

**THIS PRINT COVERS CALENDAR ITEM NO.: 9  
FOR THE MEETING OF: June 21, 2007**

**TRANSBAY JOINT POWERS AUTHORITY**

**BRIEF DESCRIPTION:**

Approval of the draft Annual Anticipated Disadvantaged Business Enterprise (DBE) Participation Level (AADPL) Program for FY 2007-08 and authorization of the release of the draft DBE Program for a 30-day public review/45-day public comment process.

**SUMMARY:**

- Since its creation in 2001, TJPA has received Federal financial assistance from the Federal Transit Administration (FTA) through grants administered by the Municipal Transportation Agency (MTA).
- The passage of SAFETEA-LU in 2005 included more than \$56 million in federal earmarks for the Transbay Transit Center Program.
- In January 2006, TJPA became an official and legitimate FTA grantee, authorizing TJPA to file applications for federal assistance, file annual certifications and assurances, and execute grant agreements directly with FTA.
- In accordance with Title 49 of the Code of Federal Regulations, Part 26 (49 CFR Part 26), TJPA must establish an Annual Anticipated Disadvantaged Business Enterprise (DBE) Participation Level (AADPL) for contracts awarded with federal funds. A DBE firm is defined as a for-profit “small business concern” that is at least 51% owned and controlled by one or more socially and economically disadvantaged individuals. A DBE Program is established to ensure nondiscrimination in the award of federally funded contracts.
- In accordance with the public participation requirements of 49 CFR Part 26.45, the draft DBE Program must be released for a 30-day review/45-day comment period.
- A DBE Program is a requirement to obligate federal funds.
- The draft FY 2007-08 Annual Anticipated DBE Participation Level is 15.1%.

**ENCLOSURES:**

1. Draft DBE Program for FY 2007-08
2. Resolution

**EXPLANATION:**

As an eligible recipient of federal-aid funding, TJPA is required to comply with 49 CFR Part 26, which states that TJPA must establish an Annual Anticipated Disadvantaged Business Enterprise (DBE) Participation Level (AADPL) percentage in order to receive federal funding.

The methodology to calculate the annual DBE goal is a two-step process described in 49 CFR Part 26. Step One of the methodology establishes a base figure, which is derived from the anticipated new contracts to be awarded in FY 2007-08. The base figure is calculated from the relative availability of DBEs that are ready, willing, and able to

participate in federally funded projects. Step Two relies on the TJPA's knowledge of its contracting markets and previous history of DBE participation to determine if an adjustment from the base figure is needed. The calculation using the two-step methodology results in a DBE goal of 15.1% for FY 2007-08. The methodology and the determination of the DBE goal are outlined in Enclosure 1.

The overall DBE goal is typically split into race-neutral and race-conscious components. Race-neutral participation is defined as any time a DBE obtains a contract through customary procurement procedures where its DBE status was not considered in making the award. Race-conscious DBE participation is the component of the overall goal that focuses on assisting only DBEs, where a contract's DBE goal is explicitly stated to encourage DBE participation.

In compliance with the United States Ninth Circuit Court of Appeals opinion in the Western States Paving Co. vs. Washington State Department of Transportation (WSDOT), the State of California is required to follow and enforce a race-neutral program until evidence of discrimination is presented. In response to this ruling, the California Department of Transportation (Caltrans) is proceeding with a statewide disparity study over the next year to evaluate what, if any, discrimination exists for minority groups included in its DBE Program. This study is expected to be the basis of determining what, if any, changes will be made to the current Caltrans DBE Program. In the meantime, Caltrans advised the local agencies to adopt a race-neutral DBE program until the results of the disparity study are released. The TJPA may later reevaluate and amend its DBE Program when the results of the Caltrans' statewide disparity study are released. Should Caltrans or FTA notify TJPA of mandatory changes to the DBE Program, then an amendment to this program, once approved, would likely be required.

TJPA has been very successful in awarding contracts to DBE firms. An analysis of the TJPA's current contracts reveals that over the past three years, from FY 2005 to FY 2007, the TJPA has achieved an average DBE participation level of 21.88% based on actual payments to date.

### **Public Outreach**

In accordance with the public participation requirements of 49 CFR Part 26.45, the draft DBE Program must be released for a 30-day review/45-day comment period. A public notice will be published in general circulation media and available minority-focused media and trade association publications. The notice will inform the public that the proposed goal and its rationale are available for inspection during normal business hours at the TJPA office for 30 days following the date of the notice, and that TJPA will accept comments on the goal for 45 days following the date of the notice. Comments received during the public participation process will be addressed and included as part of the final DBE Program. The DBE Program will be brought back to the TJPA Board in September for final adoption following the close of the public review/comment process.

Following the TJPA Board action, a public notice will be published in the following general circulation media, minority-focused media and trade association publications:

- Asian Week
- El Mensajero
- Hokubei Mainichi
- La Oferta Review
- San Francisco Bay View
- San Francisco Examiner
- Small Business Exchange
- Other additional minority-focused media and trade association publications

The TJPA's draft DBE Program will also be sent to the TJPA's local partner agencies for review. The following local agencies will receive a copy of the draft FY 2007-08 DBE Program for review:

- San Francisco Municipal Transportation Agency (MTA)
- Caltrain/SamTrans
- AC Transit
- San Francisco County Transportation Authority (SFCTA)
- Metropolitan Transportation Commission (MTC)

**RECOMMENDATION:**

1. Approve the draft Disadvantaged Business Enterprise (DBE) Program for FY 2007-08,
2. Authorize the release of the draft DBE Program for a 30-day public review/45-day public comment process.

**TRANSBAY JOINT POWERS AUTHORITY  
BOARD OF DIRECTORS**

Resolution No. \_\_\_\_\_

WHEREAS, The Transbay Joint Powers Authority (TJPA) is a joint powers agency organized and existing under the laws of the State of California; and

WHEREAS, The Federal Transit Administration (FTA) authorized TJPA to become an eligible grantee for Federal financial assistance in January 2006; and

WHEREAS, In order to comply with federal requirements to obtain federal funds for transportation projects, TJPA must approve and implement a Disadvantaged Business Enterprise (“DBE”) Program (Title 49 Code of Federal Regulations Part 23) prior to approval by the Federal Transit Administration (FTA), the Federal Highway Administration (FHWA), and the United States Department of Transportation (U.S. DOT) of any request for Federal funds; and

WHEREAS, The overall percentage level established by the draft FY 2007-08 DBE Program for DBE participation in the performance of contracts financed in whole or in part with U.S. DOT funds shall be 15.1% and shall be Race-Neutral; and

WHEREAS, A notice of the proposed overall participation percentage level must be published, informing the public that the proposed goal and its rationale are available for inspection for thirty days following the date of the notice and comments accepted on the proposed goal for forty-five days following the date of the notice; now, therefore, be it

RESOLVED, That the TJPA Board approves the draft FY 2007-08 Disadvantaged Business Enterprise (DBE) Program; and be it further

RESOLVED, That the TJPA Board authorizes the release of the draft FY 2007-08 DBE Program for a period of 30 days for public review and 45 days for public comments.

I hereby certify that the foregoing resolution was adopted by the Transbay Joint Powers Authority Board of Directors at its meeting of June 21, 2007.

\_\_\_\_\_  
Secretary, Transbay Joint Powers Authority

# ATTACHMENT 1

## **FY 2007-08** **ANNUAL ANTICIPATED DBE PARTICIPATION LEVEL (AADPL)** **METHODOLOGY**

### **Introduction**

The Transbay Joint Powers Authority (TJPA) was created in April 2001 to design, build, operate and maintain the new Transbay Transit Center and associated facilities in downtown San Francisco, including the construction of bus storage and staging facilities, the extension of the Caltrain commuter rail 1.3 miles into the new Transit Center, and accommodations for future California High Speed Rail.

The TJPA consists of a historic collaboration of Bay Area government and transportation agencies committed to replacing the current Transbay Terminal in San Francisco with the new Transbay Transit Center to improve the transportation needs for the entire Bay Area region and the State. The TJPA is managed by TJPA Staff and is overseen by a five member Board of Directors. The TJPA Board of Directors is comprised of representatives from the following agencies:

- City and County of San Francisco- one board member for each of the following departments:
  - Municipal Transportation Agency (MTA)
  - The Office of the Mayor
  - Board of Supervisors
- Alameda-Contra Costa Transit District (AC Transit)
- Peninsula Corridor Joint Powers Board – Caltrain; created by the City and County of San Francisco, San Mateo County Transit District, and Santa Clara Valley Transportation Authority.

Since its creation in 2001, TJPA has received Federal financial assistance from the Federal Transit Administration (FTA) through grants administered by MTA. This arrangement changed in January 2006, when the TJPA became an official and legitimate FTA grantee, authorizing TJPA to file applications for Federal assistance, file annual certifications and assurances, and execute grant agreements directly with the FTA.

In accordance with Title 49 of the Code of Federal Regulations, Part 26 (49 CFR Part 26), an Annual Anticipated Disadvantaged Business Enterprise (DBE) Participation Level (AADPL) must be established for contracts anticipating award with Federal funds. A two-step methodology process described in 49 CFR Part 26 must be used to determine the AADPL. Step One of the methodology establishes a base figure for the relative availability of DBEs that are ready, willing, and able to participate in Federally funded Department of Transportation (DOT) assisted projects. Step Two relies on the TJPA's

knowledge of its contracting markets to determine if an adjustment from the base figure is needed. Each methodology is discussed in detail below.

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

The first stage in developing an AADPL is to develop a market area for which consultants 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 second stage is to determine the corresponding work categories for the anticipated FY 2007-08 Federal-award contracts. TJPA anticipates to award nine (9) contracts with Federal funds in FY 2007-08 (see Attachment 1.1). These activities were matched with their respective North American Industry Classification System (NAICS) codes, which are used to identify DBE firms in the Caltrans DBE and the US Census Bureau’s databases.

The third step to calculating the Step One AADPL, or Base Figure, is to weight each work category as a percentage of the total amount of the contract award. Weighting each category will assist in providing a more accurate Step One Base Figure.

| <b>NAICS</b> | <b>NAICS Description</b>                   | <b>Weight</b> |
|--------------|--|---------------|
| 237990       | Other Heavy Civil Engineering Construction | 5.30%         |
| 238910       | Site Preparation Contractors               | 1.12%         |
| 531312       | Nonresidential Property Managers           | 0.06%         |
| 531390       | Other Activities Related to Real Estate    | 0.19%         |
| 541219       | Other Accounting Services                  | 0.31%         |
| 541310       | Architectural Services                     | 44.10%        |
| 541330       | Engineering Services                       | 47.65%        |
| 541620       | Environmental Consulting Services          | 0.62%         |
| 541820       | Public Relations Agencies                  | 0.84%         |

The next step to developing the Base Figure is to calculate the ratio of DBE firms to non-DBE firms 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 from the US Census database

(see Attachment 1.2). This is performed for each county and each type of activity. The results are as follows:

| NAICS  | NAICS Description                          | Ratio of DBE/Total |
|--------|--|--------------------|
| 237990 | Other Heavy Civil Engineering Construction | 35.63%             |
| 238910 | Site Preparation Contractors               | 9.98%              |
| 531312 | Nonresidential Property Managers           | 0.00%              |
| 531390 | Other Activities Related to Real Estate    | 0.74%              |
| 541219 | Other Accounting Services                  | 0.35%              |
| 541310 | Architectural Services                     | 1.99%              |
| 541330 | Engineering Services                       | 6.70%              |
| 541620 | Environmental Consulting Services          | 14.33%             |
| 541820 | Public Relations Agencies                  | 14.56%             |

Finally, the Step One Base Figure is calculated by multiplying the DBE ratios by their corresponding weights, summing the results for each activity, and taking its percentage. The calculation of the Step One Base Figure is shown in Attachment 1.2.

$$\text{Step One Base Figure} = \text{SUM (Weight * Ratio) for each activity} = 6.28\%.$$

**The Step One Base Figure, weighted by type of work to be performed, is 6.3%.**

### **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 AADPL is justified based on relevant evidence available to TJPA. The TJPA adopted policies and procedures in July 2006 to monitor and track DBE participation. The TJPA's DBE participation history can assist in determining whether an adjustment to the Step One Base Figure is warranted.

As shown in Attachment 1.3, an analysis of the TJPA's current contracts reveals that they fall into one major work category: NAICS 54 – Professional, Scientific, and Technical Services. Over the past three years, from FY 2005 to FY 2007, the TJPA has achieved an average DBE participation level of 21.88% for activities in the NAICS 54 work category.

The past participation level of 21.88% can be applied to adjust the FY 2007-08 Base Figure for activities under the NAICS 54 category (see Attachment 1.3). The total calculated participation level for NAICS 54 contracts in the FY 2007-08 DBE Base Figure is 6.3%. Averaging that figure with the NAICS 54-past participation level of 21.88% results in a percentage of 13.08%. This new percentage for NAICS 54 can now be added to the participation percentages of the remaining work codes, which results in a revised DBE participation level of **15.08%**.

Other factors in the Step Two analysis involve the consideration of disparity studies conducted in the market area and evidence of past discrimination. Since there are no known disparity studies for the region at this time and no adequate evidence of past discrimination, further adjustments to the AADPL will not be made based on this information. However, the California Department of Transportation (Caltrans) is currently conducting a statewide disparity study in response to the U.S. Ninth Circuit Court of Appeals ruling (see below). TJPA may choose to reevaluate and amend the AADPL at a later date when the results of the Caltrans statewide disparity study are released.

**The overall AADPL, or the Step Two adjustment figure, is 15.1%.**

*Race-Neutral / Race-Conscious Split:*

Race-neutral DBE participation is defined as any time a DBE obtains a prime contract through customary competitive procurement procedures, is awarded a subcontract on a prime contract that does not carry a DBE goal, or even if there is a DBE goal, obtains a subcontract from a prime contractor that did not consider its DBE status in making the award. A race-neutral measure is one that is, or can be, used to assist all small businesses, not just DBEs.

Race-conscious DBE participation is the component of the overall goal that focuses on assisting only DBEs. The use of contract goals is the primary example of a race-conscious measure in the DBE Program. Local agencies establish contract goals to meet any portion of their overall goal they do not project being able to meet using race-neutral means.

On May 9, 2005, the United States Ninth Circuit Court of Appeals filed an opinion on the Western States Paving Co. vs. Washington State Department of Transportation (WSDOT). The opinion found that while the Federal DBE Program is constitutional, judgment was entered against the State because WSDOT's DBE goal was not separately supported with controlled, statistical evidence of discrimination for the race-conscious portion of the goal. WSDOT was required to conduct a disparity study to determine the presence or effects of discrimination in its marketplace before being allowed to continue using race-conscious components to meet its DBE goal. This ruling applies to all states within the jurisdiction of the Ninth Circuit Court, including California.

In response to this ruling, the California Department of Transportation (Caltrans) implemented a race-neutral DBE program on May 1, 2006, which means local agencies may no longer advertise and award contracts with Federal-aid funds containing race-conscious DBE goals. Caltrans also committed to lead a statewide disparity study over the next year to evaluate what, if any, discrimination exists for minority groups included in its DBE Program. This study is expected to be the basis of determining what, if any, changes will be made to the Caltrans DBE Program.

As advised by Caltrans and FTA, TJPA prepared its DBE Program under the race-neutral guidelines from the California Department of Transportation. In compliance with the



Caltrans decision, the revised AADPL of 15.1% will be exclusively race-neutral. The TJPA may later reevaluate and amend its DBE Program when the results of the DOT's statewide disparity study are released. Should Caltrans or FTA notify TJPA of mandatory changes to the DBE Program, then an amendment to this program, once approved, would likely be required.

**Conclusion:**

**The Annual Anticipated Disadvantaged Business Enterprise (DBE) Participation Level (AADPL) for FY 2007-08 is 15.1% and will be exclusively race-neutral.**

**ATTACHMENT 1.1**  
**FY 2007-08 Anticipated Federal Funded Contracts**

| <b>FY 2007-08 Project/Contract</b>                | <b>NAICS</b> | <b>NAICS Description</b>                   | <b>TJPA Award Date</b> | <b>Federal Portion of Contract</b> | <b>Weight</b> |
|---|--------------|--|------------------------|------------------------------------|---------------|
| CM for Bus Storage                                | 237990       | Other Heavy Civil Engineering Construction | Feb-08                 | \$ 2,639,000                       | 5.30%         |
| CM for Temporary Terminal                         |              | Other Heavy Civil Engineering Construction | Feb-08                 | \$ 1,618,000                       |               |
| Acquired Properties Demolition, if needed         | 238910       | Site Preparation Contractors               | Jan-08                 | \$ 899,000                         | 1.12%         |
| Property Management Services                      | 531312       | Nonresidential Property Managers           | Sep-07                 | \$ 50,000                          | 0.06%         |
| Real Estate Economic Advisory Services            | 531390       | Other Activities Related to Real Estate    | Aug-07                 | \$ 150,000                         | 0.19%         |
| Financial Software Consulting Services            | 541219       | Other Accounting Services                  | Jul-07                 | \$ 50,000                          | 0.31%         |
| Financial Software System Implementation          |              | Other Accounting Services                  | Dec-07                 | \$ 200,000                         |               |
| Design of Transbay Transit Center (Architectural) | 541310       | Architectural Services                     | Sep-07                 | \$ 35,306,000                      | 44.10%        |
| Design of Transbay Transit Center (Engineering)   | 541330       | Engineering Services                       | Sep-07                 | \$ 35,306,000                      | 47.65%        |
| Design Services for Early Relocation of Utilities |              | Engineering Services                       | Jul-07                 | \$ 3,000,000                       |               |
| As-Needed Env Consulting Svcs.                    | 541620       | Environmental Consulting Services          | Jul-07                 | \$ 500,000                         | 0.62%         |
| Community & Public Relations                      | 541820       | Public Relations Agencies                  | Mar-08                 | \$ 675,000                         | 0.84%         |
|   |              |  | Total                  | \$ 80,393,000                      |               |

**ATTACHMENT 1.2  
FY 2007-08 DBE Base Figure Calculation**

| <b>DBE Totals by County and Activity</b>         |                                       |                                 |                                     |   |                              |                           |                         |   |                              |
|--|---------------------------------------|---------------------------------|-------------------------------------|---|------------------------------|---------------------------|-------------------------|---|------------------------------|
|  | <u>237990</u>                         | <u>238910</u>                   | <u>531312</u>                       | <u>531390</u>                                 | <u>541219</u>                | <u>541310</u>             | <u>541330</u>           | <u>541620</u>                           | <u>541820</u>                |
| <b>Counties</b> <sup>(1,2)</sup>                 | Other Heavy Civil<br>Eng Construction | Site Preparation<br>Contractors | Nonresidential<br>Property Managers | Other Activities<br>Related to Real<br>Estate | Other Accounting<br>Services | Architectural<br>Services | Engineering<br>Services | Environmental<br>Consulting<br>Services | Public Relations<br>Agencies |
| Alameda (510)                                    | 6                                     | 10                              | 0                                   | 2   | 2                            | 10                        | 41                      | 15                                      | 12                           |
| Contra Costa (925)                               | 6                                     | 8                               | 0                                   | 1   | 0                            | 0                         | 24                      | 7                                       | 3                            |
| Napa, Solano, Sonoma (707)                       | 5                                     | 11                              | 0                                   | 0   | 0                            | 0                         | 9                       | 7                                       | 0                            |
| San Francisco/Marin (415)                        | 9                                     | 12                              | 0                                   | 0   | 1                            | 10                        | 48                      | 9                                       | 21                           |
| San Mateo (650)                                  | 3                                     | 1                               | 0                                   | 1   | 0                            | 0                         | 3                       | 2                                       | 0                            |
| Santa Clara (408)                                | 2                                     | 1                               | 0                                   | 0   | 0                            | 1                         | 18                      | 2                                       | 2                            |
| <b>Totals</b>                                    | <b>31</b>                             | <b>43</b>                       | <b>0</b>                            | <b>4</b>                                      | <b>3</b>                     | <b>21</b>                 | <b>143</b>              | <b>42</b>                               | <b>38</b>                    |
|  |                                       |                                 |                                     |   |                              |                           |                         |   |                              |
|  |                                       |                                 |                                     |   |                              |                           |                         |   |                              |
| <b>NAICS Totals by County and Activity (***)</b> |                                       |                                 |                                     |   |                              |                           |                         |   |                              |
|  | <u>237990</u>                         | <u>238910</u>                   | <u>531312</u>                       | <u>531390</u>                                 | <u>541219</u>                | <u>541310</u>             | <u>541330</u>           | <u>541620</u>                           | <u>541820</u>                |
| <b>Counties</b> <sup>(1,3)</sup>                 | Other Heavy Civil<br>Eng Construction | Site Preparation<br>Contractors | Nonresidential<br>Property Managers | Other Activities<br>Related to Real<br>Estate | Other Accounting<br>Services | Architectural<br>Services | Engineering<br>Services | Environmental<br>Consulting<br>Services | Public Relations<br>Agencies |
| Alameda (510)                                    | 18                                    | 78                              | 88                                  | 91  | 139                          | 188                       | 423                     | 80                                      | 15                           |
| Contra Costa (925)                               | 15                                    | 69                              | 51                                  | 91  | 115                          | 89                        | 337                     | 49                                      | 19                           |
| Napa, Solano, Sonoma (707)                       | 27                                    | 129                             | 42                                  | 45  | 135                          | 103                       | 213                     | 38                                      | 15                           |
| San Francisco/Marin (415)                        | 13                                    | 36                              | 147                                 | 157   | 169                          | 459                       | 343                     | 66                                      | 126                          |
| San Mateo (650)                                  | 4                                     | 35                              | 55                                  | 40  | 104                          | 72                        | 157                     | 15                                      | 32                           |
| Santa Clara (408)                                | 10                                    | 84                              | 124                                 | 119   | 192                          | 146                       | 662                     | 45                                      | 54                           |
| <b>Totals</b>                                    | <b>87</b>                             | <b>431</b>                      | <b>507</b>                          | <b>543</b>                                    | <b>854</b>                   | <b>1057</b>               | <b>2135</b>             | <b>293</b>                              | <b>261</b>                   |
|  |                                       |                                 |                                     |   |                              |                           |                         |   |                              |
|  |                                       |                                 |                                     |   |                              |                           |                         |   |                              |
| <b>Calculation of Step 1 Base Goal</b>           |                                       |                                 |                                     |   |                              |                           |                         |   |                              |
|  | <u>237990</u>                         | <u>238910</u>                   | <u>531312</u>                       | <u>531390</u>                                 | <u>541219</u>                | <u>541310</u>             | <u>541330</u>           | <u>541620</u>                           | <u>541820</u>                |
| <b>NAICS Code and Description</b>                | Other Heavy Civil<br>Eng Construction | Site Preparation<br>Contractors | Nonresidential<br>Property Managers | Other Activities<br>Related to Real<br>Estate | Other Accounting<br>Services | Architectural<br>Services | Engineering<br>Services | Environmental<br>Consulting<br>Services | Public Relations<br>Agencies |
| DBE Totals for All Counties:                     | 31                                    | 43                              | 0                                   | 4   | 3                            | 21                        | 143                     | 42                                      | 38                           |
| NAICS Totals for All Counties:                   | 87                                    | 431                             | 507                                 | 543   | 854                          | 1057                      | 2135                    | 293                                     | 261                          |
| DBE Totals/NAICS Totals:                         | 35.63%                                | 9.98%                           | 0.00%                               | 0.74%   | 0.35%                        | 1.99%                     | 6.70%                   | 14.33%                                  | 14.56%                       |
| Weight Values:                                   | 5.30%                                 | 1.12%                           | 0.06%                               | 0.19%   | 0.31%                        | 44.10%                    | 47.65%                  | 0.62%                                   | 0.84%                        |
|  | 1.89%                                 | 0.11%                           | 0.00%                               | 0.00%   | 0.00%                        | 0.88%                     | 3.19%                   | 0.09%                                   | 0.12%                        |
| <b>FY 2007-08 DBE Step One Base Figure</b>       |                                       |                                 |                                     | <b>6.28%</b>                                  |                              |                           |                         |   |                              |

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

(2) Source of DBE Query Data: [http://www.dot.ca.gov/hq/bep/find\\_certified.htm](http://www.dot.ca.gov/hq/bep/find_certified.htm). (Backup data on file at TJPA as Technical Attachment T.1.)

(3) NAICS data is from the U.S. Census Bureau's 2003 County Business Patterns. (Backup data on file at TJPA as Technical Attachment T.2.)

**ATTACHMENT 1.3  
FY 2007-08 DBE Base Figure Adjustment Calculation**

| <b>DBE Past Participation of Active Contracts: FY 2004-05 to FY 2006-07</b> |                                     |   |  |                            |               |
|---|-------------------------------------|---|--|----------------------------|---------------|
| <b>Contract</b>   | <b>NAICS</b>                        | <b>NAICS Description</b>                      | <b>Total Amount Paid to Date</b>         | <b>Non-DBE</b>             | <b>DBE</b>    |
| Macias  | 541110                              | Offices of Lawyers                            | 45,584.00                                | 100%                       | 0%            |
| SMW   | 541110                              | Offices of Lawyers                            | 426,963.40                               | 100%                       | 0%            |
| Moscone-MEQ   | 541110                              | Offices of Lawyers                            | 884,347.00                               | 100%                       | 0%            |
| Hanson Bridgett   | 541110                              | Offices of Lawyers                            | 12,337.80                                | 100%                       | 0%            |
| Singer  | 541820                              | Public Relations Agencies                     | 328,046.23                               | 81%                        | 19%           |
| Parsons   | 541330                              | Engineering Services                          | 9,855,519.33                             | 78%                        | 22%           |
| Nancy Whelan Consulting   | 541611                              | Administrative Mgmt and General Mgmt Services | 253,849.31                               | 54%                        | 46%           |
| URS   | 541330                              | Engineering Services                          | 15,404,896.14                            | 76%                        | 24%           |
| <b>TOTALS</b>   |                                     |   | <b>27,211,543.21</b>                     |                            |               |
|   |                                     |   |  | <b>78.12%</b>              | <b>21.88%</b> |
|   |                                     |   |  |                            |               |
|   |                                     |   |  |                            |               |
|   |                                     |   |  |                            |               |
| <b>Adjustment of DBE Base Figure for NAICS 54 Contracts</b>                 |                                     |   |  |                            |               |
| <b>NAICS</b>  | <b>Base Goal (from Attach. E.2)</b> | <b>Base Goal (by work category)</b>           | <b>NAICS 54 Past Participation Level</b> | <b>NAICS 54 Adjustment</b> |               |
| 237990  | 1.89%                               | 2.00%   | 0.00%                                    | 2.00%                      |               |
| 238910  | 0.11%                               |   |  |                            |               |
| 531312  | 0.00%                               |   |  |                            |               |
| 531390  | 0.00%                               |   |  |                            |               |
| 541219  | 0.00%                               | 4.28%   | 21.88%                                   | 13.08%                     |               |
| 541310  | 0.88%                               |   |  |                            |               |
| 541330  | 3.19%                               |   |  |                            |               |
| 541620  | 0.09%                               |   |  |                            |               |
| 541820  | 0.12%                               |   |  |                            |               |
|   | 6.28%                               | 6.28%   | <b>DBE % =</b>                           | <b>15.08%</b>              |               |
|   |                                     |   |  |                            |               |
|   |                                     |   |  |                            |               |
| <b>FY 2007-08 Annual Anticipated DBE Participation Level</b>                |                                     |   |  |                            | <b>15.08%</b> |