes as a Certified DBE and/or SBE, put the number that corresponds to the type of DBE as follows:
 1. Black Americans
 2. Hispanic Americans
 3. Native Americans
 4. Asian-Pacific Americans
 5. Subcontinent Asian Americans
 6. Women
 7. Other
- Award Amount – leave this column blank, unless you are submitting an updated form after contract award
- Percentage of Contract Participation – if only one firm or individual is proposing or bidding, with no partners or subcontractors, this is 100% for the prime contractor. Fill in appropriate percentages for each firm if some of the work is being subcontracted. Note that the total at the bottom of the form must be 100% when all percentages are added.

How to fill out the Progress Payment Report

- Contract Award Date – insert date of contract award
- Santa Rosa CityBus Contract No. – this number should be listed on your contract or Notice to Proceed (NTP). If unsure, contact the Project Manager you are working with
- Contract Title – this should also be in the contract or your NTP. If unsure, contact the Project Manager you are working with
- Prime Contractor – self explanatory
- Contact Person – self explanatory
- Contact Phone No. – self explanatory
- Contact Email – self explanatory
- Prime Contractor Address – self explanatory
- Signature – self explanatory
- Invoice Date – self explanatory
- Invoice No. – self explanatory
- For the Period – invoice period
- 1. Award Amount of Prime Contract – insert the total dollar amount of the contract, which can be found in the Compensation clause of the contract. Please note that NTP's may be for less than the total amount of the contract; enter the total amount of the contract, not the total for any one NTP or task order
- 2. Amount of Change Orders, Amendments and Modifications to Date – enter the total amount of any contract change orders, amendments or modifications
- 3. Total Contract Amount to Date – add Lines 1 and 2
- 4. Total Amount for this Invoice – amount of the invoice this report is accompanying. If contract has retention provisions, subtract the retention amount for this invoice from this amount

5. Total Previously Invoiced Awaiting Payment – amount of any previously submitted invoices not yet paid (less retention if the contract has a retention provision)
6. Total Amount Paid to Date – total amount received; this does not include the invoices in Lines 4 or 5
7. Total Invoice Amount Requested to Date – add Lines 4, 5 and 6
8. Total Retention to Date (*for contracts with retention only*) – total amount retained to date. As retention is released, deduct the released amount from this total, and add to the Total Amount Paid to Date
- 8/9. Percent Complete – contract percentage completed; divide Line 7 by Line 3 (*Lines 7 + 8 divided by Line 3 for contracts with retention*)

Part 2: Consultant/Subconsultant Payment Detail Summary

This section is very similar to Part 1, above, but has lines for inputting the same information for each contract participant—prime and subs.

- A. Name of Firm – all firms working on the contract should have a row, even if they are not billing on this particular invoice
- B. DBE/SBE – mark DBE, SBE, or N. If a firm is both a DBE and a CA SBE, please mark as appropriate.
- C. Portion of Work – percentage of work that each firm is expected to perform on the contract. The sum of this column should be 100%
- D. Contract Amount – the dollar amount that each firm is expected to perform on the contract at the time of award. The sum of this column should equal the contract amount in Line 1 on page 1
- E. Amount of Change Orders to Date – the dollar amount of any change orders, modifications or amendments, broken down by contractor (prime and/or subs). The sum of this column should equal the amount in Line 2 on page 1
- F. Total Contract Amount + Change Orders – the total dollar amount that each firm is expected to perform on the contract. The sum of this column should equal the total contract amount in Line 3 on page 1
- G. Amount Invoiced This Period – the dollar amount invoiced by each contractor, prime and sub, for this invoice. If a particular firm did not bill on this invoice, put \$0.00. The sum of this column should equal the total invoice amount (Line 4 on page 1)
- H. Previously Invoiced Awaiting Payment – broken down by company. The sum of this column should equal Line 5 on page 1
- I. Amount Paid to Date – again, broken down by company. The sum of this column should equal Line 6 on page 1
- J. Total Retention to Date (*for contracts with retention only*) – total amount retained to date broken down by company. The sum of this column should equal Line 8 on page 1
- J/K. Percent Complete to Date – total amount billed divided by contract amount, broken down by company. The percentage total of this column should equal Line 8 (Line 9 for contracts with retention) on page 1

How to fill out the Subcontractor Payment Declaration

The items required on this form are self explanatory. Subconsultants must be paid within ten days of the prime contractor’s receipt of payment from Santa Rosa CityBus, and this form must be submitted within five days of payment to the subconsultant. Please contact your Project Manager with any questions.

How to fill out the Final Expenditure Report

This report is an update of your Bidders/Proposers Information Request Form, based on actual contract data. The information required on this form should be self explanatory. Please contact your Project Manager with any questions.

**SANTA ROSA CITYBUS
BIDDERS/PROPOSERS INFORMATION REQUEST FORM**

To be completed by Prime Contractor and submitted as part of bid/proposal.

NAME OF PROJECT/PROPOSAL										PROJECT/PROPOSAL NUMBER				
PROPOSER BUSINESS NAME AND ADDRESS														
NAME OF PERSON SUBMITTING BID					SIGNATURE OF PROPOSER							DATE		
CONTACT PERSON NAME					CONTACT PHONE NUMBER									
IMPORTANT: 1) Identify all subcontractors part of the project, including DBE and/or SBE firms being claimed for credit. 2) List names of all subcontractors including DBE and/or SBE subcontractors and their respective items of work. 3) Attach a copy of the proof of DBE and/or SBE certification for each DBE/SBE subcontractor listed on this form. 4) Attach "Intent to Perform" letter signed by the subcontractor.														
LIST BUSINESS FIRM(s) List Name, Address, and Contact Person (if not the same as above)	Phone Number	Email Address	Age of Firm	Item of Work, Service or Materials Supplied	NAICS Code (if known) *	Annual Gross Receipts of Firm (less than \$1 million, \$1-3 million, \$3-6 million, \$6-10 million, over \$10 million)	Race of firm's majority owner	Gender of firm's majority owner	Certified DBE (Y/N)	Certified SBE (Y/N)	Type of DBE**	Award Amount	Percentage of Contract Participation	
A. PRIME Contractor														
B. Subcontractor/Vendor/Joint Venture														
TOTAL											\$0	0.00%		

* NAICS Code: North American Industry Classification System Code. Codes can be found at <http://www.census.gov/naics>.
 ** Type of DBE: (1) Black Americans (2) Hispanic Americans (3) Native Americans (4) Asian-Pacific Americans (5) Subcontinent Asian Americans (6) Women (7) Other (designated by the Small Business Administration)
 - DBEs must be certified by Caltrans or an agency participating in the California Unified Certification Program. Visit the Caltrans website at <http://dot.ca.gov/hq/bep/ucp.htm> for a list of participating agencies.
 - SBEs must be certified by the California Department of General Services (<https://calprocure.ca.gov/pages/PublicSearch/supplier-search.aspx>)
 - Important: Attach the proof of certification for each DBE/SBE firm used toward meeting the DBE/SBE goal (i.e. screen shot, letter from certifying agency or at least DBE/SBE firm #)
 - This information will be used to create and maintain a federally-required Bidders List, regardless of DBE/SBE participation.
 - Use additional sheets as necessary.

LETTER OF INTENT TO PERFORM AS A SUBCONTRACTOR

CONTRACT:	NAME OF BIDDER:
------------------	------------------------

The undersigned intends to perform work in connection with the above contract upon execution of the bid and subsequent award of contract by the City of Santa Rosa Transit Division as:

Name DBE and/or SBE Subcontractor _____
 Address _____
 City _____ State _____ Zip _____

Please check all that apply:
 Disadvantaged Business Enterprise (DBE) _____
 Small Business Enterprise (SBE) _____

The DBE/SBE status of the above named subcontractor is certified by _____.
 The above named subcontractor is prepared to perform the described work listed on the Bidders/Proposers Information Request form, in connection with the above contract upon execution of the bid and subsequent award of contract. The above named subcontractor is prepared to perform the described work at the estimated Commitment Total for Subcontractor Price identified on the Bidders/Proposers Information Request form and amount indicated below.

Commitment Total based on estimated Unit Prices and Quantities on the “attached” Bidders/Proposers Information Request form:

Amount \$ _____

The above named bidder and subcontractor mutually accepts the Commitment Total estimated for the Unit Prices and Quantities. This commitment total is based on estimated quantities only and most likely will vary up or down as the project is completed. Final compensation will be based on actual quantities of work performed and accepted during the pursuance of work. The above listed amount represents the entire dollar amount quoted based on these estimated quantities. No conversations, verbal agreements, and/or other forms of non-written representations shall serve to add, delete, or modify the terms as stated.

This document shall not serve in any manner as an actual subcontract between the two parties. A separate subcontractor agreement will describe in detail the contractual obligations of the bidder and the DBE and/or SBE subcontractor.

Affirmation

The above named DBE and/or SBE subcontractor affirms that it will perform the portion(s) of the contract for the estimated dollar value as stated above.

Name of DBE/SBE Subcontractor	Name of Bidder
Signature / Title	Signature / Title
Date	Date

**SANTA ROSA CITYBUS
PROGRESS PAYMENT REPORT**

To be completed by Prime Contractor and submitted with every monthly invoice.

PART 1: PROJECT SUMMARY

Contract Award Date:	Santa Rosa Contract No.:	Contract Title:		
Prime Contractor:	Contact Person:	Contact Phone No.:	Contact Email:	
Prime Contractor Address:		Signature:		
Invoice Date:	Invoice No.:	For the Period:		

1. Award amount of Prime Contract	\$ -
2. Amount of Change Orders, Amendments and Modifications to Date	\$ -
3. Total Contract Amount to Date including Change Orders, Amendments and Modifications (Line 1 + Line 2)	\$ -
4. Total Amount for this Invoice	\$ -
5. Total Previously Invoiced Awaiting Payment	\$ -
6. Total Amount Paid to Date (not including Lines 4 and 5)	\$ -
7. Total Invoice Amount Requested to Date (Line 4 + Line 5 + Line 6)	\$ -
8. Percent Complete (Line 7/Line 3)	0%

PART 2: CONSULTANT/SUBCONSULTANT PAYMENT DETAIL SUMMARY

A	B-1	B-2	C	D	E	F	G	H	I	J
Name of Firm (Including Prime, Subs, Vendors, and Joint Ventures)	DBE (Y/N)	SBE (Y/N)	Portion of Work (%)	Contract Amount (\$)	Amount of Change Orders to Date (\$)	Total = Contract Amount + Change Orders (D+E) (\$)	Amount Invoiced This Period (\$)	Previously Invoiced Awaiting Payment (\$)	Amount Paid to Date (\$)	Percent Complete to Date ((G+H+I) / F) (%)
TOTAL			0	0	0	0	0	0	0	0

**SANTA ROSA CITYBUS
SUBCONTRACTOR PAYMENT DECLARATION**

This form must be completed and submitted by the Prime Contractor for all subcontractors, vendors, and joint venture partners for every invoice submitted to Santa Rosa CityBus within five (5) working days following actual payment to subconsultant. Payments to subconsultant shall be made no later than ten (10) working days following receipt of progress payment from Santa Rosa CityBus. Use additional sheets if necessary. Failure to submit all required information may lead to partial withholding of progress payment.

Date: _____ Contract No.: _____

Contract Title: _____

Prime Contractor: _____

Invoice Date: _____ Invoice No.: _____

For the Period: _____

Total Amount of Invoice: _____ Santa Rosa Check #: _____

Subcontractor/ Vendor/JV	DBE (Y/N)	SBE (Y/N)	Business Address Payment Sent To	Amount Paid	Payment Date	Check Number

Total Amount Paid to Subconsultants (this Pay Period) \$0.00

I/We declare under penalty of perjury under the laws of the State of California that the above information is complete, and that the tabulated amounts paid to date are accurate and correct.

Signature of Contact Person

Date

Print Name

Phone

**SANTA ROSA CITYBUS
FINAL EXPENDITURE REPORT**

To be completed by Prime Contractor at the end of the contract.

CONTRACT TITLE/NO.	TOTAL CONTRACT AWARD AMOUNT	DATE OF AWARD
PRIME CONTRACTOR/CONSULTANT NAME AND ADDRESS	TOTAL EXPENDITURES AT END OF CONTRACT	DATE OF CONTRACT COMPLETION
PROJECT MANAGER NAME	PROJECT MANAGER SIGNATURE	DATE
CONTACT PERSON NAME RE: FINAL EXP. REPORT	CONTACT PHONE NUMBER	CONTACT EMAIL

IMPORTANT: 1) Identify all subcontractors, including DBE and/or SBE firms being claimed for credit. 2) List names of all subcontractors including DBE and/or SBE subcontractors and their respective items of work.

LIST BUSINESS FIRM(s) List Name, Address, and Contact Person (if not the same as above)	Phone Number	Email Address	Item of Work, Service or Materials Supplied	NAICS Code (if known) *	Annual Gross Receipts of Firm (less than \$1 million, \$1-3	Race of firm's majority owner	Gender of firm's majority owner	Certified DBE (Y/N)	Certified SBE (Y/N)	Type of DBE**	Date of Work Completed	Date of Final Payment	Total Amount Paid	% of Total Expenditures
A. PRIME Contractor														
B. Subcontractor/Vendor/Joint Venture														
TOTAL													\$ -	0.00%

Comments/Notes: (Explain cost overruns or discrepancies; DBE firm substitutions, etc...)

* NAICS Code: North American Industry Classification System Code. Codes can be found at <http://www.census.gov/naics>.
 ** Type of DBE: (1) Black Americans (2) Hispanic Americans (3) Native Americans (4) Asian-Pacific Americans (5) Subcontinent Asian Americans (6) Women (7) Other (designated by the Small Business Administration)
 - DBEs must be certified by Caltrans or an agency participating in the California Unified Certification Program. Visit the Caltrans website at <http://dot.ca.gov/hq/bep/ucp.htm> for a list of participating agencies.
 - SBEs must be certified by the California Department of General Services (<https://caleprocure.ca.gov/pages/PublicSearch/supplier-search.aspx>)
 - Important: Attach the proof of certification for each DBE/SBE firm used toward meeting the DBE/SBE goal.
 - This information will be used to create and maintain a federally-required Bidders List, regardless of DBE/SBE participation.
 - Use additional sheets as necessary.



DISADVANTAGED BUSINESS ENTERPRISE (DBE) GOAL FY 2023 - FY 2025

Version 2022.08.03

Summary

In keeping with the requirements of 49 C.F.R. Part 26 (Participation by Disadvantaged Business Enterprises in U.S. Department of Transportation (DOT) Programs), an overall Disadvantaged Business Enterprise (DBE) goal has been developed for DBE participation in DOT-assisted contracting by the City of Santa Rosa Transit Division (Santa Rosa CityBus) during Fiscal Year 2023 through Fiscal Year 2025 (FY23-25). Santa Rosa CityBus receives funding from the Federal Transit Administration (FTA) of the DOT.

Santa Rosa CityBus' overall DBE goal for FY23-25 is 6.45% of the federal financial assistance we anticipate we will expend in FTA-assisted contracts, exclusive of FTA funds to be used for the purchase of transit vehicles.

This goal identifies the relative availability of DBE's based on evidence of ready, willing, and able DBEs in relationship to all comparable businesses which are known to be available to compete in Santa Rosa CityBus FTA-assisted contracts. The overall DBE goal reflects staff's determination of the level of DBE participation which would be expected absent the effects of discrimination. The methodology for developing the goal is in the next section.

Overall DBE Goal Submission

FTA-assisted contracting is expected to consist of some capital projects, paratransit operations contracts and purchase of transit vehicles, which are not subject to this goal-setting process¹. Additional projects may be undertaken if additional revenue becomes available; the overall DBE goal will be adjusted if necessary. The local market area for Santa Rosa and the area used (when identifying "all firms" and "DBE firms") for all the projects was all nine (9) counties (Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma) within Caltrans Region 4. The anticipated contracts are listed below in the Goal Setting Methodology under Figure 2, column "projects".

¹ DBE goals for Transit Vehicle Manufacturers (TVMs) are established through a separate FTA process.
<https://www.transit.dot.gov/TVM>

Public Participation in Setting Overall DBE Goal

Santa Rosa CityBus participated as a member agency in public meetings that were launched by the Business Outreach Committee (BOC) which is a consortium of Bay Area transportation agencies (held on 4/11/22 and 4/26/22). These meetings included an overview of the DBE Program, the goal setting process, and a comment period for input on the proposed DBE goals of the participating members (including Santa Rosa CityBus).

Santa Rosa CityBus reached out to our region’s transit agencies (Sonoma County Transit and Petaluma Transit), performed internet searches, utilized past mailings, and included any contacts made through past public meetings to generate a listing of minority, women’s, general professional, trade, and other organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses (Figure 1).

These organizations were sent an initial email on 4/8/22 and a follow-up email on 4/20/22 (Exhibit A) to ensure that they were made aware of the public meeting opportunities listed above to provide comments on our proposed DBE goal.

Organization	Website
Chamber of Commerce - Petaluma	http://www.petalumachamber.com/
Chamber of Commerce - Santa Rosa	http://www.santarosachamber.com/
Hispanic Chamber of Commerce of Marin	http://hccmarin.com/
Hispanic Chamber of Commerce of Sonoma County	https://sonomahispanicchamber.org/
Latinos in Transit	https://www.latinosintransit.org/
National Association of Women Business Owners - SF Bay Area	https://www.nawbo.org/san-francisco-bay-area
NorCal Procurement Technical Assistance Center	https://www.norcalptac.org/
North Bay Black Chamber of Commerce	https://www.nbbcc.org/
North Coast Builders Exchange	http://www.ncbeonline.com/
Northbay Leadership Council	https://northbayleadership.org/
Small Business Development Center - Marin	http://marinsbdc.org/
Small Business Development Center - Solano/Napa	https://www.solanonapasbdc.org/
Small Business Development Center - Sonoma	https://www.sonomasbdc.org/

Figure 1

On the meeting of 4/11/22, no comment was received regarding Santa Rosa CityBus’ goal. There was primarily a discussion about the difficulties DBE’s face in establishing themselves as a viable business, and what sort of training opportunities might be available to assist them in this endeavor. A weblink was provided (<https://forms.office.com/r/J0F1P303KB>) at this meeting to allow another option to let the public inspect and/or provide comments on our goal setting based on our methodology draft.

On the meeting of 4/26/22, no comment was received regarding Santa Rosa CityBus’ goal. There was discussion from the public that came up about the program process, such as what happens if an agency does not meet their annual goal, and what business development programs are available through the DBE program. A weblink that was provided at the previous meeting (<https://forms.office.com/r/J0F1P303KB>) was again provided at this meeting to allow another option to let the public inspect and/or provide comments on our goal setting based on our methodology draft.

Additionally, the DOT DBE Final Rule, which became effective November 3, 2014, requires that the grantee posts on its website, a notice announcing the proposed overall goal before submission to FTA. As shown in Exhibit B, the updated DBE Goal Methodology was published 4/21/22 on our website at: <https://srcity.org/1307/Disadvantaged-Business-Enterprise-DBE-Go> for the general public as well as the organizations listed above (Figure 1) to be able to review and comment on our goal.

Such notice must inform the public that the proposed DBE goal and its rationale are available for inspection during normal business hours. Santa Rosa CityBus will accept comments on the proposed goal.

Interested parties are encouraged to submit comments anytime to:

City of Santa Rosa
C/O: Brandalyn Tramel, DBE Liaison Officer
City of Santa Rosa
635 1st St., 2nd Floor
Santa Rosa, CA 95404

To improve Santa Rosa CityBus' future outreach with organizations that could comment on our DBE goal, we will continue to attend meetings of the BOC that are seeking to level the playing field for DBEs and be available for other public meetings to encourage public participation.

Data Consulted for Available Evidence

Santa Rosa CityBus used all available sources including the following to assist in considering our DBE goal setting methodology in Step One and Step Two:

- The [U.S. Census Bureau's PUB Public Sector Annual Survey website](#) to identify available firms (DBEs and non-DBEs) for the process in Step One
- California Department of Transportation's (Caltrans) [Unified Certification Program DBE directory](#) for those DBEs able to bid for the process in Step One
- Past actual DBE participation was used to adjust the figure in Step Two

Goal Setting Methodology

Santa Rosa CityBus has defined FTA-assisted contracting opportunities that were considered in preparing its Overall Annual DBE Goal Setting Analysis. The projects (Figure 2) have been awarded, are anticipated to be awarded, and/or expended within the next three Federal fiscal years.

Project Summary Using Federal Funding Over Next 3 Years		
Projects	Estimated Project Costs	Max Allowable Federal Dollar Share
Capital Projects		
Transit Hub/Stop Amenities	\$202,080	\$178,901
Fare Collection - Acquisition (Clipper Machine)	\$135,548	\$120,001
Roadbed Rehabilitation	\$990,000	\$876,447
Bus Charging Infrastructure	\$50,000	\$40,000
Sub-Total Capital expenditures	\$1,377,628	\$1,215,349
Operational Projects		
Paratransit Eligibility	\$100,000	\$50,000
Paratransit Service	\$1,875,000	\$937,500
Sub-Total Operation Expenditures	\$1,975,000	\$987,500
Total expenditures	\$3,352,628	\$2,202,849
Estimate Max Allowable Annual Federal Funds		\$734,283

Figure 2

A two-step process was used to establish the overall DBE goal, as described below.

Step 1: Compute Base Figure

Per 49 CFR 26.45(c), a base figure was developed to determine the relative availability of DBEs to perform work on the anticipated contracts. The project work was used to identify the North American Industry Classification System (NAICS) code associated with this work description. The number of firms available were identified by using these NAICS codes.

The formula for calculating the “Base Figure” of relative availability of DBEs is noted in Figure 3.

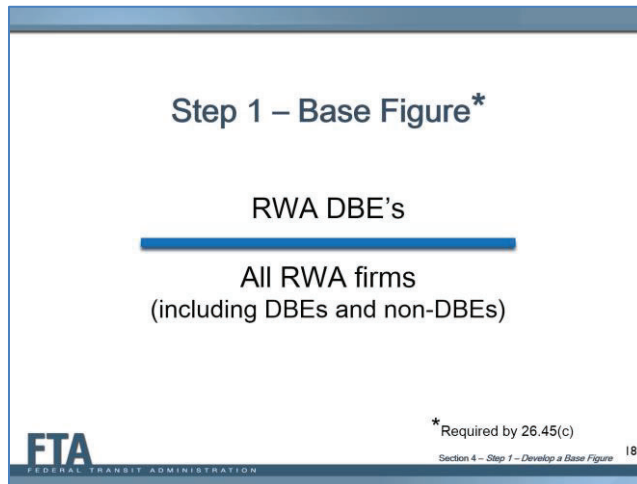


Figure 3

Step 1b: Compute a Weighted Base Figure

Based on guidance from FTA and the U.S. DOT Office of Small and Disadvantaged Business Utilization, a weighted base figure was computed that considers the relative size of the anticipated contracts. The formula for the “Weighted Base Figure” is in Figure 4.

Step 1 - Weighted Base Figure *

$$\begin{array}{c}
 \text{Project's Percentage of Total Budget} \\
 \times (\text{RWA DBEs} / \text{All RWA Firms}) \\
 = \\
 \text{Weighted Base Figure}
 \end{array}$$

Repeat and sum equation as needed

* Highly recommended but not required by regulation

FTA
FEDERAL TRANSIT ADMINISTRATION

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Figure 4

The weighted base figure was developed by:

- 1) Using the California Unified Certification Program Directory (<https://californiaucp.dbesystem.com/>) to identify the number of registered DBEs willing to perform work in the Santa Rosa CityBus' market area² for each of the anticipated contracts, based on the NAICS code most relevant to each contract based on data collected during the goal setting.
- 2) Using County Business Patterns (CBP) data from the U.S. Census Bureau (<https://data.census.gov/cedsci/table>) to identify the total number of businesses available in Santa Rosa CityBus' market area for work on each contract, based on the same NAICS codes.
- 3) Dividing the number of DBEs by the number of all businesses to determine the relative availability of DBEs in the market area, for each contract, noted as "Relative Availability" in Figure 5.

² The nine counties of the Bay Area: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma.

	NAICS Code	Project	Number of DBEs available to perform this work	Number of all firms available (including DBEs) within the 9 counties									Number of all firms available (including DBEs)	Relative Availability	
				Alameda	Contra Costa	Marin	Napa	San Francisco	San Mateo	Santa Clara	Solano	Sonoma			
1)	541330	Transit Hub/Stop Amenities - Design	67	515	349	84	31	388	151	731	50	142	2508	0.02671	
2)	237310	Transit Hub/Stop Amenities - Install	29	34	29	5	7	15	11	24	10	25	189	0.15344	
3)	334514	Fare Collection Acquisition (Clipper Machine)	0	0	0	0	0	0	0	0	0	0	0		
4)	237310	Roadbed Reconditioning - Construction	29	34	34	34	34	34	34	34	34	34	335	0.08657	
5)	541330	Bus Charging Infrastructure - Design	67	515	60	5	0	0	0	0	0	0	647	0.10355	
6)	541612	Paratransit Eligibility	12	60	47	29	0	82	31	79	5	11	356	0.03371	
7)	485113	Paratransit Service	0	5	0	0	0	0	3	0	0	0	8	0.00000	
Combined Totals			204										4043	5.05%	Overall availability of DBEs

Figure 5

- 4) Computing a weighted base figure using the percent of the total FTA dollars for each anticipated contract as has been done in Figure 6.

	NAICS Code	Project	Amount of DOT funds on project:	% of total DOT funds (weight)
1)	541330	Transit Hub/Stop Amenities - Design	\$125,783.42	0.05710
2)	237310	Transit Hub/Stop Amenities - Install	\$53,118.00	0.02411
3)	334514	Fare Collection - Acquisition (Clipper Machine)	\$120,000.64	0.05448
4)	237310	Roadbed Reconditioning - Construction	\$876,447.00	0.39787
5)	541330	Bus Charging Infrastructure - Design	\$40,000.00	0.01816
6)	541612	Paratransit Eligibility	\$50,000.00	0.02270
7)	485113	Paratransit Service	\$937,500.00	0.42559
Total FTA-Assisted Contract Funds			\$2,202,849.07	1

Figure 6

- 5) Finally, the figure for relative availability of DBEs and percent of the total FTA dollars for each anticipated contract provides the weighted base figure as found in Figure 7.

	NAICS Code	Project	Weight	x	Availability	Weighted Base Figure
1)	541330	Transit Hub/Stop Amenities - Design	0.05710	x	0.02671	0.0015
2)	237310	Transit Hub/Stop Amenities - Install	0.02411	x	0.15344	0.0037
3)	334514	Fare Collection - Acquisition (Clipper Machine)	0.05448	x	0.00000	0.0000
4)	237310	Roadbed Reconditioning - Construction	0.39787	x	0.08657	0.0344
5)	541330	Bus Charging Infrastructure - Design	0.01816	x	0.10355	0.0019
6)	541612	Paratransit Eligibility	0.02270	x	0.03371	0.0008
7)	485113	Paratransit Service	0.42559	x	0.00000	0.0000
Total						0.0423
Expressed as a % (*100)						4.23%

Figure 7

Step 2: Adjust Base Figure

Per 49 CFR 26.45(d), following calculation of a base figure, all available evidence must be examined to determine what adjustment, if any, is needed to the base figure to arrive at the overall DBE goal. The primary form of evidence available is the past participation of DBEs in Santa Rosa CityBus contracting.

Though there are less operational contracting opportunities identified in this triennial goal cycle than there have been in past goal setting due to focusing the use of DOT funding on internal operational costs, adjusting the base figure based on past participation is still a valid benchmark for future participation, as past projects in the capital side are very similar to the expected future projects.

- a. **Determining the Median Past Participation.** The first step in adjusting our Step One Base Figure for past participation is to determine the "median" past participation percentages as shown in Figure 8.

Year	Overall DBE achieved
2018	5.94%
2019	10.71%
2020	6.65%
2021	15.48%
Median (2018 - 2021)	8.68%

Figure 8

- b. **Adjusting the Step One Base Figure with the Median Past Participation.** With these principles in mind, we took:

(Base Figure 4.23%) + (Historical Median 8.68%) = 12.91% ÷ 2 = 6.45% as shown in Figure 9.

Weighted Base Figure:	4.23%
Historical Median:	8.68%
Sum	12.91%
DBE Goal Race Neutral	6.45%

Figure 9

Based on this analysis, Santa Rosa CityBus proposes an overall DBE goal of 6.45% using FTA funds that will be expended in FTA-assisted contracts in FY23-25, exclusive of funds to be used for the purchase of transit vehicles.

Use of Race-Neutral Methods and DBE Contract Goals

The U.S. DOT regulations require that race-neutral methods be used to the maximum extent feasible to achieve the DBE overall goal.

In the past few fiscal years, Santa Rosa CityBus has worked to meet our DBE participation goal on FTA assisted contracts using race-neutral methods as seen in Figure 10.

Fiscal Year	Overall Goal	Overall DBE Achievement
2016	7.40%	7.40%
2017	7.40%	7.05%
2018	7.40%	5.94%
2019	9.97%	10.71%
2020	9.97%	6.65%
2021	9.97%	15.48%

Figure 10

Race-neutral methods include making efforts to assure that bidding and contract requirements facilitate participation by DBEs and other small businesses; unbundling large contracts to make them more accessible to small businesses; encouraging prime contractors to subcontract portions of the work that they might otherwise perform themselves; and providing technical assistance, communications programs, and other support services to facilitate consideration of DBEs and other small businesses.

As a grantee in [FTA Region 9](#) (Arizona, California, Hawaii, Nevada, American Samoa, Commonwealth of the Northern Mariana Islands, and Guam) Santa Rosa CityBus would need to utilize a disparity study or similar analysis before using race-conscious goals. Caltrans conducts

a routine disparity study³ which finds evidence of barriers for DBE qualified minorities and women owned businesses, with a focus on “study industries” including “construction” and “engineering-related services”.

If Santa Rosa CityBus puts out a bid for a project over the next three years within the “construction” or “engineering-related services” arena, we will consider setting a contract goal based on these disparity studies. Additionally, if there are other relevant disparity studies that we are not aware of at this time, Santa Rosa CityBus may adjust our goal if these disparity studies are applicable to our projects.

Of note, many of the capital projects have the potential for construction work, but some may be performed “in-house” and completed by City of Santa Rosa Public Works staff engineers and field teams. Most of our projects will not exceed the threshold for establishing a project goal (above \$100,000) nor do they have subcontracting opportunities within them, except for; the Roadbed Rehabilitation, and Transit Hub/Stop Amenities projects.

With these considerations, it is anticipated that the DBE goal for FTA-assisted contracts will be achieved strictly through race-neutral methods, and Santa Rosa CityBus does not propose to use a race conscious goal to meet our overall DBE Goal as shown in Figure 11.

DBE Goal Race Neutral	6.45%
DBE Goal Race Conscious	0%

Figure 11

During this period, Santa Rosa CityBus will closely monitor our process of meeting our Goal race neutrally. If Santa Rosa CityBus is unable to show significant progress in meeting the goal race neutrally, a short fall analysis will be conducted, and race conscious goals will be further considered.

Santa Rosa CityBus will focus our efforts by:

- Developing race-neutral methods for facilitating DBE participation
- Utilizing the Caltrans UCP to identify and notify potential DBEs about all federal and non-federal funded contracting opportunities
- Advertising projects on Planet Bids (www.planetbids.com) to track our visibility to DBEs
- Ensure contracts are accessible to small businesses by making efforts to unbundle large contracts

³ Caltrans Disparity Studies for FTA Contracts Conducted by BBC Consulting
2016 Report dated 4/28/17: <https://dot.ca.gov/-/media/dot-media/programs/civil-rights/documents/2016-disparity-study-report-a11y.pdf>
2021 Report dated 8/6/21: <https://dot.ca.gov/-/media/dot-media/programs/civil-rights/documents/disparity-study/caltrans-disparity-study-2021-final-report.pdf>

- Notify prospective contractors of areas of possible subcontracting, and the availability of ready, willing, and able subcontractors, including DBE firms, to perform such work
- Outreach to DBEs and encourage them to sign up to receive notices of projects advertised on Planet Bids

To improve Santa Rosa CityBus' outreach with organizations that could comment on our DBE goal and connect with DBE certified firms, Santa Rosa CityBus continues to participate in meetings of the BOC <https://www.goldengate.org/district/doing-business/business-outreach-committee/> to maximize outreach efforts, including events for contractors and agencies to network and build relationships to promote DBE participation.

During this goal setting, the participating agencies include:

- Alameda-Contra Costa Transit District (AC Transit)
- Alameda County Transportation Commission (Alameda CTC)
- Bay Area Rapid Transit (BART)
- California Department of Transportation (Caltrans)
- California High Speed Rail Authority (HSR)
- Central Contra Costa Transit Authority (County Connection)
- City of Rio Vista (Delta Breeze)
- City of Santa Rosa (Santa Rosa CityBus)
- Golden Gate Bridge, Highway and Transportation District (GGBHTD)
- Livermore Amador Valley Transit Authority (LAVTA)
- Marin Transit
- Metropolitan Transportation Commission (MTC)
- Napa Valley Transportation Authority (NVTA)
- Peninsula Joint Powers Board (Caltrain)
- San Francisco Bay Ferry of the Water Emergency Transportation Authority (WETA)
- San Francisco County Transportation Authority (SFCTA)
- San Francisco Municipal Transportation Agency (SFMTA)
- San Mateo County Transit District (SamTrans)
- Santa Clara Valley Transportation Authority (VTA)
- Santa Cruz Metropolitan Transit District (Santa Cruz Metro)
- Solano County Transit (SolTrans)
- Sonoma County Transit (SCT)
- Sonoma-Marin Area Rail Transit (SMART)
- Transbay Joint Powers Authority (TJPA)
- Tri Delta Transit (ECCTA)
- Western Contra Costa Transit Authority (WestCAT)

**City of Santa Rosa Transportation and Public Works Department/Transit Division
DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM
FOR FTA-ASSISTED CONTRACTS**

*(Established September 1999; Revised January 2000; Updated February 2012; Updated July 2019;
Updated May 2022; Updated 2024/2025)*

Attachment 5- DBE Financial Institutions in Bay Area

MINORITY DEPOSITORY INSTITUTIONS (MDIs)

September 30, 2024

NAME	CITY	STATE	EST. DATE	CERT	CLASS	REGULATOR	MINORITY STATUS Alpha	MINORITY STATUS BY OWNERSHIP TYPE Numeric	FDIC REGION	TOTAL ASSETS (\$000)
GATEWAY BANK FSB	OAKLAND	CA	6/8/1990	33103	SB	OCC	A	3	SAN FRANCISCO	\$ 249,593
METROPOLITAN BANK	OAKLAND	CA	9/1/1983	25869	NM	FDIC	A	3	SAN FRANCISCO	\$ 239,436
BANK OF THE ORIENT	SAN FRANCISCO	CA	3/17/1971	20387	SM	FED	A	3	SAN FRANCISCO	\$ 972,892
CALIFORNIA PACIFIC BANK	SAN FRANCISCO	CA	10/16/1980	23242	NM	FDIC	A	3	SAN FRANCISCO	\$ 85,120
MISSION NATIONAL BANK	SAN FRANCISCO	CA	2/16/1982	23749	N	OCC	A	3	SAN FRANCISCO	\$ 215,180

TOTAL COUNT 5

TOTAL COMBINED ASSETS \$ 1,762,221

Count	Minority Status
0	B - Black or African American
0	H - Hispanic American
5	A - Asian or Pacific Islander American
0	N - Native American or Alaskan Native American
0	M - Multi-racial American
5	
Class	Definitions of Class Types
2	NM - State bank, not a member of the Federal Reserve
1	SM - State bank, member of the Federal Reserve
1	N - National bank
1	SB - State or Federal savings bank
0	SI - Savings Institution
1	SL - State or Federal savings and loan association
6	
Regulator	Definitions by Primary Federal Supervisory Agency
2	FDIC - Federal Deposit Insurance Corporation
2	OCC - Office of the Comptroller of the Currency
1	FED - Federal Reserve
5	
Count	Minority Status by Ownership Type
0	1 - Black or African American owned
0	2 - Hispanic American owned
5	3 - Asian or Pacific Islander American owned
0	4 - Native American or Alaskan Native American owned
0	5 - Multi-racial American owned
0	6 - Majority of the Board African American, serving a minority community
0	7 - Majority of the Board Hispanic American, serving a minority community
0	8 - Majority of the Board Asian or Pacific Islander, serving a minority community
0	9 - Majority of the Board Native American or Alaskan Native American, serving a minority community
0	10 - Majority of the Board Multi-racial American, serving a minority community
5	