

**RESTATEMENT OF THE
RIVERSIDE COUNTY TRANSPORTATION COMMISSION'S
DISADVANTAGED BUSINESS ENTERPRISE POLICY
FY 2005-06**

The Riverside County Transportation Commission (RCTC) is committed to carrying out all of the Disadvantaged Business Enterprise (DBE) requirements of 49 CFR 29 "Participation by Disadvantaged Business Enterprises in the Department of Transportation and Federal Transit Administration Programs. The procedures contained in the DBE Program shall assure that all contracts and procedures shall be administered without discrimination on the basis of race, color, sex, or national origin. RCTC shall ensure that DBEs have an equal opportunity to compete for and participate in the performance of all contract and subcontracts awarded by RCTC.

The Executive Director is responsible for adherence to this policy. The Director of Administrative Services shall be the DBE Liaison Officer and responsible for the development, implementation and monitoring of this program. It is the expectation of RCTC that the stipulations and provisions contained in this DBE Program shall be adhered to both in the spirit and letter by all RCTC personnel.

RCTC shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any federally 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 federally funded and DOT assisted contracts. The recipient's DBE Program as required by 49 CFR Part 26 and as approved by the 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 RCTC of its failure to carry out its approved program, RCTC may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or Program Fraud Civil Remedies Act of 1986 (31 U.S.C, et. seq.)

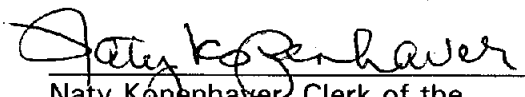
This policy is posted on the RCTC web site www.rctc.org, and shall be available to members of the RCTC Board, its employees and business organizations and vendors that perform work that are federally funded and are DOT-assisted contracts.

Through Resolution No. 05-009, RCTC adopted its DBE goal as 6.46% for FY 2005-06.



C. Robin-Lowe, Chairperson
Riverside County Transportation Commission

ATTEST:



Naty Kopenhagen, Clerk of the
Riverside County Transportation Commission

**RIVERSIDE COUNTY TRANSPORTATION COMMISSION
 FEDERAL FISCAL YEAR 2005-2006
 DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM
 PROPOSED ANNUAL OVERALL GOAL**

I. GOAL METHODOLOGY

As required by Federal Regulations 49 CFR Section 26, public agencies receiving Federal Department of Transportation-assisted funds must adopt its annual overall DBE goal by using every effort to meet its goal through race neutral measures. Agencies may establish specific contract goals, including goals for particular projects through subcontracting opportunities, in those instances when race neutral measure are not sufficient to meet the Commission’s overall goal.

The following methodology was used in establishing a Base Figure for DBE availability for FY 2005-2006:

- **NUMERATOR** - DBE firms in the four-county area (Riverside, San Bernardino, Los Angeles, Orange)
- **DENOMINATOR** – Total number of construction firms, the work category identified within the four-county area based on the more recent available date from the U.S. Census Bureau – 2001

Under the Construction/Consulting Categories, the following lists the number of DBEs in each of the four county areas:

CONSTRUCTION

CALTRANS DBE CODE	NAICS COUNTY CODE	COUNTY	NO. OF FIRMS
19	037	Los Angeles	12,078
30	059	Orange	6,081
33	065	Riverside	3,452
36	071	San Bernardino	2,885
		TOTAL	24,496

Of the 24,496 firms, there are 454 identified available DBE firms in the Caltrans DBE directory of firms in the construction work codes that operate within the four-county areas.

CONSULTING SERVICES

CALTRANS DBE CODE	NAICS COUNTY CODE	COUNTY	NO. OF FIRMS
19	037	Los Angeles	26,046
30	059	Orange	11,271
33	065	Riverside	2,201
36	071	San Bernardino	1,819
		TOTAL	41,337

Of the 41,337 firms, there are 1,317 identified available DBE firms in California Unified Certification Program DBE directory of firms under the consultant services work codes that operate within the four-county areas.

The following lists the total amount of contracts in each of the Work Category and the projected federal funds for FY 2005-2006. Please note that for this fiscal year, there are no construction awards.

WORK CATEGORY	AMOUNT OF FY 03-04 CONTRACTS	ESTIMATED AMOUNT OF FEDERAL FUNDS	% OF FEDERAL FUNDS
Consultant Services	\$32,060,000	\$25,568,410	79.75%
Construction (Including Materials and Trucking)	\$0	\$0	0%

The formula that is provided to determine calculation of DBE goal is as follows: The weighted Base Figure is calculated by first determining the number of ready, willing, and able DBEs in the four counties for the work category shown above, divided by the number of total firms in the category. Using this method determines the availability by the number of firms that have directly participated in, or attempted to participate in, past federally-funded assisted contracting efforts.

The application of the formula yields the following baseline information:

$$\frac{\text{Number of Ready, Willing and Able DBEs}}{\text{Number of All Ready, Willing and Able Firms}} = \text{Base Figure}$$

The Base Figure resulting from the calculation is as follows:

A. Construction

$$\frac{454}{24,496} = 1.85\%$$

B. Consulting Services

$$\frac{1317}{41,337} = 3.19\%$$

C. Base Figure

Using the percentage of federal funds projected to be available for FY 05-06 and the percentage of available for each DBEs for each work category, the result is a base figure of 2.54%

$$0.0 \left(\frac{454}{24,496} \right) + 0.7975 \left(\frac{1317}{41,337} \right) = 0.0254$$

II. ADJUSTMENTS TO THE BASE FIGURE:

Staff reviewed and assessed other known relevant evidence to determine what additional adjustments, if any, were needed to adapt the Base Figure to the four-county area marketplace. Several factors as outlined under Title 49 were considered to see if there was a need to adjust the base goal. In reviewing last year's goal, the Commission set a 5.02% annual goal based on the DBEs available in the four-county area. In awarding its federally-funded projects for this fiscal year, the Commission awarded 8.94% to DBEs. Staff is recommending that an adjustment be made to the base figure using the difference of its FY 2004-2005 annual goal and the attained percentage to date, which is 3.92%. With the adjustment, the base figure and proposed goal for FY 2005-2006 is 6.46%.

III. ANTICIPATED PROJECTS FOR FISCAL YEAR 2003-2004

The following projects represent the projected federally funded contracts for Fiscal Year beginning October 1, 2005 through September 30, 2006.

A. Perris Valley Line

Scope of Work - Preliminary Engineering and Right of Way Acquisition for the San Jacinto Branch Rail line from the City of Perris to Downtown Riverside for the extension of Metrolink Commuter Rail Service.

Estimated Total Amount of Contract: \$10,160,000

Estimated Federal Funds: \$ 8,128,000

B. North Main Corona Parking Structure

Scope of Work - This is for Final Engineering Design of North Main Corona Metrolink Parking Structure.

Estimated Total Amount of Contract: \$1,100,000

Estimated Federal Funds: \$973,830

C. State Route 60 East Junction to I-215 HOV Lane

Scope of Work - This is for Final Engineering Design for the HOV lane extension from the East Junction to the I-215.

Estimated Total Amount of Contract: \$2,500,000

Estimated Federal Funds: \$2,213,250

D. State Route 91 HOV (Adams Street to 7th)

Scope of Work - This is for Preliminary Engineering and Final Design for the HOV lane extension from Adams Street to 7th Street.

Estimated Total Amount of Contract: \$18,300,000

Estimated Federal Funds: \$14,253,330

IV. UTILIZATION OF RACE/GENDER-NEUTRAL METHOD

Staff foresees meeting the proposed 6.46% goal utilizing race-neutral methods by: 1) making efforts to ensure that the Request for Proposals (RFPs) and Invitation for Bids (IFBs) process and the contracting requirements facilitate participation by DBEs and other small businesses; 2) encouraging the prime consultant and contractors to subcontract portions of the work to DBEs; 3) distributing the RFPs and IFBs to organizations that represent and assist DBEs; and, 4) listing the RFPs and IFBs on the Commission website www.rctc.org.

V. PUBLIC NOTICE IN SETTING OVERALL ANNUAL DBE GOAL

As required, the Notice informs the public of the proposed goals and the rationale for setting the goal and they are available for inspection at the Commission for 30 days following the date of the Public Notice. Public comments on the proposed annual goal will be accepted for 45 days from the date of the Public Notice. The Notice was published on May 26, 2005. Receiving public comments until July 15, 2005 will meet the 45-day

comment period. If there are no substantive comments received, the adopted goal and goal methodology shall be submitted to the Department of Transportation, FHWA and the FTA prior to the start of the federal fiscal year (October 1, 2005).

VI. ESTABLISHMENT OF GOAL

Based on the information presented in the report, it is proposed that the Commission's overall annual DBE goal for federal FY 2005-2006 be established at 6.46%.

LEGAL NOTICE

RIVERSIDE COUNTY TRANSPORTATION COMMISSION ADOPTION OF DISADVANTAGED BUSINESS ENTERPRISE (DBE) OVERALL ANNUAL GOAL FOR FEDERAL FISCAL YEAR 2005-2006

NOTICE IS HEREBY GIVEN that the Riverside County Transportation Commission will be adopting its overall annual DBE goal, applicable to contracting opportunities scheduled to be awarded during the period of October 1, 2005 through September 30, 2006. RCTC's proposed overall annual goal of 6.46% and its rationale were developed in accordance to U.S. Department of Transportation's New Disadvantaged Business Enterprise Program Final Rule (49 CFR Part 26) and are available for inspection for 45 days following the date of this Notice, from 8:00 a.m. to 4 p.m., Monday through Friday, at its principal place of business located at 4080 Lemon Street, Third Floor, Riverside, California 92501.

Comments will be accepted on the proposed annual goal for 45 days from the date of this Notice. Comments may be submitted to the Commission at their meeting on June 2nd at 2:30 p.m., at the Flores 4 Conference Room, La Quinta Hotel, 49-499 Eisenhower Drive, La Quinta, CA 92253. Comments may also be mailed to the Riverside County Transportation Commission at 4080 Lemon Street, 3rd Floor, Riverside, CA 92501 or to Caltrans District 8, Local Assistance, 464 W. Fourth Street, San Bernardino, California 92401-1400.

Dated at Riverside, California this 26th day of May 2005.

By: Naty Kopenhaver
Director of Administrative Services