



Orange County Department of Planning

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Orange County, NY 2021-2023 Triennial DBE Goal Submission

Introduction:

This document details efforts to identify and document disadvantaged business enterprises (DBEs) by the Orange County Department of Planning and summarize the methodology used in developing its current DBE goal. As a recipient of federal funding, the Orange County Department of Planning must comply with the Federal Transit Administration's DBE program requirements.

Pursuant to Title 49 CFR Part 26 "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs", Orange County Department of Planning sets its triennial DBE goal and presents its goal-setting methodology for FY 2021-2023 (October 1, 2020 through September 30, 2023).

FTA-funded Projects during FY 2021-2023:

Contract Values by Fiscal Year

<i>DOT-Assisted Contract Description</i>	FY 2021	FY 2022	FY 2023
<i>Paratransit Service</i>	\$1,190,110.46	\$1,245,639.46	\$1,303,759.37
<i>Middletown Area Transit Service</i>	\$472,339.87	\$483,889.87	\$495,623.05
<i>Transit Planning Services On-Call Consultant</i>	\$900,000.00	\$600,000.00	\$600,000.00

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Orange County's Approach to Calculating DBE Goal:

Orange County has chosen to use the "Census Data and DBE directory" approach as outlined in FTA's DBE guidance¹, undertaken in the following steps:

1. Determine ready, willing and able DBEs in Orange County market area from the DBE directory
2. Determine ready, willing and able non-DBEs in Orange County market area from Census data
3. Determine ready, willing and able firms performing work under the same NAICS codes
4. Weighting of DOT funded work
5. $\text{Number of DBEs} \div \text{Number of all firms} = \text{Relative availability}$
6. $\text{Weight} \times \text{Relative Availability} = \text{Weighted Base Figure}$
7. $\text{Weighted Base Figure} = \text{DBE Goal}$

Determine ready, willing and able DBEs in Orange County market area from the DBE directory

For the purposes of identifying potential DBEs that are ready, willing and able to work for Orange County Department of Planning on their contracts, a list of all DBEs registered with the New York State Department of Labor Unified Certification Program database was obtained. This database was then screened to filter only those companies who are deemed qualified to work on occupational areas corresponding to Orange County's FTA contracts. This was executed by conducting the following two steps:

1. A NAICS code filtering was applied to the version of the New York State Unified Certification Program Business Directory (as of 06/18/2020 1:57 PM – which was the directory version downloaded for this analysis).
2. A keyword search and manual refinement of the commodity codes column was conducted to make sure that the resulting firms were not generic trucking and transportation agencies or general transportation and professional management development firms, but those who can support Orange County transit planning service requirements. The following keywords were used:

¹ Federal Transit Administration DBE Guidance, <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/dbe-guidance>

- a. Transportation
- b. Transit
- c. Public Transportation
- d. Transportation Engineering

Firms were included in the selection if they had any of the above keywords along with information under the “capabilities” and “commodity codes” attribute data fields of the New York State Unified Certification Program Business Directory.

Determine total number of establishments (DBE and non-DBE combined) in the Tri-state region from Census data

US Census Bureau County Business Patterns data was used to create this list of willing and able DBE and non-DBEs. Geographic market area considered in this case included tri-state region of New York, New Jersey, and Connecticut.

The following NAICS codes were considered for the Orange County Planning Services scope of services. The following NAICS codes were considered to be:

- 541330 - Engineering services²
- 54136 - Geophysical Surveying and Mapping Services
- 541614 - Transportation management consulting services
- 541690 - Other Scientific and Technical Consulting Services³
- 611430 - Professional and Management Development Training⁴

² This analysis assumes that only 10% of the firms classified under Engineering Services NAICS code provide services related to work categories contracted out by Orange County for its FTA contracts.

³ *ibid*

⁴ *ibid*

Total number of establishments for the above NAICS codes in the tri-state region is 1,442.

The fixed route and paratransit service contracts were covered under the following NAICS codes:

- 485113 - Bus and Other Motor Vehicle Transit Systems, and
- 485991 - Special Needs Transportation.

Total number of establishments under each NAICS codes for fixed route and paratransit service contracts are 134 and 498 respectively.

Weighting of DOT Funded Work

Each project was assigned a weight based on the percentage of total work represented by that project. The amount of each DOT funded project, was divided by the total amount of all contracts. This resulted in a specific weight relative to each project.

Number of DBEs ÷ Number of all firms = Relative Availability

The figure for relative availability is calculated by dividing the number of DBEs by the number of all firms relative to each contract opportunity. This results in a relative availability for each individual contract opportunity.

Weighted Base Figure

The weighted base figure was determined by multiplying the weight of each DOT funded contract by the relative availability of those projects which resulted in a weighted figure for each contract opportunity. The total of all individual figures resulted in the total weighted base figure. This process currently resulted in a weighted base figure of 1.2%. These calculations are outlined in the attached tables.

The weighted DBE goal is 1.2%

Adjustments to the Base Figure

Orange County will not be currently making any adjustments to the base figure based on past participation rate as the pool of contracting opportunities and limited participation rate and interest in bidders for its service contracts, which are the significant bulk of its contracting scope, have remained so over the last several years.

Given that there are no further adjustments to the base figure based on past participation rate, the overall DBE goal is set at 1.2 percent.

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Race Neutral and Race Conscious Split

Orange County proposes to continue using race-neutral means, including providing DBE directories to service operators, and other measures for outreach to increase DBE participation. Orange County's DBE program will be implemented with entirely race-neutral means for this triennial period.

Orange County estimates that it will obtain 100.0% from race-neutral participation and 0.0% from race-conscious participation for the FY 2021-2023 triennial period.

Consultative Process

Orange County has enhanced its consultative process with the transit service contractors through its Operator Oversight Program (OOP). Through this program Orange County personnel will meet with each contracted sub-recipient semi-annually and review the current DBE program and potential opportunities for sub-recipients to contract with identified ready and willing DBEs. Over the next three years, Orange County will engage its sub-recipients at a minimum of six times each and work with operators in identifying opportunities to increase DBE participation.

Additionally, Orange County periodically offers a webinar regarding doing business as a Disadvantaged Business Enterprise (DBE) with Orange County, NY. The goal of the webinar is to inform participants of the public transportation program and services within the County and to provide information on how potential contractors could engage as a DBE within the program. Invitations are sent out to DBE firms within the applicable NAICS categories who do business in the tri-state area.

Based on the impact review, the County shall continuously tweak and adopt the consultative process for the next three years.

Notice of the updated DBE goal and planned outreach opportunities are posted on Orange County's website at this URL: <http://www.transitorange.info/about-us/index.html>

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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)	485991	Paratransit Service	\$952,088.37	0.1764
2)	485113	Middletown Area Transit Service	\$236,169.94	0.0438
3)	541614,54136, 541330, 541690, 611430	Transit Planning Services On-Call Consultant	\$720,000.00	0.1334
4)	485991	Paratransit Service	\$996,511.57	0.1846
5)	485113	Middletown Area Transit Service	\$241,944.94	0.0448
6)	541614,54136, 541330, 541690, 611430	Transit Planning Services On-Call Consultant	\$480,000.00	0.0889
7)	485991	Paratransit Service	\$1,043,007.49	0.1932
8)	485113	Middletown Area Transit Service	\$247,811.52	0.0459
9)	541614,54136, 541330, 541690, 611430	Transit Planning Services On-Call Consultant	\$480,000.00	0.0889
Total FTA-Assisted Contract Funds			\$5,397,533.83	1

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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)	485991	Paratransit Service	3	498	0.0060
2)	485113	Middletown Area Transit Service	1	134	0.0075
3)	541614,54136, 541330, 541690, 611430	Transit Planning Services On-Call Consultant	37	1442	0.0257
4)	485991	Paratransit Service	3	498	0.0060
5)	485113	Middletown Area Transit Service	1	134	0.0075
6)	541614,54136, 541330, 541690, 611430	Transit Planning Services On-Call Consultant	37	1442	0.0257
7)	485991	Paratransit Service	3	498	0.0060
8)	485113	Middletown Area Transit Service	1	134	0.0075
9)	541614,54136, 541330, 541690, 611430	Transit Planning Services On-Call Consultant	37	1442	0.0257
Combined Totals Overall availability of DBEs			123	6,222	0.0198

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Step 1 C - (Weight) x (Availability) = Weighted Base Figure						
	NAICS Code	Description of Work	Weight	x	Availability of DBEs	Weighted Base Figure
1)	485991	Paratransit Service	0.1764	x	0.0060	0.0011
2)	485113	Middletown Area Transit Service	0.0438	x	0.0075	0.0003
3)	541614,54136, 541330, 541690, 611430	Transit Planning Services On-Call Consultant	0.1334	x	0.0257	0.0034
4)	485991	Paratransit Service	0.1846	x	0.0060	0.0011
5)	485113	Middletown Area Transit Service	0.0448	x	0.0075	0.0003
6)	541614,54136, 541330, 541690, 611430	Transit Planning Services On-Call Consultant	0.0889	x	0.0257	0.0023
7)	485991	Paratransit Service	0.1932	x	0.0060	0.0012
8)	485113	Middletown Area Transit Service	0.0459	x	0.0075	0.0003
9)	541614,54136, 541330, 541690, 611430	Transit Planning Services On-Call Consultant	0.0889	x	0.0257	0.0023
					Total	0.0123
					Expressed as a % (*100)	1.23%
					Rounded, Weighted Base Figure:	1.2%

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