

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

City of Corona Transit Service

Program Update: ~~May~~October 2023⁵



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City of Corona Transit Service

Background

The Code of Federal Regulations (CFR) Title 49, Part 26 sets forth the requirements for Participation by Disadvantaged Business Enterprises in Department of Transportation Programs. To ensure firms are not disadvantaged when competing for U.S. Department of Transportation (DOT) assisted contracts, the Disadvantaged Business Enterprise (DBE) Program was established under the authority of Title VI of the Civil Rights Act of 1964 and other nondiscrimination statutes that apply to DOT financial assistance programs.

The DBE program is intended to ensure a “level playing field,” foster equal opportunity in DOT-assisted contracts, improve the flexibility and efficiency of the DBE program, and reduce burdens on small businesses.

The Federal Transportation Administration (FTA) is one of the three DOT operating administrations with DBE program responsibilities and, as such, may provide additional guidance for program matters that are specific to their programs. The FTA requires that every recipient that has received Federal financial assistance from the Department of Transportation, and as a condition of receiving continued assistance, the recipient must sign an assurance that it will comply with 49 CFR Part 26.

In preparing the DBE Program, staff chose to very closely match a DBE sample program provided by the DOT. The General Counsel of the Department of Transportation reviewed the DOT sample program and approved it as consistent with the language and intent of 49 CFR Part 26, the DOT DBE rule. The sample DBE Program was obtained by downloading it along with the DBE regulations themselves, and other DOT guidance from DOT’s DBE website located at: [Sample Disadvantaged Business Enterprise Program | US Department of Transportation](#)

According to DOT and FTA requirements, CCTS has revised its DBE Program according to the DBE final rule (April 9, 2024, 89 FR 24898).

Disadvantaged Business Enterprise Objectives and Policy Statement

The City of Corona, City of Corona Transit Service (CCTS) has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 Code of Federal Regulation Part 26. ~~The City of Corona Transit Service~~CCTS ~~has~~will received Federal financial assistance from the ~~Department of Transportation~~DOT, and as a condition of receiving this assistance, the City of Corona ~~will sign~~has signed an assurance that it will comply with 49 CFR Part 26.

The City of Corona assures equal opportunity in the award and performance of any contract to all persons without regard to race, color, national origin, or sex. The intent of the DBE Program is to eliminate discriminatory practices, ensure discrimination is not occurring, increase participation of DBEs in all contracting activities to the maximum extent feasible, and meet the overall annual DBE participation goal, in compliance with 49 CFR Part 26. Adhering to this policy will ensure a level playing field and foster 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 DBEs 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 DBEs in DOT--assisted contracts;
- ~~6.~~ To promote the use of DBEs in all types of federally assisted contracts and procurement activities conducted by recipients;
- ~~6-7.~~ To assist the development of firms that can compete successfully in the market-place outside the DBE Program; and-
- ~~7-8.~~ To provide appropriate flexibility to Facilitate the implementation of the DBE Program using race-neutral measures to the maximum extent feasible recipients of federal financial assistance in establishing and providing opportunities for DBEs.

This policy applies to all City of Corona employees in administering 49 CFR Part 26, and to contractors, bidders/offerors and subcontractors. To ensure adherence to this policy, the responsibilities of the DBE Liaison Officer have been delegated to the Transit Program Manager, who is responsible for implementing all aspects of the DBE program.

Jacob Ellis, City Manager

Date

SUBPART A – GENERAL REQUIREMENTS

DBE Program Objectives/Policy Statement (§ 26.1, 26.23)

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

Applicability (§ 26.3)

The City of Corona, City of Corona Transit System (CCTS) is the recipient of Federal Transit Administration (FTA) funds authorized by Federal transit laws in Title 49, U.S. Code. Under Title 49 CFR Part 26 the City of Corona is required to establish a Disadvantaged Business Enterprise Program. This document sets forth the policies and procedures to be implemented by the City of Corona to ensure that DBEs have an equitable opportunity to participate in the City's U.S. DOT-assisted contracting opportunities

Definitions (§ 26.5)

The City of Corona will adopt the definitions contained in 49 CFR Section 26.5 for this program.

Non-discrimination Requirements (§ 26.7)

The City of Corona 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 Corona 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.

Record Keeping, Reporting and Bidder's List Requirements (§ 26.11 (b)(c))

Reporting § 26.11 (b)

The City of Corona will report DBE participation to DOT as follows:

Report DBE participation to the relevant operating administration at the Federal Transit Administration using the Uniform Report of DBE Awards or Commitments and Payments, found in the DBE regulation. The report will be submitted at the intervals required by and in the format acceptable to the concerned Operating Administration. The report will cover all information described in the Uniform Report.

Report data about its DBE program to the Department as directed by DOT Operating Administrations.

The report due June 1 will cover data from October 1 to March 31 and the report due December 1 will cover data from April 1 to September 30. All dollar amounts reported will reflect the federal share of such contracts. The report will separate the dollar amount awarded to certified DBEs through the use of race-conscious methods and race-neutral methods.

Bidder's List § 26.11 (c)

City of Corona will maintain information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts and enter it into a system designated by the Department. The bidders list will include the following information about all DBE and non-DBEs who bid as prime contractors and subcontractors on every federally-assisted contract:

- i. Firm name;
- ii. Firm address including ZIP code;
- iii. Firm's status as a DBE or non-DBE;
- iv. Race and gender information for the firm's majority owner;
- v. NAICS code applicable to each scope of work the firm sought to perform in its bid;
- vi. Age of firm; and
- vii. The annual gross receipts of the firm. The City may obtain this information by asking each firm to indicate into what gross receipts bracket they fit (e.g., less than \$ million; \$1-3 million; \$3-6 million; \$6-10 million; etc.) rather than requesting an exact figure from the firm.

City of Corona will collect this information from all bidders for all federally assisted contracts by requiring the information in this section to be submitted with the their bids or initial responses to negotiated procurements. See Attachment B – Bidders List Form. City of Corona will enter this data in the Department's designated system no later than December 1 following the fiscal year in which the relevant contract was awarded. In the case of a "design-build" contracting situation where subcontracts will be solicited throughout the contract period as defined in a DBE

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Performance Plan, 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).

~~City of Corona will create a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The purpose of this requirement is to allow use of the bidders list approach to calculating overall goals. The bidder list will include the name, address, DBE non-DBE status, age, and annual gross receipts of firms.~~

~~We will collect this information in the following ways:~~

- ~~• City of Corona Transit Service will require all bidders and proposers to identify their DBE status and identify all DBE subcontractors. See Attachment B—Bidders List Form.~~

Federal Financial Assistance Agreement and Contract Assurance (§ 26.13 (a)(b))

Federal Financial Assistance Agreement Assurance § 26.13 (a)

Each financial assistance agreement the City of Corona signs with a DOT operating administration (or a primary recipient), must include the following assurance statement verbatim:

~~City of Corona will provide the following assurances statement verbatim on each federal finance assistance agreement it obtains:~~

City of Corona 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 Corona 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.).

Contract Assurance § 26.13 (b)

Each contract that the City of Corona signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) will include the following assurance:

~~City of Corona will ensure that the following assurance clause is placed verbatim in every federally 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 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-responsive.

SUBPART B - ADMINISTRATIVE REQUIREMENTS

DBE Program Updates (§ 26.21)

Since the City of Corona Transit Service is an FTA Tier I recipient expecting to receive a grant of \$670,000 or more in FTA planning capital and/or~~Since the City of Corona Transit Service expects to receive a grant of \$250,000 or more in FTA planning capital, and or~~ operating assistance in a federal fiscal year, City of Corona will carry out the program until all funds from DOT financial assistance have been expended. The City of Corona will provide updates to the DOT, ~~updates~~ representing significant changes in the program.

Policy Statement (§ 26.23)

The City of Corona will have a signed and dated policy statement that expresses our commitment to the DBE program, states its objectives, and outlines responsibilities for its implementation. The City will circulate the statement throughout the organization and the DBE and non-DBE business communities that perform work on DOT-assisted contracts.

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

DBE Liaison Officer (DBELO) (§ 26.25)

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

Sudesh Paul, Transit Program Manager

Sudesh.paul@coronaca.gov Phone: (951) 279-3763

In this capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that City of Corona Transit Service complies with all ~~provision-provisions~~ of 49 CFR Part 26. The DBELO reports to the Public Works Director concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment A to this program.

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The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. ~~The DBELO may assign other personnel who will be responsible for any portion of developing, implementing, and monitoring the DBE program in coordination with the DBELO. The DBELO has a staff of one (1) to assist in the administration of the program.~~ The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals attainment and identifies ways to improve progress.
6. Analyzes City of Corona Transit Service's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the CEO\governing body on DBE matters and achievement.
9. Participates with the legal counsel and project director to determine contractor compliance with good faith efforts.
10. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
11. Plans and participates in DBE training seminars.
12. Provides outreach to DBEs and community organizations to advise them of opportunities.
13. Maintains the City of Corona Transit Service's updated directory on certified DBEs.

DBE Financial Institutions (§ 26.27)

City of Corona will investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, ~~and to~~ make reasonable efforts to use these institutions. ~~The City will also, and to~~ encourage prime contractors ~~on DOT-assisted contract~~ to make use of these institutions. ~~We will make the following efforts to identify and use such institutions:~~

~~• The DBELO will periodically review the availability of such financial institutions from the US DOT, Office of Small and Disadvantaged Business Utilization website at:~~

~~<https://www.state.gov/s/dmr/sdbu/index.htm>~~

Prompt Payment Mechanisms (§ 26.29 (a)(b))

Prompt Payment §26.29(a)

~~The City of Corona has established as part of its DBE program, the following contract clause to require prime contractors to pay subcontractors for satisfactory performance of their contract no later than 30 days from receipt of each payment made to the prime contractor:~~

~~The City of Corona will include the following clauses in each DOT-assisted prime contract:~~

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 30 days from the receipt of each payment the prime contract receives from the City of Corona. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of City of Corona. This clause applies to both DBE and non-DBE subcontracts. For Public Works projects the payment shall occur no later than 7 days after payment to the prime contractor.

Retainage §26.29(b)

~~The City of Corona has established the following contract clause to ensure prompt and full payment of retainage from the prime contractor to the subcontractors within 30 days after the subcontractor's work is satisfactorily completed:~~

The prime contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of City of Corona. This clause applies to both DBE and non-DBE subcontracts.

The City will use one of the following methods to comply with this requirement:

- 1) The City may decline to hold retainage from prime contractors and prohibit prime contractors from holding retainage from subcontractors.
- 2) The City may decline to hold retainage from prime contractors and require a contract clause obligating prime contractors to make prompt and full payment of any retainage kept by prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed.
- 3) The City may hold retainage from prime contractors and provide for prompt and regular incremental acceptances of portions of the prime contract, pay retainage to prime contractors based on these acceptances, and require a contract clause obligating the prime contractor to pay all retainage owed to the subcontractor for satisfactory completion of the accepted work within 30 days after your payment to the prime contractor.

Monitoring and Enforcement §26.29(d)

City of Corona Transit Service may perform interim audits of contract payments to DBEs. The audit will review payments to DBEs to ensure that the actual amount paid to DBEs equals or exceeds the dollar amounts stated in the schedule of DBE participation.

Evidence of payment made to subcontractors must be provided to verify compliance. Credit toward overall or individual contract goals will only be given upon satisfactory evidence that payments were actually made to DBEs. Such evidence shall be provided by the prime contractor through the submission of a progress report on DBE utilization to the City of Corona Transit Service directed by the City of Corona Transit Service staff. The information collected includes:

1. Name of each DBE and Subcontractor.
2. Type of work assignment for each DBE or Subcontractor.
3. The dollars committed to each firm.
4. The dollars paid to each firm during the reporting period.
5. The dollars paid to the firm as a result of a change order or other cost modification.

6. Contractor signature under penalty of perjury that it has complied with all prompt payment requirements per State laws and 49 CFR 26.29.

If City of Corona determines that the prime contractor has failed to comply with the prompt payment provisions set forth, City of Corona may give written notice to the prime contractor and the prime contractor's surety that, if the default is not remedied within a specified period of time (at least 10 days), the contract may be terminated. The contract may be terminated for cause in accordance with the contract terms and conditions for failing to meet the prompt payment provisions.

Directory (§ 26.31)

City of Corona ~~is a non-certifying member of the California Unified Certification Program (CUCP)~~, ~~therefore,~~ will utilize the ~~California Unified Certification Program (CUCP)~~ DBE Directory to identify certified DBEs eligible to participate as DBEs on federal assisted projects. ~~City of Corona will make certain it identifies in the contract specification the availability of the CUCP DBE Directory for prime contractors to use in soliciting DBE subbids.~~ The CUCP DBE Directory can be found at [California Unified Certification Program \(dbesystem.com\)](https://dbesystem.com). The CUCP directory lists the firm's name, address, phone number, fax number, on-site visit date, North American Industry Classification System (NAICS) code, ethnicity and gender of ownership, and the type of work the firm has been certified to perform as a DBE under which the firm has been certified to perform as a DBE. A listing in the DBE directory does not in any way ~~guarantee a firm's capacity or ability to perform specific tasks or services, nor does a listing in the DBE directory~~ pre-qualify the identified DBE firms with respect to licensing, bonding ~~ability~~, competence, or financial responsibility. ~~Users of DBE directory information are advised to conduct their own due diligence when engaging DBE-listed entities.~~

Overconcentration (§ 26.33)

~~While the~~ City of Corona ~~has not identified that overconcentration exists in the types of work that DBE's perform, staff~~ will monitor and analyze the type of contracts/subcontracts awarded to DBE's to determine if there is an overconcentration in particular fields. If overconcentration is found to exist, ~~the~~ City of Corona will inform the ~~FTADOT operating administration~~. ~~The City will also take measures to encourage DBEs within the area of overconcentration to expand into other fields, and enhance its communication with its prime contractors and its outreach within the network of DBE vendors to address the overconcentration.~~

Business Development Programs (§ 26.35)

City of Corona has not established a business development program. However, if City of Corona identifies the need for such a program in the future, the rationale for adopting such a program and a comprehensive description of the program, will be submitted as a significant update to the DBE Program Plan.

Monitoring and Enforcement Mechanisms (§ 26.37)

City of Corona will implement appropriate mechanisms to ensure compliance with the requirements in this part by all program participants.

City of Corona will implement monitoring and enforcement mechanism to ensure that work committed, or in the case of race-neutral participation, the work subcontracted, to all DBEs at contract award or subsequently is performed by the DBEs to which the work was committed or subcontracted to, and such work is counted according to the requirements of §26.55. The mechanism will include a written verification that the City has reviewed contracting records and monitored the work site to ensure the counting of each DBE's participation is consistent with its function on the contract.

City of Corona will implement the following running tally mechanisms:

- 1) With respect to achieving the overall goal, City of Corona will use a running tally that provides for a frequent comparison of cumulative DBE awards/commitments to DOT-assisted prime contract awards to determine whether the current implementation of contract goals is projected to be sufficient to meet the annual goal. This mechanism will inform the City's decisions to implement goals on contracts to be advertised according to the City's established contract goal-setting process.
- 2) With respect to each DBE commitment, the City will use a running tally that provides for a frequent comparison of payments made to each listed DBE relative to the progress of work, including payments for such work to the prime contractor to determine whether the contractor is on track with meeting its DBE commitment and whether any projected shortfall exists that requires the prime contractor's good faith efforts to address to meet the contract goal pursuant to § 26.53(g).

See Attachment C – Monitoring and Enforcement Mechanisms for details.

~~City of Corona will implement appropriate mechanisms, including sanctions, suspension, debarment, and application of legal and contractual remedies available under Federal, state, and local laws, as deemed appropriate and necessary, to ensure compliance with the requirements~~

by all program participants. Specifically, City of Corona will take the following monitoring and enforcement steps to ensure compliance with 49 CFR Part 26:

- ~~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. Consider similar action under our own legal authorities, including responsibility determinations in future contracts.~~
- ~~Implement enforcement and monitoring processes/procedures outlined in DBE Contract Provisions contained in all engineering design/professional services, construction, transit and DOT-assisted contracts and this DBE Program Plan. This includes processes for Good Faith Efforts review and approval, counting DBE participation, monitoring and enforcing prompt payment, review and approval of substitutions and termination of DBEs on projects, requiring payment certifications from DBEs and Prime contractors attesting to total amounts paid to DBE firms, and contract closeout procedures that evaluate whether DBE goals have been met on each contract.~~
- ~~Implement procedures to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished by document reviews of contracting records, project onsite visits and interviews conducted by CCTS staff and construction inspectors, review of payroll records for public work activity and a thorough review of invoices provided for services, as applicable. This will occur for each contract/project on which DBE's are participating.~~
- ~~Compile and maintain a report of awards/commitments and attainment, which is reported semi-annually to FTA.~~
- ~~Keep a running tally of DBE utilization/attainment, including race-neutral DBE participation, as well as payments to DBE firms for work committed to them at the time of contract award. See Attachment D – DBE Utilization Attainment Report.~~
- ~~Track and delineate state/federal funding split to ensure that only the federal share is reported on Uniform Reports to US DOT. This information is tracked in Excel spreadsheet and compared to City of Corona's OneSolution System.~~
- ~~Compare DBE commitment submitted at the beginning of each project with Written Certification at the end of the project to determine if DBE goal was met.~~

Written Certification

The mechanism includes a written certification that City of Corona has reviewed contracting records and monitored work sites for DBE participation. The City of Corona Transit Staff will monitor every contract with DBE requirements, on paper and in the field and will include a

~~written certification that this compliance monitoring effort took place in accordance with the Contract Close-Out Report. Refer to Attachment C—Self Certification Statement of Compliance. The mechanisms include comparing the DBE commitments to actual DBE attainments.~~

Procedures to Monitor Compliance

~~Monitoring will occur after contract award and will be assigned to the City of Corona Transit Staff to monitor actual DBE participation through contractor and subcontractor reports. After the contract award, City of Corona Transit Staff will review the award documents for the portion of work each DBE and/or subcontractor will be performing and the dollar value of that work. With these documents, City of Corona Transit Staff will be able to determine the work to be performed by the listed DBE's or subcontractors.~~

Construction Contract On-Site Monitoring

~~City of Corona will ensure that City of Corona Transit Staff and inspectors know what items of work each DBE is responsible for performing. Inspectors will notify City of Corona Transit Staff immediately of apparent violations. When a firm other than the listed DBE subcontractor is found performing the work, the City of Corona Transit Staff will notify the Contractor of the apparent discrepancy and potential loss of payment. Based on the Contractor's response, City of Corona will take appropriate action. If the Contractor fails to adequately explain why there is a discrepancy, payment for the work will be withheld and a letter will be sent to the contractor referencing the applicable specification violation and the required withholding of payment.~~

~~This monitoring effort is fully incorporated into DBE On-site Monitoring process. The observed work will be reconciled against the DBE commitment.~~

Record Keeping and Final Utilization Report of DBE

~~The Contractor shall maintain records showing each listed DBE and first tier subcontractor. These records will be made available for inspection upon request by any authorized representative of City of Corona, or FTA. The records shall include:~~

- ~~1. Contract number, DBE goal commitment and brief description of the work.~~
- ~~2. Name and address of each DBE listed and certifications held.~~
- ~~3. The dollar amount of each subcontract, including supplies and services.~~
- ~~4. Reports from Contractor with an accounting of actual expenditures to DBEs and the progress to date in meeting the DBE participation commitment.~~
- ~~5. Evidence to support subcontractor substitution requests, where appropriate.~~
- ~~6. Evidence to support prompt payments made, with date of payment and total dollar figure paid to each DBE, subcontractor and suppliers.~~
- ~~7. The DBE prime contractor shall also show the date of work performed by their own forces along with the corresponding dollar value of the work claimed toward DBE goals.~~

Contract Close-Out Report

When a contract has been completed, the Contractor will provide a summary of the records stated above. The DBE utilization information will be documented on the form "Final Report Utilization of Disadvantaged Business Enterprises (DBE), First Tier Subcontractors" will be submitted to City of Corona. City of Corona Transit Staff will compare the completed form to the contractor's completed "Designation of Subcontractors". The DBE's shown on the completed "Final Report Utilization of Disadvantaged Business Enterprises (DBE), First Tier Subcontractors" form should be the same as those originally listed unless an authorized substitution was allowed, or the contractor used more DBE's and they were added. The dollar amount should reflect any changes made in planned work done by the DBE. The Contractor will be required to explain in writing why the names of the subcontractors, the work items or dollar figures are different from what was originally shown on the completed "Designation of Subcontractors" form when:

- There have been no changes made by the RE.
- The Contractor has not provided a sufficient explanation in the comments section of the completed "Final Report Utilization of Disadvantaged Business Enterprises (DBE), First Tier Subcontractors" form.

The explanation will be attached to the completed "Final Report Utilization of Disadvantaged Business Enterprises (DBE), First Tier Subcontractors" form for submittal. The City of Corona staff will file this report in the project records. The "Final Report Utilization of Disadvantaged Business Enterprises (DBE), First Tier Subcontractors" form is available on the California Department of Transportation, Local Agency Program Manual Forms, Chapter 17 website at [Forms | Caltrans](#).

Administrative Remedies for Non-Compliance

A Contractor deemed to be in non-compliance shall be informed in writing, by certified mail, by the DBELO or designee, that administrative remedies shall be imposed for failure to meet DBE committed goal and/or submit evidence of good faith efforts to the satisfaction of the City of Corona. The Contractor shall be given five (5) working days from the date of the notice to file a written appeal to the DBELO. Failure to respond within the five (5) day period shall constitute a waiver of appeal. The notice shall state the specific administrative remedy to be imposed.

The City of Corona may schedule an informal hearing to gather additional facts and evidence and shall issue a final determination on the matter within five (5) working days of receipt of the written appeal. The written decision of the CITY OF CORONA TRANSIT SERVICE or designee is final and there is no further appeal.

The CITY OF CORONA TRANSIT SERVICE reserves the right to initiate Administrative Remedies, which may include but are not limited to:

- ~~Withholding of payments due equivalent to the difference between the actual DBE attainment and the overall project and/or contract specific DBE goal.~~
- ~~Suspension of payment to the Contractor of any other monies held by the City of Corona; and~~
- ~~Termination of the Contract in part or in whole.~~

~~The Administrative Remedies shall not apply if the Contractor is able to demonstrate to the satisfaction of the City of Corona that it exercised good faith efforts in an attempt to meet the contract specific DBE goal, where applicable.~~

~~The City of Corona will bring to the attention of the FTA any false, fraudulent, or dishonest conduct in connection with the program, so that FTA can take the steps (e.g., referral to the U.S. Department of Justice for criminal prosecution, referral to the USDOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in §26.109.~~

~~The City of Corona will also consider similar action under its own legal authorities, including responsibility determinations in future contracts.~~

~~The requirements of this section equally apply to a DBE operating as a prime contractor.~~

Fostering Small Business Participation (§ 26.39)

City of Corona's DBE program includes an element to structure contracting requirements to facilitate competition by small business concerns, 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.

This element will be submitted to the appropriate DOT operating administration for approval as part of the City's DBE program. As part of this program, the City may include, but is not limited to, the following strategies:

- 1) Establishing a race-neutral small business set-aside for prime contracts under a stated amount (e.g., \$1 million).
- 2) In multi-year design-build contracts or other large contracts (e.g., for "megaprojects") requiring bidders on the prime contract to specify elements of the contract or specific

subcontracts that are of a size that small businesses, including DBEs, can reasonably perform.

- 3) On prime contracts not having DBE contract goals, requiring the prime contractor to provide subcontracting opportunities of a size that small businesses, including DBEs, can reasonably perform, rather than self-performing all the work involved.
- 4) Identifying alternative acquisition strategies and structuring procurements to facilitate the ability of consortia or joint ventures consisting of small businesses, including DBEs, to compete for and perform prime contracts.
- 5) To meet the portion of the City's overall goal, the City will project to meet through race-neutral measures, ensuring that a reasonable number of prime contracts are of a size that small businesses, including DBEs, can reasonably perform.

The City will actively implement its program elements to foster small business participation to ensure the City meets the requirement of good faith implementation of its DBE program.

~~City of Corona will incorporate the following non-discriminatory element to its DBE program, in order to facilitate competition on DOT-assisted public works projects by small business concerns (both DBEs and non-DBE small businesses):~~

- ~~• Breaking out procurements or unbundling procurement actions to provide greater opportunities for Disadvantaged Business Enterprises (DBEs), small and minority firms, and women's business enterprises to participate.~~
- ~~• For procurements that require competition, City of Corona will seek out small businesses to compete for these procurement actions by actively including DBE and non-DBE small business firms on the solicitation lists.~~
- ~~• For micro purchases that do not require competition, seeking out DBE and non-DBE small business firms to satisfy these requirements.~~

~~For the purpose of this program, small businesses are as defined in the Code of Federal Regulations, Title 49, Part 26.65 (Attachment I) and the Small Business Act and Small Business Administration regulations under Title 13, part 121~~

SUBPART C - GOALS, GOOD FAITH EFFORTS, AND COUNTING

Set-asides or Quotas (§ 26.43)

City of Corona ~~does~~will not use quotas in any way in the administration of this DBE program.

City of Corona will not set-aside contracts for DBEs on DOT-assisted contracts subject to this part, except that, in limited and extreme circumstances, the City may use set-asides when no other method could be reasonably expected to redress egregious instances of discrimination.

~~City of Corona may consider establishing a Small Business set-aside program as allowed in §26.39 —Foster Small Business Participation. If City of Corona selects to implement a small business set-aside program, it will follow the requirements under §26.21—DBE Program Updates.~~

Overall Goals (§ 26.45)

A description of the methodology to calculate the overall goal and the goal calculations can be found on the City's website at: in Attachment E—Overall DBE Goal and Methodology, to this program. Public Transit | City of Corona

In accordance with Section 26.45(f), City of Corona will submit its Triennial DBE overall goal by August 1 at three (3) year intervals, based on the FTA schedule. The City of Corona will express the overall contract goal as a percentage of the total amount of the federal assistance received.

The process generally used to establish the overall DBE goal is as follows:

1. The overall DBE goal represents the amount of FTA-assisted funds the City anticipates expending over three Federal Fiscal year; therefore, t~~The City establishes~~a reasonable estimate of FTA-funded contracting activities for the covered federal fiscal years.
2. ~~The~~the two-step goal setting process required by the 49 CFR Part 26; Section 26.45 will be used to determine the City's base figure. The two steps for setting an overall goal are:
 - i. Step One: Establish a base figure for the relative availability of DBEs. The base figure is intended to be a measurement of the current ready, willing and able DBEs as a percentage of all ready, willing and able businesses to perform the City's anticipated FTA-assisted contracts in the City's market area. The City uses the following method to determining the base figure:
 1. City categorized these contracting opportunities by NAICS Code.
 2. The City reviewed its contracting database and established the Counties of Riverside, San Bernardino & Orange as its market area, where the majority of contracting occurs.
 3. The City then developed an estimate of ready, willing, and able DBE's based on the State of California Unified Contracting Database for the Market Area.
 4. The City developed the number of overall firms ready, willing, and available, by NAICS Code, utilizing US Census Data.

5. When necessary, the City evaluated both DBE's and Non-DBE's to ensure the accuracy of the NAICS code area, and the firms ready, willing, and able, to satisfy the City's requirements.

6. The City then multiplied the dollar value of the opportunities by the result of dividing the number of DBE firms by the number of total firms.

7. The City then totaled these amounts to arrive at the step one goal.

ii. Step Two: Determine the base figure adjustment, if necessary. During this step, the City will examine relevant and reliable data in the City's market area to determine if an adjustment to the base figure is warranted. The consideration of an adjustment is intended to account for any impact the relevant factors may have on DBEs contracting opportunities with the City. The following factors will be considered for the Step Two adjustment:

1. Past DBE goal attainment

2. Evidence from Disparity Studies

3. The City's Bidder List

~~2. City categorized these contracting opportunities by NAICS Code.~~

~~3.1. The City reviewed its contracting database and established the Counties of Riverside, San Bernardino & Orange as its market area, where the majority of contracting occurs.~~

~~4.1. The City then developed an estimate of ready, willing, and able DBE's based on the State of California Unified Contracting Database for the Market Area.~~

~~5.1. The City developed the number of overall firms ready, willing, and available, by NAICS Code, utilizing US Census Data.~~

~~6.1. When necessary, the City evaluated both DBE's and Non-DBE's to ensure the accuracy of the NAICS code area, and the firms ready, willing, and able, to satisfy the City's requirements.~~

~~7.1. The City then multiplied the dollar value of the opportunities by the result of dividing the number of DBE firms by the number of total firms.~~

~~8.1. The City then totaled these amounts to arrive at the step one goal.~~

Before establishing the overall goal, the DBELO or staff designated by the DBELO City of Corona will consult with the various organizations in the market area, such as Chamber of Commerce, minority, women-owned and small business groups, community organizations, the U.S. Census Bureau, and the CUCP to obtain information concerning the relative availability of disadvantaged DBE and non-DBE firms, and non-disadvantaged businesses, the effects of discrimination on

opportunities for DBEs, and ~~City of Corona's~~the City's efforts to establish a level playing field for the participation of DBEs.

Following this consultation, ~~City of Corona~~the City will publish a notice of the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the City Clerk's office for 30 days following the date of the notice. The notice will be posted on City's official Internet Website. The notice informs the public that the City and DOT will accept comments on the goals for 30 days from the date of the notice. If the proposed goal changes following review, the revised goal will be posted on the City's official Internet Web site.

In accordance with Section 26.45(f), the City will submit its overall goal to DOT on August 1 at three-year intervals based on the schedule established by the FTA. City of Corona's overall goal submission to DOT will include: the goal (including the breakout of estimated race-neutral and race-conscious participation, as appropriate); a copy of the methodology, worksheets, etc., used to develop the goal; a summary of information and comments received during the consultation period and proof of publication of the goal on the City's website.

While the City is required to submit an overall goal to FTA every three years, the overall goal the provisions of Section 26.47© apply to each fiscal year during the three-year period. City of Corona will begin using the overall goal on October 1 of each year, unless we have received other instructions from DOT. If a project-based goal is established, then the goal will be utilized by the time of the first solicitation for a DOT-assisted contract for the project. The overall DBE goal will remain effective for the duration of the three-year period established and approved by the FTA.

Goal Setting and Accountability (§ 26.47)

If the awards and commitments shown on the City's Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall goal applicable to that fiscal year, City of Corona staff will:

1. Analyze in detail the reason for the difference between the overall goal and the actual awards/commitments;
2. Establish specific steps and milestones to correct the problems identified in the analysis; and
3. Establish and implement a corrective action plan, and maintain information/records regarding the analysis and efforts made and make available to FTA on request for their review.

Transit Vehicle Manufacturers Goals (§ 26.49)

City of Corona will require each transit vehicle manufacturer, 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. The City will not include FTA assistance used in transit vehicle procurements in the base amount from which the City's overall goal was calculated. Alternatively, City of Corona may, at its discretion and with FTA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of the TVM complying with this element of the program.

Within 30 days of becoming contractually required to procure a transit vehicle, the City will report to FTA the following:

1. The name of the TVM that was the successful bidder; and
2. The Federal share of the contractual commitment at that time.

~~CCTS will submit within 30 days of making an award, the name of the successful bidder, and the total dollar value of the contract.~~

See Attachment ~~DF: The TVM Certification~~ ~~is attached hereto~~

Commented [SP3]: Check order number

Breakout of Estimated Race-Neutral & Race-Conscious Participation (§ 26.51(a-c))

City of Corona will make efforts to meet the maximum feasible portion of the overall goal by using race-neutral means of facilitating race-neutral DBE participation. 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 contract goal, ~~or even if there is a DBE goal, wins a subcontract from a prime contractor that did not consider its DBE status in making the award (e.g., a prime contractor that uses a strict low bid system to award subcontracts).~~

The City will implement the following race-neutral measures, which are aimed at increasing DBE and other small business participation:

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under § 26.39;

2. Providing assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs, and other small businesses, obtain bonding and financing);
3. Providing technical assistance and other services;
4. Carrying out information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate);
5. Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses;
6. Providing services to help DBEs, and other small businesses; improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency;
7. Establishing a program to assist new, start-up firms, particularly in fields in which DBE participation has historically been low;
8. Ensuring distribution of your DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors; and
9. Assisting DBEs, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media.

Each time the City submits the overall goal for review by the concerned operating administration, RTA will also submit its projection of the portion of the goal that it expects to meet through race-neutral means and the basis for that projection. This projection is subject to approval by the concerned operating administration, in conjunction with its review of the City's overall goal.

Race-neutral measures, as described in City of Corona's Overall DBE Goal and Methodology states, "In conformance with Title 49 CFR Part 26; "Participation by Disadvantaged Business Enterprises in Department of Transportation Programs" and in further response to FTA Notices issued to Public Transportation Providers regarding DOT's DBE Program and Race Neutral Policy Implementation Guidance, City of Corona is required to submit and implement a strictly Race-Neutral Overall DBE Goal for FFY 2018-2020, due to the absence of readily available evidence of discrimination and its effects in its marketplace. (Refer to Attachment E—Overall DBE Goal and Methodology for FFY 2018-2020).

This section of the program will be updated annually when and if the goal calculation is updated.

Contract Goals (§ 26.51(d-g))

The City will use contract goals to meet any portion of the overall goal that the City does not project being able to meet using race-neutral means.

The following provisions apply to the use of contract goals:

1. The City may use contract goals only on those DOT-assisted contracts that have subcontracting possibilities.
2. The City is not required to set a contract goal on every DOT-assisted contract. The city is not required to set each contract goal at the same percentage level as the overall goal. The goal for a specific contract may be higher or lower than that percentage level of the overall goal, depending on such factors as the type of work involved, the location of the work, and the availability of DBEs for the work of the particular contract. However, over the period covered by the overall goal, the City will set contract goals so that they will cumulatively result in meeting any portion of the overall goal that the City does not project being able to meet through the use of race-neutral means.
3. Operating administration approval of each contract goal is not necessarily required. However, operating administrations may review and approve or disapprove any contract goal that the City establishes.
4. The City's contract goals must provide for participation by all certified DBEs and must not be subdivided into group-specific goals.

Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of race-neutral means. We will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. We need 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.) We will express our contract goals as a percentage of [total amount of a DOT-assisted contract] or [the Federal share of a DOT-assisted contract]. [Note: Recipients can choose either approach; program should mention which choice the recipient made].

City of Corona will meet the maximum feasible portion of its overall goal using race-neutral means of facilitating DBE participation. In order to do so, City of Corona will participate in:

- ~~1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses~~
- ~~2.1. Providing assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding~~

requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs, and other small businesses, obtain bonding and financing);

~~3.1. Providing technical assistance and other services;~~

~~4.1. Carrying out information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate);~~

~~5.1. Implementing a supportive services program to develop and improve immediate and long-term business management, record-keeping, and financial and accounting capability for DBEs and other small businesses;~~

~~6.1. Providing services to help DBEs, and other small businesses, improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency;~~

~~7.1. Establishing a program to assist new, start-up firms, particularly in fields in which DBE participation has historically been low;~~

~~8.1. Ensuring distribution of your DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors; and~~

~~9.1. Assisting DBEs, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media.~~

Good Faith Efforts Procedures (§ 26.53)

Demonstration of good faith efforts (§ 26.53(a) & (c))

~~When the City in the event the City of Corona Transit Service establishes an individual DBE contract goal, the City will not award the contract only to a bidder/offeror who makes good faith efforts to meet it. The City will determine that a bidder/offeror has made good faith efforts if the bidder/offeror does either of the following things: to a bidder who does not either: 1) meet the contract goal with verified, countable DBE participation; or 2) documents it has made adequate good faith efforts to meet the DBE contract goal. It is the obligation of the bidder/offeror to demonstrate it has made sufficient good faith efforts prior to submission of its bid. Examples of good faith efforts are found in Appendix A of 49 CFR Part 26 (Attachment H):~~

- ~~1. Documents that it has obtained enough DBE participation to meet the goal; or~~
- ~~2. Documents that it made adequate good faith efforts to meet the goal, even though it did not succeed in obtaining enough DBE participation to do so. If the bidder/offeror does document adequate good faith efforts, the City will not deny award of the contract on the~~

basis that the bidder/offeror failed to meet the goal. See Appendix A Title 49 Part 26 (Attachment E) for guidance in determining the adequacy of a bidder/offeror's good faith efforts.

Commented [SP4]: Reference attachment

~~The Department Coordinator will be 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.~~

~~City of Corona Transit Service staff~~The City will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before we committing to the performance of the contract by the bidder/offeror.

Information to be submitted (§ 26.53(b))

~~City of Corona Transit Service~~The City treats bidder/offers' compliance with good faith efforts' requirements as a matter of ~~responsiveness~~responsibility.

Each solicitation for which a contract goal has been established will require the bidders/offerors to submit the following information ~~by the time the bid or proposal is due~~:

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment; and
6. If the contract goal is not met, evidence of good faith efforts.

Administrative reconsideration (§ 26.53(d))

~~If Within ten (10) days of being informed by the City of Corona Transit Service determines that the apparent successful it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror failed to meet the requirements of good faith efforts, the City will, before awarding the contract, provide the bidder/offer an opportunity for may request~~ administrative reconsideration. ~~Bidder/offerors should make this request in writing to the following~~

~~reconsideration official: Community Services Director, Community Services 400 S. Vicentia Ave., Corona, CA 92882. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.~~

1. 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.
2. The City's decision on the reconsideration must be made by an official who did not take part in the original determination that the bidder/offeror failed to meet the goal or make adequate good faith efforts to do so.
3. 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.
4. ~~We~~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.
5. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

~~-Bidder/offerors should make this request in writing to the following reconsideration official: CommunityPublic Works Services Director, Community ServicesPublic Works, 400 S. Vicentia Ave. Suite 210, Corona, CA 92882. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.~~

~~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. We 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. The result of the reconsideration process is not administratively appealable to the Department of Transportation.~~

Design-Build (§ 26.53(e))

In a design-build contracting situation, in which the recipient solicits proposals to design and build a project with minimal-project details at time of letting, the recipient 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 26.53(b) of this section that applies to design-bid-build contracts. 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.

Good Faith Efforts when a DBE is replaced on a contract (§ 26.53(f))

The City of Corona Transit Service will require a contractor require that a prime contractor not terminate a DBE or any portion of its work without the City's prior written consent, unless the City causes the termination or reduction. 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, when 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 with another DBE firm. to make good faith efforts to replace a DBE that is terminated 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.

The City may provide such a written consent only if the City agrees that the prime contractor has good cause to terminate the listed DBE or any portion of its work.

Good cause does not exist if the prime contractor seeks to terminate a DBE or any portion of its work that it relied upon to obtain the contract so that the prime contractor can self-perform the work for which the DBE contractor was engaged, or so that the prime contractor can substitute another DBE or non-DBE contractor after contract award. For purposes of this paragraph , good cause includes the following circumstances:

- i. The listed DBE subcontractor fails or refuses to execute a written contract;
- ii. The listed DBE subcontractor fails or refuses to perform the work of its subcontract in a way consistent with normal industry standards. Provided, however, that good cause does

- not exist if the failure or refusal of the DBE subcontractor to perform its work on the subcontract results from the bad faith or discriminatory action of the prime contractor;
- iii. The listed DBE subcontractor fails or refuses to meet the prime contractor's reasonable, nondiscriminatory bond requirements;
 - iv. The listed DBE subcontractor becomes bankrupt, insolvent, or exhibits credit unworthiness;
 - v. The listed DBE subcontractor is ineligible to work on public works projects because of suspension and debarment proceedings pursuant to 2 CFR parts 180 and 1200 or applicable State law;
 - vi. RTA has determined that the listed DBE subcontractor is not a responsible contractor;
 - vii. The listed DBE subcontractor voluntarily withdraws from the project and provides to you written notice of its withdrawal;
 - viii. The listed DBE is ineligible to receive DBE credit for the type of work required;
 - ix. A DBE owner dies or becomes disabled with the result that the listed DBE contractor is unable to complete its work on the contract; and
 - x. Other documented good cause that you determine compels the termination of the DBE subcontractor.

Before transmitting to the City a 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 sent concurrently, of its intent to request to terminate and the reason for the proposed request.

The prime contractor's written notice must give the DBE 5 days to respond, advising the City 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 should not approve the prime contractor's request. If required in a particular case as a matter of public necessity (e.g., safety), the City may provide a response period shorter than 5 days.

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 offerors in negotiated procurements

When a DBE subcontractor or any portion of its work is terminated by the prime contractor or the firm fails to complete its work on the contract for any reason, including when work committed to a DBE is not countable or reduced due to overestimations made prior to award, the prime contractor must use good faith efforts to include additional DBE participation to the extent needed to meet the contract goal. The good faith efforts shall be documented by the

contractor. If the City requests documentation under this provision, the contractor shall submit the documentation within 7 days, which may be extended for an additional 7 days, if necessary, at the request of the contractor, and the City shall provide a written determination to the contractor stating whether or not good faith efforts have been demonstrated.

~~In this situation, CCTS will require the prime contractor to obtain prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts. 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.~~

The City will include in each prime contract the contract clause required by § 26.13(b) stating that failure by the contractor to carry out the requirements of this part is a material breach of the contract and may result in the termination of the contract or such other remedies set forth in that section the City deems appropriate if the prime contractor fails to comply with the requirements of this section.

Sample Bid Specification:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of the [Name of Recipient] to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of ____ percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (Attachment HE), to meet the contract goal for DBE participation in the performance of this contract.

Commented [SP5]: Confirm attachment

The bidder/offeror will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that each DBE firm will perform; (3) the dollar amount of the participation of each DBE firm participating; (4) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; (5) Written confirmation from the DBE that it is participating in the contract as provided in

the commitment made under (4); and (5) if the contract goal is not met, evidence of good faith efforts.

Counting DBE Participation (§ 26.55)

~~City of Corona Transit Service~~The City -will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55.

SUBPART D and E - CERTIFICATION STANDARDS and PROCEDURES

DBE Certification Procedures (§ 26.61 - 26.91)

In order to reduce administrative burden associated with determining the eligibility of firms to participate as DBEs in FTA-assisted contracts, ~~City of Corona~~the City will rely on the California Unified Certification Program (CUCP) to perform the DBE certification determinations.

City of Corona is a non-certifying member of the CUCP; and will utilize the CUCP certification directory ([Caltrans - Disadvantaged Business Enterprise System \(dbesystem.com\)](https://www.caltrans.ca.gov/programs-and-services/disadvantaged-business-enterprises/dbesystem.com)) to determine the eligibility of DBEs, their work codes, etc., in order to participate as DBEs on City of Corona Transit Service projects. . Information about the DBE certification process can be obtained from the following websites:

Information: [Disadvantaged Business Enterprises \(DBE\) | Caltrans](https://www.caltrans.ca.gov/programs-and-services/disadvantaged-business-enterprises/dbesystem.com)

To apply for certification: [Caltrans - Disadvantaged Business Enterprise System \(dbesystem.com\)](https://www.caltrans.ca.gov/programs-and-services/disadvantaged-business-enterprises/dbesystem.com)

See Attachment ~~GF~~ – CUCP Roster of Certifying Agencies.

Commented [SP6]: Confirm attachment

SUBPART F - COMPLIANCE AND ENFORCEMENT

Information, Confidentiality, Cooperation (§ 26.109)

Confidentiality

~~The City of Corona~~ will safeguard from disclosure ~~ing~~ to third parties, information that may reasonably be regarded as confidential business information, consistent with Federal, state, and

local law. ~~California Government Code 56250 provides for the disclosure of certain public information. Since the City of Corona is not a Certifying Entity, personal information is not routinely handled by the City.~~

Notwithstanding any contrary provisions of state or local law, ~~the City of Corona~~ 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.

Monitoring Payments to DBEs~~(26.37)~~

~~The City of Corona~~ 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 Corona or DOT. This reporting requirement also extends to any certified DBE subcontractor.

~~The City will require reporting by the prime contractor of actual payments to DBE firms for work committed to them at the time of contract award.~~

~~The City of Corona~~ 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 ~~states-stated~~ in the schedule of DBE participation.

ATTACHMENTS

- Attachment A ~~City of Corona Transit Service~~—Organizational Chart with DBELO
- Attachment B ~~_~~Bidders List Form
- Attachment C Monitoring and Enforcement~~Statement of Compliance—Self~~
~~Certification~~
- ~~Attachment D—DBE Utilization Attainment Report~~
- ~~Attachment E—Overall DBE Goal and Methodology~~
- Attachment ~~DF~~ TVM Certification
- Attachment ~~GE~~ Regulations: 49 CFR part 26 Roster of Certifying Agencies
- Attachment ~~HF~~ Regulations: 49 CFR part 26CUCP Roster of Certifying Agencies

Attachment A – Organizational Chart



CITY OF CORONA TRANSIT SERVICE

Disadvantaged Business Enterprise (DBE) Program Organizational Chart



DBE Liaison Officer Contact Information:

Office:
Ms. Sudesh Paul
400 South Vicentia Avenue
Corona, CA 92882
Phone: (951) 279-3763
Fax: (951) 279-3627
Email: Sudesh.Paul@coronaca.gov

Attachment B – Bidders List Form



Project Name: _____

BIDDERS LIST

Bidder/Officer: _____ IFB/RFP #: _____

The Department of Transportation requires the City of Corona, City of Corona Transit Service (CCTS) to create and maintain a "Bidders List" containing information about all firms (DBE and Non-DBE) that bid, propose or quote on CCTS's DOT-assisted contracts, in accordance with 49 CFR Part 26.11. The "Bidders List" is intended to be a count of all firms that are participating, or attempting to participate, on DOT-assisted contracts, whether successful or unsuccessful in their attempt to obtain a contract.

The Bidder/Officer is to complete all requested information on the "Bidders List" for every firm who submitted a bid, proposal or quote, including the primary Bidder/Officer, and submit this information at the time of bid submission. However, if not elected to do so at the time of bid submission, bidders/Officers must submit such information at the request of the Authority within the prescribed timeline set forth in the solicitation. The City of Corona will utilize this information to assist in CCTS's overall annual DBE goal-setting process. *The "Bidders List" content will not be considered in evaluating the bid/proposal or determining award of any contract.*

Prime Bidder's/Officer's Information:		
Name of Prime's Firm:	Phone: () ()	Fax: () ()
Firm Address:	Type of work/services/materials provided:	
Contact Person:	Title:	
Number of years in business:	Is the firm currently certified as a DBE under 49 CFR Part 26? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Check the box below for your firm's annual gross receipts last year:		
<input type="checkbox"/> Less than \$1 Million	<input type="checkbox"/> Less than \$5 million	<input type="checkbox"/> Less than \$10 million
<input type="checkbox"/> Less than \$15 million	<input type="checkbox"/> More than \$15 million	

Project Name: _____

Provide the following information for every firm (DBE and non-DBE) that submitted a bid, proposal or quote on this DOT-assisted project, whether successful or unsuccessful in their attempt to obtain a contract:		
Name of Firm:	Phone: ()	Fax: ()
Firm Address	Type of work/services/materials provided:	
Contact Person:	Title:	
Number of years in business:	Is the firm currently certified as a DBE under 49 CFR Part 26? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Check the box below for your firm's annual gross receipts last year:		
<input type="checkbox"/> Less than \$1 Million	<input type="checkbox"/> Less than \$5 million	<input type="checkbox"/> Less than \$10 million
<input type="checkbox"/> Less than \$15 million	<input type="checkbox"/> More than \$15 million	

Provide the following information for every firm (DBE and non-DBE) that submitted a bid, proposal or quote on this DOT-assisted project, whether successful or unsuccessful in their attempt to obtain a contract:		
Name of Firm:	Phone: ()	Fax: ()
Firm Address	Type of work/services/materials provided:	
Contact Person:	Title:	
Number of years in business:	Is the firm currently certified as a DBE under 49 CFR Part 26? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Check the box below for your firm's annual gross receipts last year:		
<input type="checkbox"/> Less than \$1 Million	<input type="checkbox"/> Less than \$5 million	<input type="checkbox"/> Less than \$10 million
<input type="checkbox"/> Less than \$15 million	<input type="checkbox"/> More than \$15 million	

If necessary, this "Bidders List" form can be duplicated to include all firms (DBE and non-DBE) that have submitted a bid, proposal or quote on this DOT-assisted project, whether successful or unsuccessful in their attempt to obtain a contract.

Failure of the Bidder/Offoror to submit the required "Bidders List" form will deem the Bidder/Offoror non-responsive.

Attachment C – ~~Statement of Compliance-Self Certification~~Monitoring and Enforcement

**~~Disadvantaged Business Enterprise (DBE)~~
Self-Certification
STATEMENT OF COMPLIANCE**

Project No: _____

Project Name: _____

I, _____, undersigned, have the authority to act for
(Name & Title)

~~and on behalf of the CITY OF CORONA TRANSIT SERVICE, and certify under penalty
of perjury that this federal-aided project has been monitored in conformance with Part 26
of Title 49 of the Code of Federal Regulations—DBE Regulations.~~

Date: _____ Signature: _____

~~Comments/Exceptions (Explanation):~~

~~Enclosures: Copies of the DBE Final Payment Record~~

~~Maintain in contract file.~~

Attachment D—DBE Utilization Attainment Report

City of Corona Transit Service

MONTHLY DBE SUBCONTRACTOR COMMITMENT AND ATTAINMENT REPORT SUMMARY AND PAYMENT VERIFICATION

Report Period (month): _____	Original Contract Award Amount: \$ -	Report prepared by: _____
Contract Number: _____	Prime Current Contract Value: \$ - [B]	Signature: _____
Contract Award Date: _____	Total Paid to Prime this quarter: \$ -	Title: _____
Prime Name: _____	Total Paid to Prime to date: \$ - [D]	Report reviewed by: _____
Address: _____	Total Paid to DBEs this quarter: \$ -	Signature: _____
City, State, Zip: _____	Total Paid to DBEs to date: \$ - [A]	Title: _____
Telephone No: _____	% of Project Complete: #DIV/0! [D/B]	Date of last progress payment: _____
Original Project Goal: _____	Prime's Current DBE Attainment: #DIV/0! [A/B]	
	Prime's Current DBE Commitment: #DIV/0! [C/B]	

1	2	3	4	5	6	7	8	9	10
SUBCONTRACTOR	Type of Work Performed Applicable NAICS Code(s)	Original \$ Amount Committed at Award	\$ +/- Resulting from Change Order	\$ Amount of Current Commitment	\$ Amount of Eligible DBE Participation Claimed [C]	\$ Amount Paid to DBE this month	% of Retention Withheld (if any)	% of Work Completed	Notes/Comments
Name: _____									
Address: _____									
City, State, Zip Code: _____									
Telephone No: _____									
CERTIFICATION(s): SB <input type="checkbox"/> DBE <input type="checkbox"/> MB <input type="checkbox"/>									
Certification Number: _____									
Verification of Payment Attached: Yes <input type="checkbox"/> No <input type="checkbox"/>									
Anticipated Commencement of Work Date: _____									
Name: _____									
Address: _____									
City, State, Zip Code: _____									
Telephone No: _____									
CERTIFICATION(s): SB <input type="checkbox"/> DBE <input type="checkbox"/> MB <input type="checkbox"/>									
Certification Number: _____									
Verification of Payment Attached: Yes <input type="checkbox"/> No <input type="checkbox"/>									
Anticipated Commencement of Work Date: _____									
[C]									
DBE TOTAL(S):		\$ -	\$ -	\$ -	\$ -	\$ -			
COMMENTS/ISSUES:									

If necessary, this form can be duplicated and/or modified; however, it must contain all requested data fields.

Form Effective 8/26/17

Attachment E — Overall DBE Goal and Methodology

**CITY OF CORONA, CITY OF CORONA TRANSIT SYSTEM
DISADVANTAGED BUSINESS ENTERPRISE (DBE)
OVERALL DBE GOAL AND METHODOLOGY
FEDERAL FISCAL YEARS (FFY) 2024-2026
(Covering the period of October 1, 2023, to September 30, 2026)**

I. INTRODUCTION

City of Corona, City of Corona Transit System (CCTS) herein sets forth its Proposed Overall Disadvantaged Business Enterprise (DBE) Goal and corresponding federally prescribed goal-setting methodology for the three-year Federal Fiscal year (FFY) goal period of 2024-2026 (October 1, 2023 through September 30, 2026), pursuant to Title 49 Code of Federal Regulations (CFR) Part 26 "Participation by Disadvantaged Business Enterprises in U.S. Department of Transportation Programs".

The goal setting process consists of two steps. Step one determines the base figure for the relative availability of DBEs. Step two determines what adjustment, if any, may be needed.

II. BACKGROUND

Public agencies receiving U.S. Department of Transportation (DOT), Federal Transit Administration (FTA) assisted funds, who anticipate awarding \$250,000 or more in DOT-assisted contracts, must adopt a three-year Disadvantaged Business Enterprise (DBE) goal. As such, CCTS is required to develop and submit a Triennial Overall DBE Goal for DBE participation as a condition of receiving federal funding for its FTA-assisted projects.

Effective March 3, 2010, the United States Department of Transportation ("DOT") issued a final rule affecting the implementation and management of the Department's Disadvantaged Business Enterprise ("DBE") program. The final rule requires the submission of a goal-setting methodology on a three-year cycle. Pursuant to this final rule, CCTS is still required to conduct an annual review to account for changes that may warrant an adjustment to the overall goal or make an adjustment based on changed circumstances (i.e. significant change in the legal standards governing the DBE program, new contracting opportunities presented by the availability of new or different grant opportunities to ensure the goal and program as a whole are narrowly tailored throughout the goal period.

CCTS herein presents its Proposed Overall DBE Goal Methodology for FFY 2024-2026 goal period, which resulted in a 0% Overall DBE Goal.

III. DOT-ASSISTED CONTRACTING PROGRAM FOR FFY 2021-2023

Table 1 below represents CCTS' U.S. DOT-assisted (FTA) contracting program, which includes three (3) projects considered in preparing its Overall DBE Goal-Setting Methodology utilizing the North American Industry Classification System (NAICS) work categories. The projects include: Contracting Services for Dial-A-Ride and Fixed Route Service, an Intelligent Transportation System, and a Digital Land Mobile Radio System. These projects are anticipated to be awarded within FFYs 2024-2026. CCTS anticipates spending approximately \$11,165,602 of federal dollars in which there may be DBE contracting opportunities during the triennial period.

Table 1 – FTA-assisted Contracting Opportunities

NAICS Code CUCP Database	Project Name	Amount of DOT funds on project:	% of total DOT funds (weight)
1) 485113	Contracting Services for Dial-A-Ride & Fixed Route	\$5,115,788.00	0.4582
2) 485991	Contracting Services for Dial-A-Ride & Fixed Route	\$5,115,788.00	0.4582
3) 541512	Intelligent Transportation System	\$414,350.00	0.0371
4) 518210	Intelligent Transportation System	\$414,350.00	0.0371
5) 517410	Digital Land Mobile Radio System	\$105,326.00	0.0094
Total FTA-Assisted Contract Funds		\$11,165,602.00	1

IV. GOAL METHODOLOGY

A. Step 1: Determination of a Base Figure (26.45)¹

To establish CCTS's Base Figure of the relative availability of DBEs to all comparable firms (DBE and Non-DBEs) available to propose on CCTS's DOT-assisted contracting opportunities projected to be solicited during the triennial goal period, CCTS followed the prescribed federal goal-setting methodologies in accordance with 49 CFR Part 26 regulations. This was accomplished by assessing the *California Unified Certification Program (CUCP) Directory of Certified DBE Firms* and the *2021 U.S. Census Bureau County Business Patterns (CBP) Database*. Comparisons were made within the City of Corona Transit System's market area (defined as Riverside County, San Bernardino County, and Orange County) and by specified industries and types of businesses identified in Table 1. The City of Corona Transit System's local market area represents where the substantial majority of the City of Corona Transit System's contracting dollars are expended and/or where the substantial majority of contractors and subcontractors bids or quotes are received.

¹ 26.45 represents Title 49 CFR Part 26 regulatory goal setting methodology reference.

The City of Corona Transit System made a concerted effort to ensure that the scope of businesses included in the numerator was as close as possible to the scope included in the denominator. For corresponding detail of all work category classifications grouped, refer to Table 1.

- ⇒ **For the numerator:** *California UCP DBE Database of Certified Firms*
- ⇒ **For the denominator:** *2021 U.S. Census Bureau's Business Pattern Database (CBP)*

To determine the relative availability of DBEs, the City of Corona Transit System divided the numerator² representing the ratio of ready, willing, and able DBE firms, by the denominator³ representing all firms (DBE and Non-DBEs) available in each work category and the same geographical regional. Application of this formula yielded the following baseline information:

$$\frac{\text{Number of Ready, Willing, and Able DBEs}}{\text{FIGURE Number of All Available Firms (including DBEs and Non-DBEs)}} = \text{BASE}$$

The following table reflects the relative availability of DBE firms by NAICS Code:

	NAICS Code CICCP Database	Project Name	Number of DBEs available to perform this work	Number of all firms available (including DBEs)	Relative Availability
1)	485113	Contracting Services for Dial-A-Ride & Fixed Route	0	8	0.0000
2)	485991	Contracting Services for Dial-A-Ride & Fixed Route	0	117	0.0000
3)	541512	Intelligent Transportation System	36	1440	0.0250
4)	518210	Intelligent Transportation System	16	325	0.0492
5)	517410	Digital Land Mobile Radio System	0	15	0.0000
Combined Totals			52	1905	0.0273
					Overall availability of DBEs

The Base Figure was further weighted by contract type and corresponding contract value. The Base Figure resulting from this weighted calculation is as follows:

² Numerator represents all DBE firms established within the City's Market area.

³ Denominator represents all comparable available established firms.

	NAICS Code CUCP Database	Project Name	Weight	x	Availability	Weighted Base Figure
1)	485113	Contracting Services for Dial-A-Ride & Fixed Route	0.45817	x		
2)	485991	Contracting Services for Dial-A-Ride & Fixed Route	0.45817	x		
3)	541512	Intelligent Transportation System	0.03711	x	0.02500	0.0009
4)	518210	Intelligent Transportation System	0.03711	x	0.04923	0.0018
5)	517410	Digital Land Mobile Radio System	0.00943	x		
Total						0.0028
Expressed as a % (*100)						0.28%
Rounded, Weighted Base Figure:						0%

B. Step 2: Adjusting the Base Figure

Upon establishing the Base Figure, CCTS is required to review and assess other known evidence potentially impacting the relative availability of DBEs within CCTS's market area, in accordance with prescribed narrow tailoring provisions set forth under 49 CFR Part 26.45 Step 2; DBE Goal Adjustment guidelines.

Evidence considered in making an adjustment to the Base Figure includes *Past DBE Goal Attainments, Bidders List, Disparity Studies, and Other Evidence*. A summary of these considered follows:

Past DBE Goal Attainments

CCTS has experienced challenges in attaining its DBE goal for the past three federal fiscal years; the following table reflects the historical DBE participation on FTA-assisted contracts awarded by CCTS:

FFY21	FFY22	FFY23
0.0%	100%	0.0%
Median DBE Participation: 0%		

The median for the past DBE participation on CCTS projects was 0.0 percent and is same as the Base Figure derived from Step 1; therefore, an adjustment is not made based on past DBE participation.

As in prior years, CCTS' awards and commitments were very limited. Of the five projects, only one project was awarded during the 2021-2023 DBE goal period. Further, majority of the capital

program funds were for contracted transit operations which was awarded on July 5, 2018, prior to the 2021-2023 DBE goal period. Once the contract was awarded, CCTS' awards and commitments were limited to the three smaller projects. CCTS awarded a contract to a DBE-certified vendor in December 2021 for the comprehensive operations analysis. In addition, the other two projects have been delayed due to competing priorities resulting from a reduction in transit staffing. Staff shortages create challenges in balancing increased day-to-day operations including, transit contractor oversight, budgeting, grant administration, regulatory compliance, etc. Should this trend continue, staffing shortages will play a big role in the timeliness of the projects. Further, much of the staff time was dedicated towards COA (transit study), update of the Public Transit Agency Safety Plan, Transit Asset Management Plan and Title VI Program, and the development of the Zero Emission Bus Rollout Plan. Furthermore, staff could not proceed with Intelligent Transportation System project as all of the funds have yet to be programmed in the federal grants. Together these factors constrained CCTS' ability to proceed with all of the federally funded projects and limited its ability to obtain its overall DBE goal.

While CCTS will make every effort to address the aforementioned limitations, CCTS expects to have similar contracting opportunities in the upcoming triennial cycle as previously proposed.

City of Corona Transit System's Bidders List

CCTS does not have a bidders list at this time, however, CCTS will work to build and maintain a Bidder's List that can be utilized for future goal development. The bidders List will be developed based on the guidelines in CCTS' DBE Plan. CCTS has not made a further adjustment to the base figure based on a Bidder's List.

Evidence from Disparity Studies

CCTS did not find it feasible to conduct its own independent availability/disparity study. CCTS staff did review and considered the following studies available during the evaluation of adjustment of the Base Figures: 2022 Disparity Study available through California Department of Transportation (Caltrans) and the LA Metro 2017 Disparity Study.

Caltrans study is not applicable due to the following factors: the study covers such a large geographical area (entire state of California) rather than focusing on a market area similar to CCTS. Further, their contracting opportunities differ from CCTS which do not coincide with types of opportunities available in the upcoming triennial period by CCTS.

Metro's study in 2017 also emphasizes large and complex projects such as Caltrans which are not similar in scope to the types of projects that CCTS will conduct. The study also indicated the majority of Metro's contracting opportunities went to locations in Los Angeles; as such LA County is considered as Metro's geographical market area.

Both of the studies vary in scope and are not relevant to CCTS's federally-assistance contracting opportunities, therefore CCTS did not make an adjustment under this factor at this time.

Other Evidence

CCTS is not in possession of other information nor aware of any other factors or adverse considerations that would have a material effect on DBE's availability within the CCTS market area, or on DBEs' ability to participate in CCTS' FTA-assisted contracting opportunities. Therefore, no goal adjustment was in consideration of this factor. However, during this triennial goal, CCTS will explore and consider all available evidence that would materially affect the opportunities for DBEs to form, grow, and compete in CCTS's FTA-assisted contracting programs.

Goal Adjustments

After considering the above factors, the Base Figure of 0% was not adjusted, resulting in **CCTS' Overall DBE goal for Fiscal Years 2024-2026 of 0%.**

V. PROPOSED OVERALL DBE GOAL

The Overall DBE Goal for FFY 2024-2026 for the City of Corona Transit System's FTA-assisted contracts is 0%. The Overall Goal is expressed as a percentage of all DOT-assisted funds that CCTS will expend in applicable DOT-assisted contracts in the given federal fiscal years.

The goal further serves to identify the relative availability of DBEs based on evidence of ready willing, and able DBEs to all comparable firms, which are known to be available to compete for and perform on the City of Corona Transit System's DOT-assisted contracts. In addition, as part of the prescribed goal-setting methodology, CCTS must project the percentage of its Proposed Overall DBE Goal that can be met utilizing race-neutral and race-conscious measures.

In conformance with Title 49 CFR Part 26; "Participation by Disadvantaged Business Enterprises in Department of Transportation Programs" and in further response to FTA Notices issued to Public Transportation Providers regarding DOT's DBE Program and Race-Neutral Policy Implementation Guidance, CCTS intends to implement a **strictly Race-Neutral Overall DBE Goal for FFY 2024-2026**, due to the absence of readily available evidence of discrimination and its effects in its marketplace.

VI. RACE-NEUTRAL MEASURES

The CCTS will implement Race-Neutral measures to meet its Overall DBE Goal objectives in accordance with 49 CFR Part 26.51, including but not limited to:

- Reaching out to DBE's under California Unified Certification Program, arranging timely solicitations, and times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBEs and other small business firms' participation.
- Unbundling large contracts to make them more accessible to small businesses, requiring or encouraging prime contractors to subcontract portions of work that they might otherwise perform with their own workforces.

- Providing technical assistance and other services to small businesses, including DBE firms.
- Providing information and communications programs on contracting procedures and specific contract opportunities.

A. Small Business Element

The City's DBE Program includes elements to facilitate competition by small businesses in the CCTS contracts as prime contractors or subcontractors. These elements include informational outreach on the City's website, business development references, contract language for small business primes, and goals for subcontracting opportunities. The DBE Program includes details of the City's efforts to Foster Small Business Participation.

VII. PUBLIC PARTICIPATION

A. Consultation

In accordance with Public Participation Regulatory Requirements of Title 49 CFR Part 26, minority, women, local business chambers, and community organizations within the CCTS market area were consulted and provided an opportunity to review the triennial goal analysis and provide input. CCTS reached out to the following community organizations to solicit their comments regarding the 2024-2026 Triennial DBE Goal:

-
- Inland Empire Women's Business Center
 - Businesswomen's Association of San Bernardino County
 - Orange County Small Business Development Center
 - Greater Riverside Hispanic Chamber of Commerce
 - Asian Business Association
 - Riverside County Black Chamber of Commerce
 - Inland Empire Small Business Development Center
 - Asian Indian Chamber of Commerce of the Inland Empire
 - National Latina Business Women Association – Inland Empire
 - Chamber of Commerce for the following cities/counties: Corona, Riverside, Norco, San Bernardino, Orange,

Organizations were contacted via email to discuss the proposed goal methodology, whereas, the organizations were provided the synopsis of the DBE Goal (see Attachment 1) and the Public Notice A. CCTS did not receive any comments from the outreach efforts. However, a response was received from the National Latina Business Women Association asking the City to participate as a potential buyer in their upcoming conference which matches the agency's needs with potential vendors. The information for the conference and contact information was forwarded to the City's Purchasing Department. Should the City decide to participate, transit staff will participate as it relates to transit-related projects.

B. Public Notice

CCTS will also post a Public Notice announcing the proposed Overall Goal for the FFY 2024-2026 FTA-assisted contracts on its official internet website; CCTS has elected to utilize its official website as the publication site. Such Notice will inform the public that the proposed goal and rationale are available for inspection at the City of Corona Transit System's principal office during normal business hours for 30 days following the date of the Public Notice and that CCTS will accept comments on the goal analysis for 30 days from the date of the Public Notice. Further, the notice included information about the "DBE Virtual Consultation Session" which would provide information on the contracting opportunities available. CCTS will give full consideration to all comments and input and assess its impact on the proposed Overall DBE Goal. If no impact and/or comments are received during the public participation process, the Goal will be considered final. If there are comments, the City will respond in accordance with the DBE Program.

DRAFT



(951) 736-2241

COMMUNITY SERVICES DEPARTMENT

400 SOUTH VICENTIA AVENUE, P.O. BOX 940, CORONA, CALIFORNIA 92879-0940
(<http://www.coronaca.gov>)

August 8, 2023

RE: Request for Public Participation Review of the City of Corona Transit Service Disadvantaged Business Enterprise (DBE) Race Neutral Participation Goal for Federal Fiscal Years 2024-2024 (FTA)

Dear Community Member:

As a direct recipient of federal funds, the City of Corona Transit Service (the Agency) developed a Proposed Base Figure for Disadvantaged Business Enterprise (DBE) participation in its Federal Fiscal Years 2024-2026 DOT-assisted contracts (Federal Transit Administration). The Agency has implemented its' DBE Overall Goal of race/gender-neutral. At this time the Agency would like to invite you to provide feedback and/or ~~comment, relative to the proposed base figure calculation and accompanying rationale for the Agency to review and consider.~~

As a part of the goal-setting public facilitation process, the Agency is required to solicit public comment, relative to the goal calculation and rationale. Accordingly, for your review and that of your memberships, the Agency has enclosed the **Public Notice** advising businesses of its proposed base figure, and the availability to review the proposed base figure calculation, and rationale and to provide input and comments.

The draft DBE Overall Goal and Methodology is readily available for review from 7:00 a.m. to 6:00 p.m., Monday through Thursday, at Agency's office located at:

City of Corona
City of Corona Transit Service
Community Services Department
400 S. Vicentia Avenue Suite 225
Corona, CA 92882
Email: coronatransit@coronaca.gov
(951) 817-5770

In addition, the City of Corona Transit Service will also be hosting a Virtual Consultation Session on Wednesday, August 23, 2023, from 10:00 a.m. to 11:00 a.m. Contact Community Services Department at the above email/phone # to request the link and invite to participate in the virtual session. Sudesh Paul, DBE Liaison, will serve as the contact person for coordinating your participation in the consultation session, the review of the goal-setting methodology, and accepting comments.

The Agency is fully committed to fulfilling the spirit and intent of the U.S. DOT DBE Rule, Title 49 CFR Part 26 in all of the Agency's DOT-assisted contracts. Your support of these efforts is greatly appreciated.

Sincerely,

Sudesh Paul

Sudesh Paul
DBE Liaison Officer

Enclosures:
Public Notice
Synopsis of Draft Goal

2024-2026 DBE Goal_Community Outreach Letter 8-7-23 _ Page 2



**CITY OF CORONA
OFFICE OF THE CITY CLERK
PUBLIC NOTICE**

**NOTICE OF PROPOSED DISADVANTAGED BUSINESS ENTERPRISE GOAL FOR
FEDERALLY FUNDED TRANSIT PROJECTS FOR
FEDERAL FISCAL YEARS 2024-2026**

PUBLIC NOTICE IS HEREBY GIVEN, that the City of Corona, City of Corona Transit Service has established a Proposed Race-Neutral Overall Disadvantaged Business Enterprise (DBE) Goal of 0% for Federal Fiscal Years 2024 through 2026 in accordance with the requirements of the U.S. Department of Transportation (DOT) 49 C.F.R. Part 26 "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs" for federally funded contracts. The DBE Goal is applicable to DOT – Federal Transit Administration (FTA) contracting opportunities scheduled to be awarded during the period of October 1, 2023, through September 30, 2026.

The proposed goal and its rationale are available for public review during normal business hours for a period of 30 days following the date of this notice at:

City of Corona
City Clerk's Office
400 S. Vicentia Avenue
Corona, CA 92882

Public comments will be accepted on the goal for 30 days from the date of this notice via email or mail and should be in writing to:

City of Corona
City of Corona Transit Service
Community Services Department
400 S. Vicentia Avenue Suite 225
Corona, CA 92882
Email: coronatransit@coronaca.gov
(951) 817-5770

The City of Corona Transit Service will also be hosting a "DBE Virtual Consultation Session" on Wednesday, August 23, 2023, from 10 am to 11:00 am to solicit feedback on the proposed DBE goal and provide information on the contracting opportunities available. Contact Community Services Department at the above email/phone # to request the link and invite to participate in the virtual session.

Sylvia Edwards, City Clerk
Published: August 7, 2023

CCTS TRIENNIAL DBE GOAL

The City of Corona Transit System (CCTS) is in the process of preparing its Triennial Overall Disadvantaged Business Enterprise (DBE) Goal for the upcoming triennial period (October 1, 2023 through September 30, 2026).

Overall DBE Goal

- As a direct recipient of Federal Transit Administration (FTA) funding, CCTS is required to have a DBE program to increase the participation of DBEs in federally aided contracts.
- The purpose of the DBE goal-setting process is to level the playing field so that DBEs can compete fairly for FTA-Associated contracts.
- The proposed overall DBE goal for Federal Fiscal Years 2024-2026 for CCTS's FTA-assisted contracts is 0%
- CCTS intends to use race-neutral methods to meet the overall DBE goal.

Project Goal

The Overall DBE Goal reflects the relative availability of DBEs and all comparable businesses available to compare within the market area.

DBE & Small Business Participation

CCTS plans to incorporate the following strategies to foster small business participation in its contracting process:

- Breaking out procurements or unbundling procurement actions to provide greater opportunities for Disadvantaged Business Enterprises (DBEs), small and minority firms, and women's business enterprises to participate.
- For procurements that require competition, the City will seek out small businesses to compete for these procurement actions by actively including DBE and non-DBE small business firms on the solicitation lists.
- For micro-purchases that do not require competition, seek out DBE and non-DBE small business firms to satisfy these requirements.

Race-Neutral Measures

CCTS plans to implement the following race-neutral measures for FFY 2024-2026 and will continue to explore other options:

- Reaching out to DBEs under California Unified Certification Program, arranging timely solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBEs and other small business firms' participation.
- Unbundling large contracts to make them more accessible to small businesses, requiring or encouraging prime contractors to subcontract portions of work that they might otherwise perform with their own workforces.
- Providing technical assistance and other services to small businesses, including DBE firms.
- Providing information and communications programs on contracting procedures and specific contract opportunities.

CCTS DBE Goal Notice, Surfact Paul, 8/7/23

Attachment C – Monitoring and Enforcement

Attachment ~~FD~~ – Transit Vehicle Manufacturer's Certification

BIDDER'S CERTIFICATION OF DISADVANTAGED BUSINESS ENTERPRISE PLAN

The bidder hereby certifies that it has complied with 49 C.F.R. 26, which requires each transit vehicle manufacturer to establish annual goals for the participation of disadvantaged business enterprise and to submit these goals to the Federal Transit Administration for approval:

~~The _____ hereby certifies that it has on file with the Federal Transit Administration, a Disadvantaged Enterprise Plan.~~

Date: _____

Signature: _____

Title: _____

Manufacturer: _____

Attachment ~~H~~E – Code of Federal Regulations: Title 49 CFR Part 26

Attachment **GE** – Roster of Certifying Agencies

CALIFORNIA UNIFIED CERTIFICATION PROGRAM (CUCP)



Roster of Certifying Agencies

Note: If you received this information as a hard copy, the Uniform DBE/ACDBE Certification Application form and Personal Net Worth Statement are available at:
<https://www.transportation.gov/civil-rights/disadvantaged-business-enterprise/ready-apply>

If the firm has its principal place of business in another state and is currently certified in that state, please contact the California Department of Transportation.

Area	Counties	DBE Certifying Agencies	
Riverside, Imperial & San Diego (RIS)	Imperial Riverside San Diego	SUBMIT APPLICATION PACKAGE TO: <ul style="list-style-type: none"> ➤ CITY OF LOS ANGELES* ➤ LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY 	
		<p style="text-align: center;">OR</p> <ul style="list-style-type: none"> ➤ CALIFORNIA DEPARTMENT OF TRANSPORTATION <p style="text-align: center;">SEE CONTACT INFORMATION BELOW</p>	
Los Angeles Area	Kern Los Angeles Orange San Bernardino San Luis Obispo Santa Barbara Ventura	CITY OF LOS ANGELES Bureau of Contract Admin. Centralized Certification Section 1149 S. Broadway, Ste 300 Los Angeles, CA 90015 Phone: (213) 847-2684 Fax: (213) 847-2777 Email: bca.certifications@lacity.org http://bca.lacity.org <i>*Please note: Only firms located within City of Los Angeles may apply</i>	LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY (METRO) Diversity and Economic Opportunity Department One Gateway Plaza, MS 99-8-4 Los Angeles, CA 90012 Phone: (213) 922-2600 Fax: (213) 922-7660 Email: certificationunit@metro.net <i>Please Note: Metro only accepts online applications.</i> <i>Please use link below to apply:</i> metro.gob2g.com

Note: List of agencies subject to change

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AREA	COUNTIES	DBE CERTIFYING AGENCIES
Bay Area/ Central Valley	Alameda Amador Calaveras Contra Costa Fresno Kings Madera Marin Mariposa Merced Monterey Napa San Benito San Francisco San Joaquin San Mateo Santa Clara Santa Cruz Solano Sonoma Stanislaus Tulare Tuolumne	<p>S.F. BAY AREA RAPID TRANSIT DISTRICT (BART) Office of Civil Rights 300 Lakeside Drive 16th Floor Oakland, CA 94612 Phone: (510) 464-6100 Fax: (510) 464-7587 www.bart.gov</p> <p>CITY OF FRESNO Finance Department, Purchasing Division, DBE Program 2600 Fresno Street, Room 2156 Fresno, CA 93721-3622 Phone: (559) 621-7036 Fax: (559) 488-1069 www.fresno.gov</p> <p>SANTA CLARA VALLEY TRANSPORTATION AUTHORITY (VTA) Business Diversity Programs 3331 North First Street, Bldg. B San Jose, CA 95134-1906 Phone: (408) 321-5962 osdb.osdb@vta.org www.vta.org/osb</p> <p>SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY (SFMTA) Contract Compliance Office One S. Van Ness Avenue, 6th Flr San Francisco, CA 94103 Phone: (415) 701-4436 Fax: (415) 701-4347 www.sfmuni.com</p> <p>SAN MATEO COUNTY TRANSIT DISTRICT (SAMTRANS)/ PENINSULA CORRIDOR JOINT POWERS BOARD (JPB) DBE Office 1250 San Carlos Avenue San Carlos, CA 94070 Phone: (650) 508-7939 Fax: (650) 508-7738 www.samtrans.com</p>
	Alpine Butte Colusa Del Norte El Dorado Glenn Humboldt Inyo Lake Lassen Mendocino Modoc Mono	<p>Nevada Placer Plumas Sacramento Shasta Sierra Siskiyou Sutter Tehama Trinity Yolo Yuba</p> <p>CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) Office of Civil Rights 1823 - 14th Street Sacramento, CA 95811 Phone: (916) 324-1700 or Fax: (916) 324-1862 www.dot.ca.gov</p>

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ACDBE CERTIFYING AGENCIES
<p>CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) Office of Civil Rights 1823 14th Street Sacramento, CA 95811 Phone: (916) 324-1700 ** Fax: (916) 324-1862 www.dot.ca.gov</p>
<p>FOR LOS ANGELES WORLD AIRPORTS PLEASE CONTACT: CITY OF LOS ANGELES Office of Contract Compliance 1149 S. Broadway Street, Suite 300 Los Angeles, CA 90015 Phone (213) 847-2684 ** Fax: (213) 847-2777 http://bca.lacity.org</p>
<p>SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY (SDCRAA) Small Business Development Department P.O. Box 82776 San Diego, CA 92138-2776 Phone: (619) 400-2568 ** Fax: (619) 400-2566 www.san.org</p> <hr/> <p>(San Diego Concessions Only)</p>
<p>SAN FRANCISCO INTERNATIONAL AIRPORT Small Business Affairs Office P.O. Box 8097 San Francisco, CA 94128 Phone: (650) 821-5021 ** Fax: (650) 821-5146 www.flysfo.com</p> <p>(SFO Concessions Only)</p>
<p>SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY (SFMTA) Contract Compliance Office One S. Van Ness Avenue, 6th Floor San Francisco, CA 94103 Phone: (415) 701-4436 ** Fax: (415) 701-4347 www.sfmuni.com</p>

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~~Attachment H — Code of Federal Regulations: Title 49 CFR Part 26~~