

**PUBLIC NOTICE**  
**TRANSBAY JOINT POWERS AUTHORITY**

Notice is hereby given that the Transbay Joint Powers Authority (TJPA) has established a draft Anticipated Disadvantaged Business Enterprise (DBE) Participation Level (ADPL), applicable to contracting opportunities scheduled to be awarded during the period of October 1, 2019 through September 30, 2022. The TJPA's proposed ADPL is 0% and is race-neutral. The ADPL was developed in accordance with the U.S. Department of Transportation's DBE Final Rule (49 CFR Part 26) and is attached hereto, or available for inspection through June 10, 2019, at the TJPA, 201 Mission Street, Suite 2100, San Francisco, California, 94105, during regular business hours, 8 a.m. to 5 p.m. Monday through Friday.

Comments will be accepted until June 10, 2019, and can be sent to the TJPA, Attn: DBE/SBE Liaison Officer, at the address above.

**FFY 2019-22**  
**ANTICIPATED DBE PARTICIPATION LEVEL (ADPL) METHODOLOGY**

The methodology to calculate an agency's DBE participation target is a two-step process described in 49 CFR Part 26. Step One of the methodology establishes a base figure for the anticipated new federally-funded contracts to be awarded during federal fiscal years 2019-20 through 2021-22 (FFY2019-22). As part of this program, the TJPA must establish a triennial target for DBE participation in all new contracts that are planned to be funded with Federal Transit Administration (FTA) funds, so this calculation has been done for contracts expected to be awarded between October 1, 2019 and September 30, 2022.

The base figure is derived from the relative availability of DBEs that are ready, willing, and able to participate on these anticipated contracts. Step Two relies on the agency's knowledge of its contracting markets and previous history of DBE participation to determine if an adjustment to the base figure is needed. The calculation using the two-step methodology results in an FTA ADPL of 0% for FFY2019-22 for the TJPA. This methodology, rationale and calculations are outlined below.

**Step One Process: Census Bureau Data and DBE Directory**

The initial step in developing an ADPL is to determine the market area for consultants who have demonstrated an interest or are anticipated to participate in TJPA contracts. The counties in the TJPA's market area consist of the nine (9) Bay Area counties:

- Alameda County
- Contra Costa County
- Marin County
- Napa County
- San Francisco County
- San Mateo County
- Santa Clara County
- Solano County
- Sonoma County

The Transbay Transit Center will be a multi-modal transportation station serving the San Francisco Bay Area Region, which is made up of the nine counties above. It will be a hub for the transit systems from the surrounding counties that already bring thousands of workers into San Francisco daily. The Metropolitan Transportation Commission—the state designated regional transportation agency—defines its transportation planning and financing area as the nine-county Bay Area, and California Department of Transportation (Caltrans) District 4 is also made up of the nine-county Bay Area. MTC and Caltrans are funders of the Transbay Transit Center project, and the nine counties are represented in some fashion on the TJPA Board, each with an expectation of project benefits including work on the project during the design and construction phases. The nine-county San Francisco Bay Area is the most appropriate market area for TJPA to use in its goal-setting methodology.

Secondly, the work categories must be determined for the anticipated contracts. TJPA's FTA funds are largely expended, and no new contracts are currently anticipated to be funded with the remaining funds; remaining funds will likely be spent on administrative costs over the remainder of the project such as office supplies and equipment. Purchasing office supplies can be considered a contracting opportunity, and staff anticipates potentially spending up to an estimated \$60,000 on office supplies through the remainder of the project, based on historical spending.

The ratio of DBE firms to non-DBE firms must then be calculated by dividing the number of certified DBE firms ready, willing and able to work in the TJPA's market area by the total number of firms found in the same market area according to the US Census database.

Finally, the Step One Base Figure results from multiplying the DBE ratios for each work category by the estimated dollar amount for that category, and dividing the sum of those numbers by the total dollar amount estimated to be awarded.

$$\text{Step One Base Figure} = \frac{\text{Sum of (DBE Ratio*Individual Contract amount)}}{\text{Total Contract Amount}} = 0\%$$

The Step One Base Figure, weighted by type of work to be performed, is 0%.

This calculation is shown in Attachments 2 and 2.1. While there are a handful of office supply companies certified as DBEs in Southern California, there currently are none in Northern California according to the California Unified Certification Program (CUCP) database, which is updated daily with certification information from certifying agencies statewide. TJPA staff notes, however, that it purchases most of its office supplies and equipment from a local firm, Give Something Back, based in Oakland, with a mission of improving the quality of life in the communities it serves. Give Something Back has donated an average of \$250,000 annually in profits to local non-profit organizations over its 25 years in business.

### **Step Two Process: Adjustment to the Base Figure**

The purpose of the Step Two analysis is to determine if an upward or downward adjustment to the base ADPL is justified, based on relevant evidence available to TJPA. The TJPA's DBE participation history assists in determining whether an adjustment to the Step One Base Figure is warranted.

TJPA has analyzed contracts that fall into the NAICS work category of office supplies. As noted above, there are no DBEs available in the market area in this category, and TJPA's past participation level is 0% for this category.

The past participation levels would typically be applied to adjust the base figure by category, by looking at the median percentage of past participation. However, with no DBEs available in this category, no adjustment to the base figure is necessary. Therefore, the overall ADPL is 0%.

### **Small Business Enterprise Goal Calculation**

TJPA will continue to seek SBE participation to the maximum extent possible on contracts, regardless of funding source, and consequently has also calculated a program-wide SBE target for agency reference of 14.5% of \$179 million in planned contract awards. The same methodology is used to calculate the SBE goal.

The Step One base figure was derived from reviewing the relative availability of SBEs for the upcoming contract opportunities. TJPA staff reviewed the databases for the certifications accepted under TJPA's SBE Program: the California Unified Certification Program (DBE), California Department of General Services (S/DVBE), and the Contract Management Division of the Office of the City Administrator (formerly SF HRC) (L/M/W-SBE). The availability percentages are multiplied by the estimated dollar amount for that category, and the sum of those numbers is divided by the total dollar amount estimated to be awarded.

$$\text{Step One Base Figure} = \frac{\text{Sum of (SBE Ratio*Individual Contract Amount)}}{\text{Total Contract Amount}} = 16.4\%$$

Step Two relies on the agency's knowledge of its contracting markets and previous history of SBE participation to determine what adjustment to the base figure is needed. This step also acknowledges that there is duplication amongst the databases as firms may hold more than one type of certification, and "apples-to-apples" comparison across the databases is difficult, as the California Department of General Services does not use NAICS codes to categorize businesses but instead utilizes key words.

Where there is previous participation by SBEs, the median percentage from that past participation is averaged with the Step One Base Figure for that particular contracting category. This results in an adjusted availability percentage that is included in the calculation. TJPA anticipates contracting for various services in the next several years and has thus made an adjustment based on past SBE participation of existing contracts for work categories that are anticipated.

$$\text{Step Two SBE Target} = \frac{\text{Sum of (Adjusted SBE Ratio*Individual Contract Amount)}}{\text{Total Contract Amount}} = 14.5\%$$

The overall SBE goal is therefore 14.5%. These calculations are shown in Attachments 2.2 through 2.4.

**ATTACHMENT 2**  
**FFY 2019-20 Through FFY 2021-22**  
**Anticipated Federally Funded Contracts**

FY 2019-22 Federally Funded Awards	NAICS	NAICS Description	A Contract Amt.	B DBE Avail.	C Step 1 DBE (A*B)	D Adjusted Avail.	E Step 2 DBE (A*D)
Administrative Support	424120	Office Supplies	\$ 60,000	0.00%	\$0.00	n/a	\$0.00
<b>Total</b>			<b>\$ 60,000</b>		<b>\$ -</b>		<b>\$ -</b>

*Step 1 DBE Base Figure*

$$\frac{\$0.00}{\$ 60,000} = 0.00\%$$

*Step 2 DBE Adjusted Figure*

$$\frac{\$0.00}{\$ 60,000} = 0.00\%$$

**ATTACHMENT 2.1  
FFY 2019-22 DBE Availability Weighted Calculations  
(FTA Funded Contracts)**

<b>DBE Totals by County and Activity</b>	
	424120 Stationery & Office Supplies
<b>Counties</b> <sup>(1,2)</sup>	
Alameda (510)	0
Contra Costa (925)	0
Napa, Solano, Sonoma (707)	0
San Francisco/Marin (415)	0
San Mateo (650)	0
Santa Clara (408)	0
<b>Totals</b>	<b>0</b>

<b>NAICS Totals by County and Activity</b>	
	424120 Stationery & Office Supplies
<b>Counties</b> <sup>(1, 3)</sup>	
Alameda (510)	19
Contra Costa (925)	8
Napa, Solano, Sonoma (707)	13
San Francisco/Marin (415)	14
San Mateo (650)	19
Santa Clara (408)	18
<b>Totals</b>	<b>91</b>

<b>Calculation of Step 1 Base Figure</b>	
	424120 Stationery & Office Supplies
NAICS Code and Description	
DBE Totals for All Counties	0
NAICS Totals for All Counties	91
DBE Totals/NAICS Totals	0.0%
Total Dollar Amount	\$60,000
DBE Participation Amount	\$0.00
<b>FY 2017-19 DBE Step One Base Figure</b>	<b>0.00%</b>

<b>Calculation of Step 2 Adjusted Figure</b>	
Past DBE Participation	0%
Adjusted Availability <sup>(4) (5)</sup>	n/a
DBE Participation Amount	\$0
<b>FY 2017-19 DBE Step Two Adjusted Figure</b>	<b>0.00%</b>

(1) Nine Bay Area Counties are Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, Sonoma.

(2) Source of DBE Query Data: <https://ucp.dot.ca.gov/licenseForm.htm>

(3) NAICS data is from the U.S. Census Bureau's 2016 County Business Patterns

(4) Adjusted Availability, if applicable, would be the average of the Step One Base Figure and the Past DBE Participation.

(5) 424130 Code is removed from this year's DBE analysis as the code does not fit with anticipated paper and supply procurement



**ATTACHMENT 2.3  
FFY 2019-22 SBE Availability Weighted Calculations  
(All Contracts)**

SBE Totals by County and Activity																	
Counties <sup>(1,2)</sup>	Auditor Services	Legal Services	Right of Way Appraisal / Negotiation Services	IT Services	Security Guards and Patrol Services	Office Supplies	PMPC Services	Rail Engineering Services	Real Estate Economics Services	Environmental Analysis Services	Cyber Security Services	GIS Mapping and Surveys Services	Public Relations & Legislative Services	Financial Consulting Services	Physical Security System & Emergency Communications System (PSIM)	Program / Project Management Information System (PMIS)	Emergency Responder Radio Communications System
Alameda (510)	6	8	9	82	4	8	248	89	56	79	61	11	19	15	29	27	20
Contra Costa (925)	2	3	3	42	3	0	132	114	9	40	12	7	6	6	5	2	9
Napa, Solano, Sonoma (707)	1	0	1	29	3	3	48	49	1	23	9	11	1	1	7	11	7
San Francisco/Marin (415)	1	6	10	46	4	8	87	112	9	35	13	14	12	11	7	9	19
San Mateo (650)	0	1	2	18	0	2	17	53	2	5	8	1	3	0	6	4	6
Santa Clara (408)	0	3	6	59	2	1	38	73	7	5	26	8	8	2	14	15	15
<b>Totals</b>	<b>10</b>	<b>21</b>	<b>31</b>	<b>276</b>	<b>16</b>	<b>22</b>	<b>570</b>	<b>490</b>	<b>84</b>	<b>187</b>	<b>129</b>	<b>52</b>	<b>49</b>	<b>35</b>	<b>68</b>	<b>68</b>	<b>76</b>

NAICS Totals by County and Activity																	
Counties <sup>(1,3)</sup>	Auditor Services	Legal Services	Right of Way Appraisal / Negotiation Services	IT Services	Security Guards and Patrol Services	Office Supplies	PMPC Services	Rail Engineering Services	Real Estate Economics Services	Environmental Analysis Services	Cyber Security Services	GIS Mapping and Surveys Services	Public Relations & Legislative Services	Financial Consulting Services	Physical Security System & Emergency Communications System (PSIM & ECS)	Program / Project Management Information System (PMIS)	Emergency Responder Radio Communications System Maintenance Service
	<u>541211</u>	<u>541110</u>	<u>531320</u>	<u>811212</u>	<u>561612</u>	<u>424120</u>	<u>541611</u> , <u>541618</u>	<u>541330</u>	<u>541690</u>	<u>541620</u>	<u>541511</u>	<u>541370</u>	<u>541820</u>	<u>541611</u>	<u>541690</u>	<u>511210</u>	<u>51741</u> , <u>541690</u> , <u>811213</u>
Alameda (510)	198	761	29	653	69	19	466	466	273	108	866	18	35	420	273	126	284
Contra Costa (925)	220	508	49	266	47	8	362	321	197	81	302	19	17	331	197	55	202
Napa, Solano, Sonoma (707)	162	409	26	142	39	13	185	217	120	45	144	22	13	176	120	24	128
San Francisco/Marin (415)	359	1557	36	482	70	14	812	410	343	76	1313	16	175	759	343	378	350
San Mateo (650)	164	356	17	252	33	19	307	158	170	19	511	7	25	282	170	162	174
Santa Clara (408)	349	965	41	1082	77	18	631	712	331	51	1908	11	39	580	331	404	339
<b>Totals</b>	<b>1452</b>	<b>4556</b>	<b>198</b>	<b>2877</b>	<b>335</b>	<b>91</b>	<b>2763</b>	<b>2284</b>	<b>1434</b>	<b>380</b>	<b>5044</b>	<b>93</b>	<b>304</b>	<b>2548</b>	<b>1434</b>	<b>1149</b>	<b>1477</b>

Calculation of Step 1 Base Figure																	
	Auditor Services	Legal Services	Right of Way Appraisal / Negotiation Services	IT Services	Security Guards and Patrol Services	Office Supplies	PMPC Services	Rail Engineering Services	Real Estate Economics Services	Environmental Analysis Services	Cyber Security Services	GIS Mapping and Surveys Services	Public Relations & Legislative Services	Financial Consulting Services	Physical Security System & Emergency Communications System (PSIM & ECS)	Program / Project Management Information System (PMIS)	Emergency Responder Radio Communications System Maintenance Service
SBE Totals for All Counties	10	21	31	276	16	22	570	490	84	187	129	52	49	35	68	68	76
NAICS Totals for All Counties	1452	4556	198	2877	335	91	2763	2284	1434	380	5044	93	304	2548	1434	1149	1477
SBE Totals/NAICS Totals	0.69%	0.46%	15.66%	9.59%	4.78%	24.18%	20.63%	21.45%	5.86%	49.21%	2.56%	55.91%	16.12%	1.37%	4.74%	5.92%	5.15%
Total Dollar Amount	\$300,000	\$20,000,000	\$300,000	\$300,000	\$7,500,000	\$60,000	\$100,000,000	\$25,000,000	\$250,000	\$3,000,000	\$7,500,000	\$580,000	\$1,350,000	\$2,500,000	\$7,500,000	\$1,000,000	\$2,000,000
SBE Participation Amount	\$2,066	\$92,186	\$46,970	\$28,780	\$358,209	\$14,505	\$20,629,750	\$5,363,398	\$14,644	\$1,476,316	\$191,812	\$324,301	\$217,599	\$34,341	\$355,649	\$59,182	\$102,911
<b>FY 2017-19 SBE Step One Base Figure</b>	<b>\$29,312,619 / \$179,140,000 = 16.4%</b>																

Calculation of Step 2 Adjusted Figure																	
	Auditor Services	Legal Services	Right of Way Appraisal / Negotiation Services	IT Services	Security Guards and Patrol Services	Office Supplies	PMPC Services	Rail Engineering Services	Real Estate Economics Services	Environmental Analysis Services	Cyber Security Services	GIS Mapping and Surveys Services	Public Relations & Legislative Services	Financial Consulting Services	Physical Security System & Emergency Communications System (PSIM & ECS)	Program / Project Management Information System (PMIS)	Emergency Responder Radio Communications System Maintenance Service
Past SBE Participation	0.0%	61.3%	0.0%	0.0%	0.0%	0.0%	8.7%	0.7%	100.0%	19.2%	0.0%	97.8%	0.0%	67.6%	0.0%	0.7%	0.0%
Adjusted Availability <sup>(4)</sup>	-	38.84%	-	-	-	-	12.52%	8.55%	58.18%	17.76%	-	57.06%	-	41.96%	-	8.55%	-
SBE Participation Amount	\$2,066	\$7,768,697	\$46,970	\$28,780	\$358,209	\$14,505	\$12,521,690	\$2,136,619	\$145,454	\$532,702	\$191,812	\$330,953	\$217,599	\$1,049,041	\$355,649	\$85,518	\$102,911
<b>FY 2017-19 SBE Step Two Adjusted Figure</b>	<b>25,889,174 / \$179,140,000 = 14.5%</b>																

(1) Nine Bay Area Counties are Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, Sonoma.

(2) Source of DBE Query Data: <http://www.dot.ca.gov/licenseForm.htm>

(3) NAICS data is from the U.S. Census Bureau's 2016 County Business Patterns.

(4) Adjusted Availability is the average of the Step One Base Figure and the Past DBE Participation.



**ATTACHMENT 2.4**  
**Past DBE and SBE Participation on Similar TJPA Contracts**

<b>Office Supplies (NAICS 424120) DBE Participation History*</b>					
	<b>Total</b>	<b>non-DBE</b>	<b>DBE</b>	<b>non-DBE %</b>	<b>DBE %</b>
FY 2016-17	\$ 8,327.20	\$ 8,327.20	-	100%	<b>0%</b>
FY 2017-18	\$ 9,894.16	\$ 9,894.16	-	100%	<b>0%</b>
Total	\$ 18,221.36	\$ 18,221.36	-		
		Average Past Participation		100%	<b>0%</b>
		Median Past Participation		0%	<b>0%</b>

<b>SBE Past Participation by Work Anticipated*</b>					
	<b>Total</b>	<b>non-SBE</b>	<b>SBE</b>	<b>non-SBE %</b>	<b>SBE %</b>
<b>Legal Bench</b>					
FY 2016-17	\$ 2,444,422	\$ 1,073,379	\$1,371,043	43.9%	56.1%
FY 2017-18	\$ 2,061,470	\$ 689,369	\$1,372,101	33.4%	66.6%
			<b>Median</b>	38.7%	61.3%
<b>PMPC</b>	<b>Total</b>	<b>non-SBE</b>	<b>SBE</b>	<b>non-SBE %</b>	<b>SBE %</b>
FY 2016-17	\$ 6,265,412	\$ 5,769,502	\$ 495,910	92.1%	7.9%
FY 2017-18	\$ 5,268,809	\$ 4,771,128	\$ 497,680	90.6%	9.4%
			<b>Median</b>	91.3%	8.7%
<b>Rail Engineering</b>	<b>Total</b>	<b>non-SBE</b>	<b>SBE</b>	<b>non-SBE %</b>	<b>SBE %</b>
FY 2016-17	\$ 2,784,516	\$ 2,784,516	\$ -	100.0%	0.0%
FY 2017-18	\$ 2,521,558	\$ 2,484,745	\$ 36,814	98.5%	1.5%
			<b>Median</b>	99.3%	0.7%
<b>Real Estate Economics</b>	<b>Total</b>	<b>non-SBE</b>	<b>SBE</b>	<b>non-SBE %</b>	<b>SBE %</b>
FY 2016-17	\$ 15,206	\$ -	\$ 15,206	0.0%	100.0%
FY 2017-18	\$ 18,498	\$ -	\$ 18,498	0.0%	100.0%
			<b>Median</b>	0.0%	100.0%
<b>Environmental Analysis</b>	<b>Total</b>	<b>non-SBE</b>	<b>SBE</b>	<b>non-SBE %</b>	<b>SBE %</b>
FY 2016-17	\$ 129,310	\$ 100,672	\$ 28,638	77.9%	22.1%
FY 2017-18	\$ 9,561	\$ 8,016	\$ 1,544	83.8%	16.2%
			<b>Median</b>	80.8%	19.2%
<b>GIS Mapping and Surveying</b>	<b>Total</b>	<b>non-SBE</b>	<b>SBE</b>	<b>non-SBE %</b>	<b>SBE %</b>
FY 2016-17	\$ 35,063	\$ -	\$ 35,063	0.0%	100.0%
FY 2017-18	\$ 33,463	\$ 1,500	\$ 31,963	4.5%	95.5%
			<b>Median</b>	2.2%	97.8%
<b>Financial Consulting</b>	<b>Total</b>	<b>non-SBE</b>	<b>SBE</b>	<b>non-SBE %</b>	<b>SBE %</b>
FY 2016-17	\$ 303,940	\$ 94,571	\$ 209,369	31.1%	68.9%
FY 2017-18	\$ 342,701	\$ 115,711	\$ 226,991	33.8%	66.2%
			<b>Average</b>	<b>32.4%</b>	67.6%
			<b>Median</b>	32.4%	67.6%
<b>PMIS Software System</b>	<b>Total</b>	<b>non-SBE</b>	<b>SBE</b>	<b>non-SBE %</b>	<b>SBE %</b>
FY 2016-17	\$ 6,000	\$ 6,000	\$ -	100.0%	0.0%
FY 2017-18	\$ 9,000	\$ 8,867	\$ 133	98.5%	1.5%
			<b>Median</b>	99.3%	0.7%
				<b>non-SBE %</b>	<b>SBE %</b>
FY 2016-17 Total	\$ 9,539,447	\$ 8,755,261	\$ 784,186	91.8%	8.2%
FY 2017-18 Total	\$ 8,203,590	\$ 7,389,966	\$ 813,624	90.1%	9.9%
			<b>Average</b>	<b>90.9%</b>	<b>9.1%</b>
			<b>Median</b>	<b>91.8%</b>	<b>8.2%</b>

\* Source: TJPA DBE Participation Log