

Ulster County Area Transit Disadvantaged Business Enterprise Program

PROCEDURE STATEMENT

Section 26.1, 26.23 Objectives /Procedure Statement

Ulster County Area Transit (UCAT) has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. UCAT has received Federal financial assistance from the Department of Transportation and, as a condition of receiving this assistance, UCAT has signed an assurance that it will comply with 49 CFR Part 26.

The full text of 49 CFR Part 26, along with DBE program resource and guidance materials, is available on the Federal Transit Administration Civil Rights web page:

<https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/dbe-regulations>

It is the policy of UCAT to ensure that DBE firms, as defined in Part 26, have an equal opportunity to receive and participate in DOT- assisted contracts. It is also UCAT's 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 the recipient;
7. To assist the development of firms that can compete successfully in the marketplace outside the DBE program;
8. To provide appropriate flexibility to the recipient of Federal financial assistance in establishing and providing opportunities for DBEs.

Cindy Chambers has been delegated as the DBE Liaison Officer. In that capacity, Cindy Chambers is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by UCAT in its financial assistance agreements with the Department of Transportation.

UCAT has disseminated this policy statement to the Ulster County Legislature and all of the relevant components of its organization. UCAT has distributed this procedure to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts through legal notices and attached to bids. This statement and DBE Program will also be made available on the UCAT website: <http://www.co.ulster.ny.us/ucatl/>



Carol Hargrove, Director of Transportation

____10/30/17_____
Date

SUBPART A – GENERAL REQUIREMENTS

Section 26.1 Objectives

The objectives are found in the procedure statement on the first page of this program.

Section 26.3 Applicability

UCAT is the recipient of federal transit funds authorized by Titles I, III, V, and VI of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Pub. L. 102-240 or by Federal transit laws in Title 49, U.S. Code, or Titles I, II, and V of the Teas-21, Pub. L. 105-178. Titles I, III and V of the Safe, Accountable, Flexible, Efficient Transportation Equity Act (SAFETEA-LU). Divisions A and B of the Moving Ahead for Progress in the 21st Century Act (MAP-21).

Section 26.5 Definitions

UCAT will adopt the definitions contained in Section 26.5 for this program.

Section 26.7 Non-discrimination Requirements

UCAT will not 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 UCAT 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.

Section 26.11 Record Keeping Requirements

Reporting to DOT: 26.11(b)

UCAT will transmit the Uniform Report of DBE Awards or Commitments and Payments at the intervals stated on the form, found in Appendix B in 40 CFR Part 26.

Bidders List: 26.11(c)

UCAT 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 in calculating overall goals. The bidders list will include the name, address, DBE or non-DBE status, number of years in business, and annual gross receipts of firms.

UCAT will collect this information through the inclusion of a contract clause requiring prime bidders to submit a report of required information for all firms who quote to the prime bidder on subcontracts.

UCAT has distributed this procedure to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts through legal notices and attached to bids. This statement and DBE Program will also be made available on the UCAT website: <http://www.co.ulster.ny.us/ucatl>

Section 26.13 Federal Financial Assistance Agreement

UCAT has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

Assurance: 26.13(a)

UCAT 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 UCAT of 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.*).

This language will appear in financial assistance agreements with sub-recipients.

[Note – This language is to be used verbatim, as it is stated in 26.13(a)]

Contract Assurance: 26.13(b)

UCAT will ensure that the following clause is placed in every DOT-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 is 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-responsible

[Note – This language is to be used verbatim, as it is stated in 26.13(b)]

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

Since UCAT has received grant funding of \$250,000 or more in FTA planning, capital, and/or operating assistance in a federal fiscal year, UCAT will continue to carry out this program until all funds from DOT financial assistance have been expended and provide to DOT updates representing significant changes in the program.

Section 26.23 Procedure Statement

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

Section 26.25 DBE Liaison Officer

UCAT has designated Cynthia Chambers, Public Transit Coordinator as the DBE Liaison Officer , contact information as follows, 1 Danny Circle, Kingston, NY 12401, 845-334-8421, ccha@co.ulster.ny.us. In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that UCAT complies with all provisions of 49 CFR Part 26. The DBELO has direct, independent access to the Budget Director and the Director of UCAT concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in **Attachment 1** to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program in coordination with other appropriate officials. 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).
6. Analyzes UCAT's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
9. Plans and participates in DBE training seminars.
10. Utilizes NYSUCP directory of certified DBEs to determine relative availability.
11. Provides outreach to DBEs and community organizations to advise them of opportunities.
12. Maintains UCAT DBE Program, as needed.

Other Personnel

Other County of Ulster personnel responsible for DBE Program implementation:

UCAT Director of Public Transit:	Program Director
UCAT Grants and Procurement Specialist:	Bid and contract compliance
County Attorney	Bid and contract compliance
Commissioner of Buildings & Grounds	Bid and contract compliance
County Purchasing Agent	Bid and contract compliance
County Executive	Appeal Process

Section 26.27 DBE Financial Institutions

It is the policy of UCAT to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions and to encourage prime contractors on DOT-assisted contracts to make use of these institutions. UCAT has made the following efforts to identify and use such institutions:

UCAT has searched the New York State Unified Certification Program (NYSUCP) DBE Directory to identify DBEs in Ulster County and its six surrounding counties, including Columbia, Delaware, Dutchess, Greene, Orange and Sullivan. To date, no financial institutions have been identified in this seven county area which are owned and controlled by socially and economically disadvantaged individuals. If any such institutions are formed, UCAT will make reasonable efforts to utilize their services and will encourage prime contractors on DOT-assisted contracts to utilize these institutions.

Section 26.29 Prompt Payment

UCAT will include the following clause 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 contractor receives from UCAT. The prime contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractor's 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 UCAT. This clause applies to both DBE and non-DBE subcontractors.

Failure to comply with the requirements of this section will result in future payments to the prime contractor being conditioned upon the satisfactory demonstration of past payments to subcontractors.

UCAT will also include a clause in each DOT-assisted prime contract which specifies the method to be utilized to assure compliance with the requirement for prompt and full payment of retainage to the subcontractor, as provided in Section 26.29(b).

UCAT will also provide appropriate means to enforce the requirements which may include appropriate penalties for failure to comply, the terms and conditions that were set. UCAT will also require written approval for any delay or postponement of payment among the parties that may take place only for a good cause.

UCAT will also establish a mechanism to ensure prompt payment as provided in Section 26.29(e).

Section 26.31 DBE Directory

UCAT participates in the New York State Unified Certification Program (NYSUCP) DBE Directory, which identifies all firms eligible to participate as DBEs. The directory lists the firm's name, address, phone number, date of most recent certification, and the type of work the firm has been certified to perform as a DBE. Interested parties can access the NYSUCP DBE Directory at the following website: <https://nysucp.newnycontracts.com/>

Section 26.33 Overconcentration

UCAT has reviewed the NYSUCP DBE Directory and has not identified that over-concentration exists in the types of work that DBEs perform within the area of Ulster County and its six adjoining counties.

Section 26.35 Business Development Programs

UCAT has not established a business development program.

Section 26.37 Monitoring and Enforcement Mechanisms

UCAT will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

1. UCAT will bring to the attention of the DOT 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.
2. UCAT will consider similar action under its own legal authorities, including responsibility determinations in future contracts, available to UCAT in the event of non-compliance by a participant in its procurement activities.

3. UCAT will provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished by on site visits, assuring the work is being performed by DBE's in accordance with the signed contracts, and requiring the prime contractor to provide documentation of payments actually made to DBE's.
4. UCAT will keep a running tally of actual payments to DBE firms for comparison to the amount of work committed to them at the time of contract award.

Section 26.39 Fostering Small Business Participation

UCAT's DBE program includes an element to structure contracting requirements to facilitate competition by small business concerns, to meet the portion of our overall goal. UCAT projects 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. UCAT will take 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. UCAT will identify 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. UCAT actively implements its program elements to foster small business participation. Doing so is a requirement of good faith implementation of UCAT's DBE program. UCAT plans to implement the provision within twelve months of the signed contract dates.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

UCAT does not use quotas in any way in the administration of this DBE program. UCAT does not set-aside contracts for DBEs on DOT-assisted contracts.

Section 26.45 Overall Goals

A description of the methodology to calculate the overall goal and the goal calculations can be found in **Attachment 2** to this program. This section of the program will be updated every three years

In accordance with Section 26.45(f) UCAT will submit its overall goal to DOT on August 1 every third year. UCAT 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 its principal office for 30 days following the date of the notice, and informing the public that UCAT and DOT will accept comments on the goals for 45 days from the date of the notice. This notice will be published in general circulation newspapers, as designated for legal notices by the Ulster County Legislature, as well as locally available minority-focused media, trade publications and websites. Normally, UCAT will issue this notice by June 1 of each time period. The notice will include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed. A copy of the Public Notice is included in **Attachment 2**.

UCAT's overall goal submission to DOT will include a summary of information and comments received during this public participation process and UCAT's responses.

UCAT will begin using its overall goal on October 1 of each year, unless UCAT has received other instructions from DOT. *[or, if the goal is established on a project basis, by the time of the first solicitation for a DOT-assisted contract for the project.]*

Section 26.49 Transit Vehicle Manufacturers

UCAT will require each transit vehicle manufacturer (TVM), 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. Alternatively, UCAT 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.

Section 26.51(a-c) Breakout of Estimated Race-Neutral and Race-Conscious Participation

UCAT will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. The breakout of estimated race-neutral and race-conscious participation will be included in **Attachment 2** to this program. This section of the program will be updated every three years when the goal calculation is updated.

Section 26.51(d-g) Contract Goals

UCAT will use contract goals to meet any portion of the overall goal UCAT does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, awarded contracts will cumulatively result in meeting any portion of the overall goal that is not projected to be met through the use of race-neutral means. UCAT will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. UCAT needs 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). Ulster County will arrange solicitations that will facilitate participation by DBEs and other small business by making contracts more accessible to small businesses. Ulster County will ensure distribution of our DBE directory to the widest feasible groups of potential prime contractors. Ulster County will provide technical assistance and other services as needed.

UCAT will express contract goals as a percentage of the Federal share of a DOT-assisted contract.

Section 26.53 Good Faith Efforts Procedures

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

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to 49 CFR Part 26.

The following personnel are responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsible:

UCAT DBE Liaison Officer
UCAT Grants and Procurement Specialist
Ulster County Attorney

UCAT will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before UCAT commits to the performance of the contract by the bidder/offeror.

Information to be submitted 26.53(b)

UCAT treats bidder/offerors' compliance with good faith efforts requirements as a matter of responsibility. Each solicitation for which a contract goal has been established will require the bidders/offerors to submit the following information within 5 days after the opening of bids and before the award of the contract:

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 (see Appendix A to 49 CFR Part 26).

Contractors must meet all requirements of this section as a matter of responsibility (prior to contract award). A prime contractor may not terminate a DBE subcontractor for convenience, nor may it terminate a DBE subcontractor and perform work with its own forces without prior written consent from UCAT.

Administrative reconsideration 26.53(d)

Within 7 days of being informed by UCAT that it is not responsible because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official: Michael P. Hein, County Executive, or his designee, 244 Fair Street, PO Box 1800, Kingston, NY 12402, (845)-340-3800. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

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. The bidder/offeror will have the opportunity to meet in person with the reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do so. UCAT 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 DOT.

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

UCAT will require a contractor 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. UCAT 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.

In this situation, UCAT will require the prime contractor to obtain its 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, UCAT will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, UCAT may issue a termination for default proceeding.

Sample Bid Specification: (required only when a contract goal is established)

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of UCAT 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 2.02 percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 to meet the contract goal for DBE participation in the performance of this contract.

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 (6) if the contract goal is not met, evidence of good faith efforts.

Section 26.55 Counting DBE Participation

UCAT will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55.

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 - 26.81 Certification Process

UCAT is a member of a Unified Certification Program (UCP) administered by the New York State Department of Transportation in lieu of conducting its own certification process. UCAT will not be certifying and firm for DBE eligibility.

For information about the certification process or to apply for certification, firms should contact:

NYS Unifies Certification Program
DBE Certification
<https://nysucp.newnycontracts.com/>

Section 26.89 Certification Appeals

Any firm or complainant may appeal a decision in a certification matter to DOT. Such appeals may be sent to:

U.S. Department of Transportation
Office of Civil Rights
1200 New Jersey Ave SE
Washington, DC 20590-0001

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

UCAT will make available to the public any information concerning the DBE program release of which is not prohibited by the Federal law. UCAT will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. Notwithstanding any contrary provisions of state or local law, UCAT 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

UCAT will perform on site visits to assure DBE's are completing the work as stated in the signed contracts. UCAT 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 UCAT or DOT. This reporting requirement also extends to any certified DBE subcontractor.

UCAT 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 in the schedule of DBE participation.

ATTACHMENTS

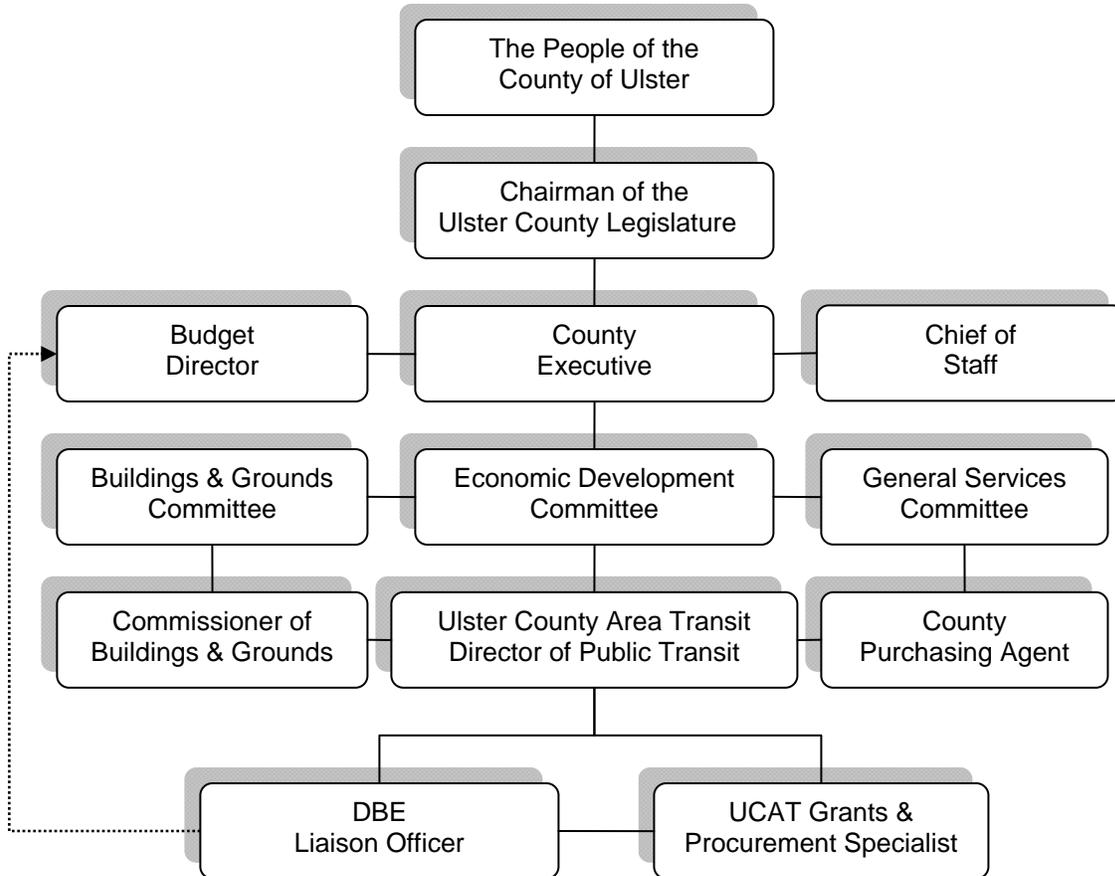
Attachment 1: Organizational Chart

Attachment 2: Overall Goal Calculation and Breakout of Estimated Race-Neutral & Race-Conscious Participation *(to be updated every three years)*

Attachment 3: Forms 1 & 2 for Demonstration of Good Faith Efforts

Attachment 1

Ulster County Area Transit DBE Program Organizational Chart



Attachment 2

Ulster County Area Transit Disadvantaged Business Enterprise Program Overall Goal for Federal Fiscal Year 2018-2020 (10-01-17 to 9-30-20)

DBE Goal Narrative:

Based on Ulster County's program of projects over the next three years, these are the possible contracting opportunities that will be upcoming and what we will use to determine our base figure: preventive maintenance which will include parts and repairs and tires for all revenue vehicles, upgraded security system for the facility, office supplies, screen printing and sign manufacturing for outreach and marketing, architectural and engineering review for future storage facility. Work on the future storage facility will be broken down into smaller projects in order to attract DBEs and small businesses. Ulster County will require bidders to unbundle large contracts to ensure small businesses and DBEs can be utilized. Ulster County will also be utilizing medical laboratories for federally required drug testing.

Ulster County reviewed our program of projects to establish what contracting opportunities are available. The boundaries of our local market include the surrounding counties that border Ulster County. These seven county areas include Columbia, Delaware, Dutchess, Greene, Orange, Sullivan and Ulster. These areas were used to determine the availability of contractors and subcontractors, as well as DBEs. Ulster County used the census website to define the NAICS codes for types of work and the New York State Unified Certification Program to determine what DBEs are available. The types of work were broken down by Federal dollar amounts anticipated for the upcoming projects and using the weighted percentage, the weighted base figure was established.

Based on past participation, Ulster County will be adjusting the DBE goal because we have exceeded our goal during the past three year period. We have decided to make our goal 100% race neutral.

	DBE Goal	Achievement	% exceeded
2015	0.84%	3.15%	2.31%
2016	0.84%	2.56%	1.72%
2017	0.84%	1.05%	0.21%
		Median %	1.72%
Base Figure & Median Average:			
		.3% + 1.72% =	2.02%
Past Participation Adjustment:			2.02%

Our 3 year goal based on weighing and adjusting will be 2.02% and will be completely race neutral.

Ulster County has reached out to small businesses by hosting a small business event at Ulster Gardens, in the Town of Ulster, in April 2016 to bring resources and information to the small business community about projects coming up for Ulster County. In July 2016 at the Ulster County Fair, in New Paltz, Ulster County reached out to businesses by setting up a booth at the County fair. There was also a seminar at Ulster Greens, in the Town of Ulster, in March 2017 that allowed small businesses to ask questions about wages, rules for small businesses and employment opportunities. In September 2017, at the Marlboro Senior Center, in Marlboro, Ulster County met with businesses to discuss upcoming projects that we are looking to complete. Ulster County met with businesses in October 2017 at the Trudy Farber Building, in Ellenville. In November 2017 Ulster County held a public forum to discuss integration and the effects it will have on upcoming capital opportunities at the Ulster County office

building. Ulster County had a DBE public information meeting at the Transit Center on June 20, 2017. There were no participants. Ulster County had an open 30 day comment period before finalizing the goal methodology starting on July 1, 2017. Ulster County has our DBE goal listed on our website as well, <https://ulstercountyny.gov/ucats/ulster-county-area-transit>.

Step 1 A - Determine the weight of each type of work by NAICS Code:

All reasonably anticipated FTA-assisted contracting opportunities are identified as:

	NAICS Code	Description of Work	Amount of DOT funds on project:	% of total DOT funds (weight)
1)	541330	Engineering Services	\$30,000.00	0.0258
2)	423120	Revenue Vehicle Parts	\$499,200.00	0.4295
	423130	Tires	\$122,400.00	0.1053
4)	323113	Screen Printing	\$18,000.00	0.0155
5)	424120	Office Supplies	\$14,400.00	0.0124
6)	444110	Home Centers	\$49,800.00	0.0428
7)	561621	Security Systems	\$65,880.00	0.0567
8)	621511	Medical Laboratories	\$29,520.00	0.0254
9)	561720	Janitorial Services	\$720.00	0.0006
10)	339950	Sign Manufacturing	\$18,000.00	0.0155
11)	238910	Site Preparation	\$30,000.00	0.0258
	811111	Revenue Vehicle Repairs	\$212,400.00	0.1827
12)	541310	Architectural Services	\$30,000.00	0.0258
	811121	Automotive Body & Paint	\$12,000.00	0.0103
13)	561620	Environmental Consulting	\$30,000.00	0.0258
	Total FTA-Assisted Contract Funds		\$1,162,320.00	1

Step 1 B - Determine the relative availability of DBE's by NAICS Code:

The numbers of DBEs and of all firms available to perform work on the identified contracting opportunities are:

	NAICS Code	Description of Work	Number of DBEs available to perform this work	Number of all firms available (including DBEs)	Relative Availability
1)	541330	Engineering Services	3	139	0.0216
2)	423120	Revenue Vehicle Parts	0	38	0.0000
3)	423130	Tires	0	5	0.0000
4)	323113	Screen Printing	0	13	0.0000
5)	424120	Office Supplies	1	23	0.0435
6)	444110	Home Centers	0	39	0.0000
7)	561621	Security Systems	0	27	0.0000
8)	621511	Medical Laboratories	1	23	0.0435
9)	561720	Janitorial Services	1	163	0.0061
10)	339950	Sign Manufacturing	1	18	0.0556
11)	238910	Site Preparation	2	277	0.0072
12)	811111	Revenue Vehicle Repairs	0	425	0.0000
13)	541310	Architectural Services	0	80	0.0000
14)	811121	Automotive Body & Paint	0	166	0.0000
15)	561620	Environmental Consulting	7	43	0.1628
	Combined Totals		16	1479	0.0108
					Overall availability of DBEs

Step 1 C - (Weight) x (Availability) = Weighted Base Figure

	NAICS Code	Description of Work	Weight	x	Avail-ability of DBEs	Weighted Base Figure
1)	541330	Engineering Services	0.02581	x	0.02158	0.0006
2)	423120	Revenue Vehicle Parts	0.42949	x	0.00000	
3)	423130	Tires	0.10531	x	0.00000	
4)	323113	Screen Printing	0.01549	x	0.00000	
5)	424120	Office Supplies	0.01239	x	0.04348	0.0005
6)	444110	Home Centers	0.04285	x	0.00000	
7)	561621	Security Systems	0.05668	x	0.00000	
8)	621511	Medical Laboratories	0.02540	x	0.04348	0.0011
9)	561720	Janitorial Services	0.00062	x	0.00613	0.0000
10)	339950	Sign Manufacturing	0.01549	x	0.05556	0.0009
Total						0.0031
Expressed as a % (*100)						0.31%
Rounded Weighted Base Figure:						0.3%

Step 2 Determining evidence for an adjustment –

Ulster County has determined to use past participation towards the DBE goal methodology. Many of Ulster County’s contracting opportunities for the next FFY period will be similar to prior years. These opportunities include medical laboratories, vehicle parts and services, janitorial services and sign manufacturing.

Past Participation Adjustment:

Ulster County used Jan 2015 - Dec 2017 Reports to determine the median percentage of past participation adjustment.

DBE			
	Goal	Achievement	% exceeded
2015	0.84%	3.15%	2.31%
2016	0.84%	2.56%	1.72%
2017	0.84%	1.05%	0.21%
		Median %	1.72%
Base Figure & Median Average:			
		.3% + 1.72% =	2.02%
Past Participation Adjustment:			2.02%

UCAT published a notice of a proposed overall race neutral goal of 2.02%, informing the public that the proposed goal and its rationale were available for inspection during normal business hours at its principal office for 30 days following the date of the notice and informing the public that written comments on the goal will be accepted for 45 days from the date of the notice. The notice also set forth the date, time, and place of a Public Meeting on the proposed overall goal. A copy of the Public Notice and meeting summary is included below.

PUBLIC NOTICE

For publication on June 6, 2017

Ulster County Area Transit (UCAT) hereby announces a proposed overall goal of 2.02% for Disadvantaged Business Enterprise (DBE) participation in DOT-assisted contracts receiving Federal financial assistance for the Federal Fiscal Years (FFY) 2018-2020. UCAT's DBE goal will include projects for bus repairs, drug and alcohol testing, planning for a building structure and maintenance and repairs to the existing facility. Information on the UCAT DBE Procedure and the proposed overall goal is available at ulstercountyny.gov/ucat/procurement. It is also available for public review from Monday through Friday between 9:00 a.m. and 5:00 p.m. for 30 days following the date of this notice at Ulster County Area Transit, 1 Danny Circle, Kingston, NY 12401, (845) 340-3333. Written comments will be accepted at the above address for 45 days from the date of this notice. A Public Meeting will be held on Tuesday June 20, 2017 from 3:30 p.m. to 5:30 p.m. at the Ulster County Transit Center, 1 Danny Circle, Kingston, NY 12401.

Meeting Summary

The Public Meeting was held on June 20, 2017 from 3:30 p.m. to 5:30 p.m. at the Ulster County Transit Center, 1 Danny Circle, Kingston, NY 12401. There were no participants for the public meeting.

Attachment 3

Forms 1 & 2 for Demonstration of Good Faith Efforts

[Forms 1 and 2 are to be provided as part of the bid solicitation documents when a contract goal is established.]

FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner (please check the appropriate space):

_____ The bidder/offeror is committed to a minimum of _____ % DBE utilization on this contract.

_____ The bidder/offeror (if unable to meet the DBE goal of _____ %) is committed to a minimum of _____ % DBE utilization on this contract and submits documentation demonstrating good faith efforts.

Name of bidder/offeror's firm: _____

State Registration No. _____

By: _____
Signature Date

Printed name Title

Attachment 3

(continued)

FORM 2: LETTER OF INTENT

Name of bidder/offeror's firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of DBE firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Description of work to be performed by DBE firm:

The bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The estimated dollar value of this work is \$ _____.

Affirmation

The above-named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above.

By: _____
Signature Date

Printed name Title

If the bidder/offeror does not receive award of the prime contract, any and all representations in this Letter of Intent and Affirmation shall be null and void.

(Submit a separate Form 2 for each DBE subcontractor.)