

## FORWARD PINELLAS

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310 Court Street

Clearwater, FL 33756



August 18, 2016

Ms. Doretha Foster  
Federal Transit Administration  
Region IV Civil Rights Officer  
230 Peachtree Street, NW, Suite 800  
Atlanta, GA 30303

Subject: Forward Pinellas 2017-2019 Disadvantaged Business Enterprise (DBE) goal, ID: 1038

Dear Ms. Foster:

Attached is the Forward Pinellas, in its role as the Pinellas County Metropolitan Planning Organization, Fiscal Years 2017-2019 DBE goal reporting requirement. As requested, enclosed are the following:

1. A signed Policy Statement;
2. The Step 1 and Step 2 formula demonstrating how our goal was obtained;
3. A copy of the public notice, which was advertised on the Forward Pinellas website, [forwardpinellas.org](http://forwardpinellas.org).

The mailing address for goal acceptance is shown below:

Attn: Alicia Parinello  
Forward Pinellas  
310 Court Street, 2<sup>nd</sup> Floor  
Clearwater, FL 33756

The Forward Pinellas DBE goal for FYs 2017-2019 is 3.9%; Race Conscious 2.5%, Race Neutral 1.4%. The four digit recipient ID number is 1038.

Please contact Alicia Parinello with any questions or comments. Her phone number is 727.464.8250 and e-mail: [aparinello@forwardpinellas.org](mailto:aparinello@forwardpinellas.org). Forward Pinellas appreciates your continued support and assistance concerning our DBE program.

Sincerely,

Whit Blanton, FAICP  
Executive Director

cc: Mr. Brian Beaty, Florida Department of Transportation, District 7

**FORWARD PINELLAS, IN ITS ROLE AS THE PINELLAS COUNTY  
METROPOLITAN PLANNING ORGANIZATION, DISADVANTAGED  
BUSINESS ENTERPRISE PROGRAM**

**Definitions of Terms**

The terms used in this program have the meanings defined in 49 CFR 26.5.

**Objectives/Policy Statement (26.1, 26.3)**

The Forward Pinellas FTA recipient ID number 1038 has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the US Department of Transportation (DOT), 49 CFR Part 26. Forward Pinellas anticipates that it will receive Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, Forward Pinellas has signed an assurance that it will comply with 49 CFR Part 26.

The policy of Forward Pinellas regarding DBEs, as defined in Part 26, includes the following:

1. To ensure equal opportunity to receive and participate in DOT-assisted contracts.
2. To ensure nondiscrimination in the award and administration of DOT assisted contracts;
3. To create a level playing field on which DBEs can compete fairly for DOT assisted contracts;
4. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
5. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
6. To help remove barriers to the participation of DBEs in DOT assisted contracts; and
7. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

Once the policy statement is signed, Forward Pinellas will disseminate this policy statement to its Board and staff members within the organization, individuals on the mailing list and it will be placed on the Forward Pinellas website. Forward Pinellas will also distribute this statement to all DBE and non-DBE businesses that perform work for DOT-assisted contracts, and to all DBE and non-DBE firms via advertisement and mailings to designated organizations.



Whit Blanton, Executive Director

8/19/16  
Date

## Overall Goal Calculation

**Amount of Goal:** Forward Pinellas, in its role as the Pinellas County Metropolitan Planning Organization (MPO), has an overall goal for fiscal years 2017-2019 of 3.9% of Federal Transit Administration (FTA)-funded contracting opportunities.

The process generally used by Forward Pinellas to establish its overall Disadvantaged Business Enterprise (DBE) Program goal is described below.

**Methodology used to calculate overall goal:** Forward Pinellas has a strong commitment to minority inclusion in all contracts. However, it is difficult to use standard formulas to arrive at a basis for Forward Pinellas' DBEs for the reasons cited below.

1. Past experience on FTA grant awards has not provided adequate historical precedence for calculations.
2. Metropolitan planning organizations in the Tampa Bay area do not have FTA DBE Programs and therefore cannot provide a historical basis for calculations.
3. Forward Pinellas' own needs are for transportation and land use planning consultants only. Unlike transit organizations, Forward Pinellas does not build or purchase, lease or maintain equipment, terminals or garages. In addition, Forward Pinellas does not directly contract for staff to perform operations/ maintenance.
4. Forward Pinellas uses only a small number of planning consulting firms each year for all contracts, including non-FTA assisted contracts.
5. Forward Pinellas' consulting needs are highly specialized. As a result, the pool of qualified consulting firms is limited. The transportation and land use planning consulting firms that indicated they would conduct business in Pinellas County are not registered with the Florida Department of Transportation (FDOT) to conduct "major" (those over \$250,000) types of consultant work.
6. With the inclusion of the FTA grant projects, Forward Pinellas found that since the non-profit and local governmental subgrantees are not DBEs, it is difficult to include their operational and administrative expenditures toward Forward Pinellas' overall goal.

In light of the above considerations, Forward Pinellas applies the assumptions listed below in defining the criteria for its DBEs.

- Forward Pinellas defines the term "Local Market Area" to include DBEs registered with the State of Florida that are located and able to conduct business in Pinellas, Hillsborough, or Pasco Counties.
- Forward Pinellas defines appropriate specialties to include the North American Industry Classification System Codes (NAICS) described in Section 26.31 Directory, DBE Program.

The two steps described in the following sections explain how Forward Pinellas developed the DBE goal of 3.9%.

### **Step 1: Establish Base Figure**

Forward Pinellas has determined its non-adjusted base figure to be approximately 3.9% (62/1,584) as shown in the calculation below.

$$\frac{62 \text{ ready, willing and able DBE firms}}{1,584 \text{ all firms (DBE and non-DBE)}} = 3.9 \%$$

Forward Pinellas found 1,584 firms (DBE and non-DBE) located within the Local Market Area for the specialties listed below (U.S. Census Database, 2014), and found 62 DBE firms located in and able to conduct business within the Local Market Area (Florida Unified Certification Program DBE Directory). The totals consist of the following specialties:

- 37 (DBE) & 658 (all firms) - Engineering Services (NAICS 541330);
- 4 (DBE) & 45 (all firms) – Landscape Architectural Services (541320);
- 19 (DBE) & 237 (all firms) - All Other Professional, Scientific, and Technical Services (NAICS 541990);
- 2 (DBE) & 556 (all firms) - Marketing Consulting Services (NAICS 541613);
- 0 (DBE) & 17 (all firms) – All Other Transit and Ground Passenger Transportation (NAICS 485999); and
- 0 (DBE) & 71 (all firms) - Cellular and Other Wireless Telecommunications (NAICS 517210).

Forward Pinellas does not find the weighting process to be necessary.

## **Step 2: Adjustment of Base Figure**

Forward Pinellas examined DBE activity over the fiscal years (FY) 2014-2016 and future contracting opportunities and determined that an adjustment to the base figure should not be made. The highest DBE participation level during the three fiscal years was in FY 2014 at 57%, and 9.5% was the average for the three years. However, the historical median was 0%. If an adjustment would be made, the resulting goal would be 2%, which is 3.9% (non-adjusted base figure) + 0% (historical median)/2.

Forward Pinellas examined future contracting opportunities. From 2014-2016, Forward Pinellas administered the following grant programs for subgrantees: Transit Capital Investment Program (Section 5309), Urbanized Area Formula Program (Section 5307), Public Transportation Innovation (Section 5312), Job Access Reverse Commute (JARC) (Section 5316) and New Freedom (Section 5317) programs. The DBE participation within these grant programs has been minimal to date. However, the JARC and New Freedom programs have been eliminated under Map 21 and remaining funds administered through Forward Pinellas have been expended by the subgrantees. As the amount of FTA funding being passed-through Forward Pinellas to subgrantees has decreased, the DBE participation as a percentage of the total FTA funding associated with Forward Pinellas' general planning consultants has increased. While the DBE participation within the FTA grant programs was minimal to date, five of the seven general planning consultants that Forward Pinellas will be utilizing from 2017-2019 with FTA funding have listed DBEs for potential use within their current contracts.

Based upon this examination of current and future contracting opportunities, Forward Pinellas believes that 3.9% goal is achievable. Thus, an adjustment to the base figure is not necessary.

## **Breakout of Estimated Race-Neutral and Race-Conscious Participation**

“Race neutral,” under the FTA consultant or professional program, is defined as not assigning race or gender-specific goals on individual projects, but rather considering the participation of all DBE subconsultants utilized by consultants on projects.

Examples of race-neutral means of facilitating DBE participation include the following:

- 1) Arranging solicitations, times for the presentation of bids, quantities, specifications and delivery schedules in ways that facilitate DBE and other small business participation;
- 2) Requiring consultants to subcontract portions of work that they might otherwise perform with their own staff or an outside consulting firm; and
- 3) Providing the name, phone number and email address for additional information concerning a contract.

“Race-conscious” measures, such as the use of individual contract goals, are those measures and programs that focus specifically on assisting DBEs only. During FY 2015, the overall goal was 4.4%, with 4.35% race conscious and .05% race neutral. However, DBE participation during FY 2015 was 0%, so in order to determine a race neutral/race conscious split, Forward Pinellas will utilize the FY 2014 figures. DBE participation during FY 2014 was 57%, and 65% of that percent was acquired through race-conscious means. Of the seven planning consultants for FY 16/17 and FY 17/18, five have partnered with DBE qualified subconsultants. Assuming this represents a reasonable expectation for the future, Forward Pinellas predicts that, of the 3.9% overall DBE goal for the 2017-2019 fiscal years, approximately 1.4% will be acquired from race-neutral participation and the remainder through race-conscious measures.

Forward Pinellas will adjust the estimated breakout of race-neutral and race-conscious participation reflected in any contract goals as needed to reflect actual DBE participation [see 26.51(f) Contract Goals, DBE Program] and to track and report race-neutral and race conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following:

- 1) DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures;
- 2) DBE participation through a subcontract on a prime contract that does not carry a DBE goal;
- 3) DBE participation on a prime contract exceeding a contract goal; and
- 4) DBE participation through a subcontract from a prime contractor that did not consider a firm’s DBE status in making the award.

Forward Pinellas will maintain data separately on DBE achievements in those contracts with and without contract goals, respectively.

## Consultation Process / Outreach Conducted

Before establishing the overall goal each year, Forward Pinellas, in its role as the Metropolitan Planning Organization (MPO), consults with minority, women's, and general consultant groups, as well as small business resource organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and Forward Pinellas's efforts to establish a level playing field for the participation of DBEs.

Forward Pinellas set up consultations with the following organizations on August 17, 2016 to obtain information and feedback:

- 1) Tampa Bay Builders Association, 2918 West Kennedy Boulevard, Tampa, FL 33609, Phone: 813-571-8222
- 2) Minority Enterprise Development Corporation, 702 N Franklin St., Tampa, FL 33602, Phone: 813-228-4623
- 3) Minority Business Enterprise, 601 E Kennedy Blvd #13, Tampa, FL 33602, Phone: 813-272-5615

Summary of Outcome: Information gathered from the consultations has been utilized by Forward Pinellas in order to better understand how to establish a level playing field and calculate a more accurate goal. Some of the challenges that were brought up by organizations included:

- Minority businesses not understanding the DBE process and benefits of getting registered as a DBE through the state;
- DBEs not knowing how and when to bid on particular projects;
- DBEs not being provided fair weighting in bidding process; and
- The length of time it takes to become registered as a DBE.

In addition, the organizations felt that our methodology behind developing a goal was fair and reasonable, but that the networking/education component can play a vital role in understanding challenges of reaching the goal.

Changes Needed: In speaking with the various organizations, Forward Pinellas staff learned that education is a key component of getting to the target we establish for our agency. Joining up with other organizations that perform outreach efforts, workshops and seminars (including the Minority Enterprise Development Conference held yearly) and continuing to meet with various organizations that work with disadvantaged businesses will allow us to better develop and meet our goal.

After assessing the information from our consultations, Forward Pinellas established the goal. The goal was advertised on the website, [forwardpinellas.org](http://forwardpinellas.org), and displayed in the Forward Pinellas office and committee meeting rooms.

**PUBLIC NOTICE CONCERNING  
FORWARD PINELLAS, IN ITS ROLE AS PINELLAS COUNTY  
METROPOLITAN PLANNING ORGANIZATION,  
DISADVANTAGED BUSINESS ENTERPRISE PROGRAM**

In accordance with requirements of the U.S. Department of Transportation as set forth in 49 C.F.R. Part 26, as amended, Forward Pinellas, in its role as the Pinellas County Metropolitan Planning Organization, hereby notifies the public that it is recommending a Disadvantaged Business Enterprise (DBE) goal, whereby 3.9% of all applicable professional services and procurement contracts during Fiscal Years 2017-2019, beginning October 1, 2017 and ending September 30, 2019 involve DBE firms. The DBE Program is a Federal Program designed for business owners deemed socially and economically disadvantaged. More information is also available on-line at [forwardpinellas.org](http://forwardpinellas.org).