

# FTA Subrecipient – DBE Requirements



Presented by Civil Rights Office with the State of Alaska, Department of Transportation & Public Facilities

Monday, August 7th, 2023

# Agenda for Today's Meeting

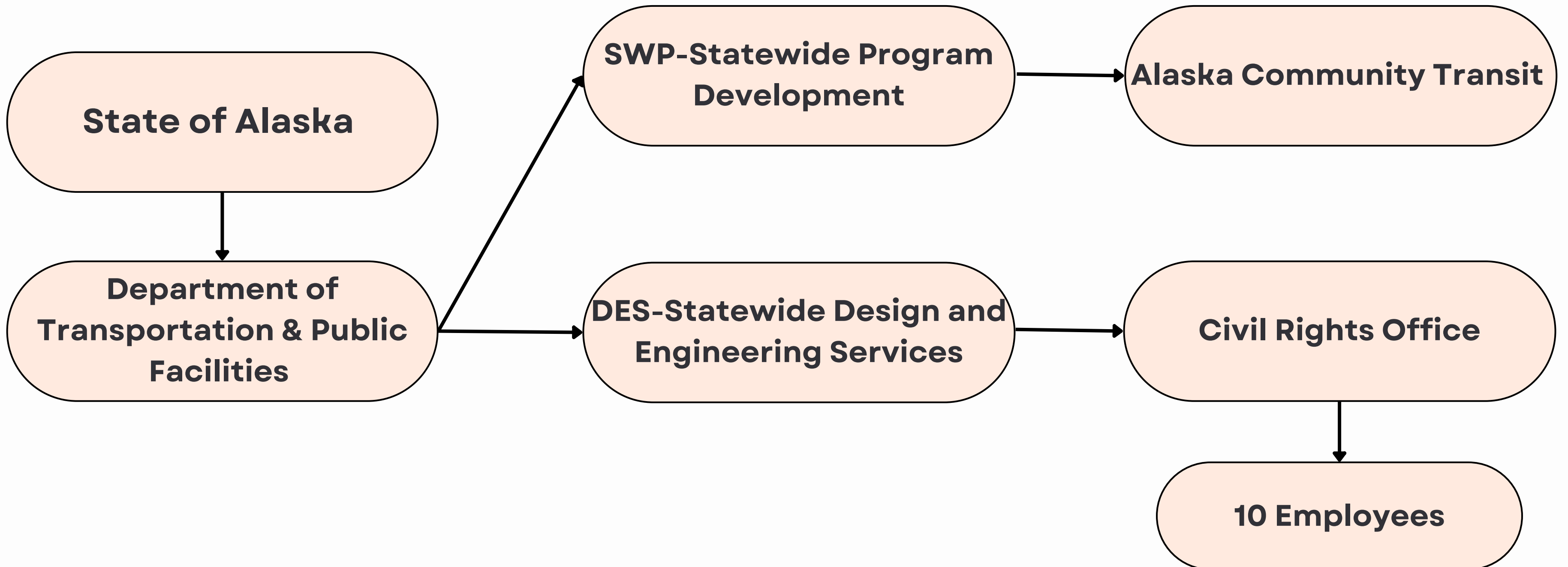


- Overview of Civil Rights Office
- Overview of Civil Rights Programs
- Updated Project Agreement
- Resources
- Our next steps
- Questions

# Acronym List

- ADA - American Disabilities Act
- AUCP - Alaska Unified Certification Program
- CFR - Code of Federal Regulations
- CRO - Civil Rights Office
- DBE - Disadvantaged Business Enterprise
- DOT&PF - Department of Transportation & Public Facilities
- FTA - Federal Transportation Agency
- Interstate DBE - Certified DBE outside of Alaska
- NAICS - North American Industry Classification Industry System
- OJT - On-The-Job Training
- Title VI - Civil Rights Act of 1964
- TVM - Transit Vehicle Manufacturer

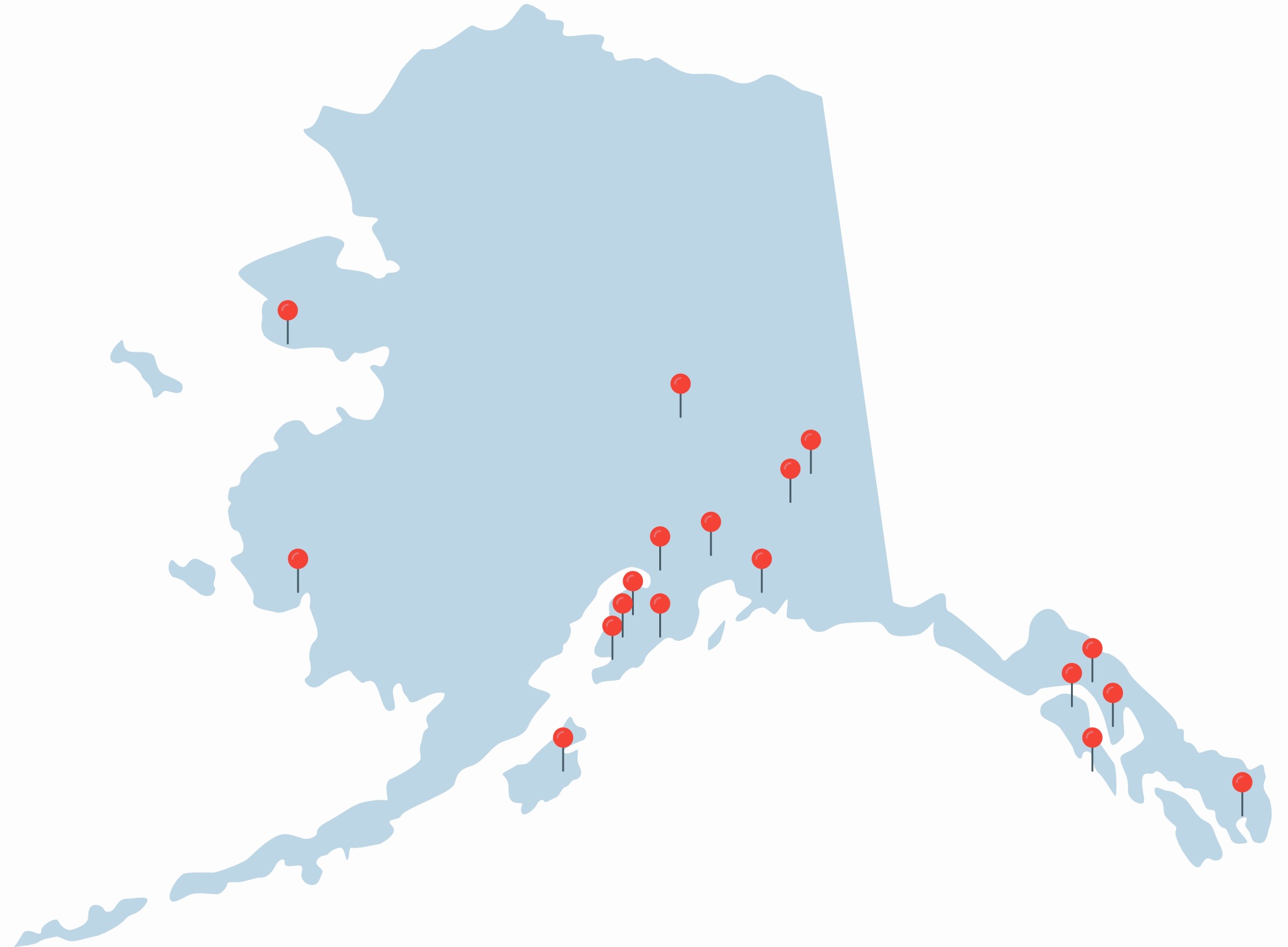
# State of Alaska Departments & Divisions



# FTA Subrecipients in Alaska

## Region Breakdown

- Central Region
  - 42
- Northern Region
  - 8
- Southcoast Region
  - 34



# About Us



The Civil Rights Office is committed to ensuring equal opportunity for all businesses and personnel on Alaska Department of Transportation and Public Facilities (DOT&PF) projects.

It is the policy of the Alaska Department of Transportation and Public Facilities (DOT&PF) that no one shall be subject to discrimination on the basis of race, color, national origin, sex, age, or disability, regardless of the funding source, including Federal Transit Administration, Federal Aviation Administration, Federal Highway Administration, Federal Motor Carrier Safety Association and State of Alaska funds.

Our Mission is to **"Keep Alaska Moving through service and infrastructure."**

**The Civil Rights vision is to ensure transportation services are provided in a non-discriminatory manner.**

# Civil Rights Programs Overview

## DBE Program

- Certification & Compliance
- Alaska Unified Certification Program
- Airport Concession Disadvantaged Business Enterprise
- DBE Support Services

## On-The-Job Training Program

- Provide training and improve the skills of women and minorities so that they have the opportunity and access to higher paying skilled trade jobs and achieve journeyman status.
- OJT Support Services

## ADA/Title VI

- Title VI Discrimination
- Americans with Disabilities Act
- Equal Employment Opportunity
- Environmental Justice
- Limited English Proficiency

# What is the DBE Program?

The Disadvantaged Business Enterprise (DBE) program is dedicated to helping small businesses that are owned and controlled by socially and economically disadvantaged individuals, including minorities and women, in participating in contracting opportunities created by DOT financial assistance programs.



# DBE Program Video



# DBE Qualifications

- A for-profit small business concern that is at least 51 percent owned and operated by one or more individuals who are both socially and economically disadvantaged.
- Must meet business status, including size.

# DBE Objectives

- Ensure nondiscrimination
- Create level playing field.
- Ensure only firms meeting eligibility standards can participate.
- Remove barriers to DBEs
- Develop DBE firms to compete outside of program.
- Provide recipient flexibility.

# Updated Project Agreement Information

Updated DBE language in the grant agreements for all FTA grants.

**5 Agreements!**



**Alaska Community Transit  
Reimbursable Grant  
Project Agreement  
FTA Section 5310**

State of Alaska, DOT & PF  
PO Box 112500  
Juneau AK 99811-2500  
Phone: 907-465-4070  
Fax: 907-465-6984  
dot.alaska.gov/transit

Agreement Number: ~ContractId~	Start to End Dates: ~AgreementStartDate~ - ~AgreementEndDate~
	Amount: ~ContractAmount~
Applicant Organization: ~LegalName~	Phone: ~MainPhoneNumber~ Fax: ~FaxNumber~
Project Director: ~PrimaryContact~	E-mail Address: ~ContactEmailAddress~
Physical Address: ~PhysicalAddress~	Project Location (city/town): ~Borough~
	Unique Entity ID (SAM): ~UEI~
Non-Profit? ~NonProfit~	Employer Identification Number: ~FederalTaxId~

## BUDGET

Project	UPIN	Type	Grant #	CFDA #	ActFunds	State Match	Local Match	Totals
~ProjectTitle~	~UPIN~	~Type~	~GrantNo~	~CFDA~	~ACT~	~AMHT~	~Local~	~Amount~
<b>Totals</b>					~ttlACT~	~ttlAMHT~	~ttlLocal~	~ttlAmount~

**Acceptance of conditions:** It is understood and agreed by the undersigned that any funds received as a result of the approval of this agreement are subject to all State and Federal Governmental Regulations. This project does or will constitute an official part of the Transit program of the State of Alaska, and will meet all requirements and administrative regulations of the State of Alaska, Federal Transit Administration and Alaska Mental Health Trust Authority. The undersigned also agree to perform those activities detailed in the application and will maintain records documenting expenditure of funds for the activities. Subject to the availability of Federal funding, reimbursement will be made monthly or upon submission of a final evaluation report and reimbursement request following completion of grant activities.

## **Alaska Community Transit Grant Agreement Overview**

H. Disadvantaged Business Enterprises (DBE): The SUBRECIPIENT assures Disadvantaged Business Enterprises will have the maximum opportunity to compete for and perform contracts and subcontracts financed under this project, as specified in 49 CFR 26 and per the following:

## **Alaska Community Transit Grant Agreement #1**

1. If the SUBRECIPIENT will purchase one or more transit vehicles (excluding unmodified mass-produced vans or unmodified pop-top vans), it assures that it will obtain from each transit vehicle manufacturer a TVM certification, to show that the manufacturer complies with DBE requirements.

# Overview on Purchasing Vehicle or Ferry

## Purchasing Vehicles

1. Work in BlackCat to enter purchase/project information and decide which TVM to use.
  - a. Verify TVM is currently eligible for bids through Eligible Transit Vehicle Manufacturers List
2. FTA grantees are required to report within 30 days of making an award, the name of the successful bidder and the total dollar value of the contract.
3. Report purchase through Procurement Module (more to come on this at our next meeting).
4. Document steps throughout the purchasing process.

## Purchasing Ferry

1. Notify the Civil Rights Office of plans to purchase a ferry.
2. Create a project goal by breaking down the purchase process and purchasing amounts.
3. Create a goal of how many DBEs will be utilized for the project.
4. Work with the Civil Rights Office and FTA on getting the goal approved.

Information on how to purchase ferries will be shared with subrecipients as implemented by FTA.

# Transit Vehicle Manufacturer (TVM) Overview

## What is a TVM?

- Manufacturer whose primary business purpose is to build VEHICLES or FERRY specifically for public mass transportation.
- Include, but not limited to, buses, rail cars, trolleys, ferries and vehicles manufactured specifically for paratransit purposes.

## Regulation

- 49 CFR 26.49
- Only eligible TVMs may bid on FTA-assisted transit vehicle procurements.
- FTA recipient's failure to comply with the requirements may result in formal enforcement action or appropriate sanction as determined by FTA.

## Reporting Requirements

- FTA recipients are required to submit within 30 days of making an award, the name of the successful bidder, and the total dollar value of the contract in the manner prescribed in the grant agreement.

# Transit Vehicle & Ferry Purchase Log

- If you've purchased a vehicle in the last three years.
- If you've purchased a ferry in the last three years.
- If you're going to purchase a vehicle in the next year.
- If you're going to purchase a ferry in the next year.

Fill out survey: [https://arcg.is/0WvTqq\\_](https://arcg.is/0WvTqq_)



## **Alaska Community Transit Grant Agreement #2**

2. The SUBRECIPIENT is required to participate in the Alaska Unified Certification Program (AUCP). If SUBRECIPIENT makes use of any contractor, it will strive to meet the annual DBE goal by offering DBEs, as defined in 49 CFR 26, Subpart A, the opportunity to compete fairly for contracts and subcontracts. If DBEs are used, DBE participation shall be reported to the STATE monthly.

# Alaska Unified Certification Program

## What is the purpose of AUCP?

- Provide "one-stop shopping" to applicants for certification, such that an applicant is required to apply only once for a DBE certification that will be honored by all recipients in Alaska.
- Under the AUCP, the firm applies one time with the Alaska DOT&PF, and if approved, that certification is shared by all other federal recipients Alaska.

## How is the AUCP accomplished?

- The Civil Rights Office (CRO) certifies all Disadvantaged Business Enterprises (DBEs) for the Alaska Unified Certification Program.
- The CRO also ensures statewide compliance with the Alaska Department of Transportation and Public Facilities (Alaska DOT&PF) federal non-discrimination and affirmative action obligations as a condition of continued federal funding for highway and airport construction.

**Alaska Unified Certification Members can be found through the [Civil Rights Office website](#).**

## **Alaska Community Transit Grant Agreement #3**

3. The STATE adopted a Race-Neutral DBE Program with an overall DBE Utilization Goal of 5.25 percent for Alaska's FTA Federal-Aid program. Although the Race-Neutral program does not establish or require individual project DBE Utilization Goals, 49 CFR establishes the Bidder is responsible to make a portion of the work available to DBEs and to select those portions of the work or material needs consistent with the available DBEs to facilitate DBE participation.

# Assessing Scope of Work

The subrecipient has been awarded X amount of money through the FTA Grant, now what?

1. How much money is available?
2. What is the scope of work?
  - a. Professional or consultant services, construction, purchase of materials or supplies, lease or purchase of equipment and any other types of services.
3. Is this going to be a one-time purchase?
  - a. If yes, Is this going to be a good or service?
    - i. If good, can this be purchased through a certified DBE?
    - ii. If service, can this be performed by a DBE?
4. If you are utilizing the funds for multiple goods and or services, can a DBE be utilized for one or more aspects of project?
  - a. If yes, document all information.
  - b. If no, be ready to summarize to Civil Rights Office on all of your Good Faith Efforts to utilize DBE at the time of Uniform Reporting.

**All subrecipients must make a good faith effort and attempt to utilize a DBE with FTA funds!**

# DBE Directory

## DBE Directory Filter

Search by Certification Type:

- Airport Concessionaire Disadvantaged Business Enterprise (ACDBE)
- Disadvantaged Business Enterprise (DBE)

Enter Vendor Name (Full or Partial):

Work Location (Region):

Select the NAICS Code:

Select the Work Category:

Professional Services Only

Search

Reset

Alaska DBE Directory.



# How to use the DBE Directory?

The Civil Rights Office publishes and maintains a list of currently certified DBEs in Alaska and **interstate** DBEs.

Subrecipients can filter using the following:

1. Work location

- Central Region, Northern Region, Southcoast Region and Alaska Marine Highway

2. NAICS codes

- North American Industry Classification System

Find a DBE that might fit your needs? The DBE Directory can give you the following Information:

1. DBE Name, contact Information, and website (if available).

**Reach out to DBE and start work!**

# Ideas on How to Use DBEs

Look at our DBE directory and come up with a list of DBEs that fit within your scope. Our list includes not only construction firms, but also the following:

- Transportation
- Suppliers
- Equipment rentals
- Consultants
- Project Management Consultants
- Drafting/Blueprint/Reprographic Services
- Signage
- Surveying
- Janitorial

# Recruitment!!!



We understand that DBEs might not be located in your area but we hope that you will make the best effort to find a DBE that works for you.

Let's say you find a firm that fits within your scope of work and is located in your area. Do they fit the DBE criteria? If so, we would love to help certify that firm to become a DBE!

Our [website](#) has all the information needed for a potential DBE to sign up.



## **Alaska Community Transit Grant Agreement #4**

4. Reporting of all grant distributions will be undertaken annually with submission of the Uniform Report from all subrecipients. Individual reports are then aggregated by the state into a single FTA grant Uniform Report submission which provides required detail of FTA grant distribution amounts, their application, and the DBE participation percentage achieved. The template and instructions for submission of the annual Uniform Report from SUBRECIPIENTS will be distributed to all parties two months before submission deadline.

# Uniform Report Overview

## What is the Uniform Report?

- A Uniform Report is a data collection of contracting opportunities available to firms paid for with DOT dollars.
- Subrecipients are expected to keep accurate data regarding the contracting opportunities available to firms paid for with DOT dollars.

## What data is collected in the Uniform Report?

- Awards and commitments made during this reporting period.
- Breakdown by ethnicity & gender of contracts awarded to DBEs in the reporting period.
- Payments on ongoing contracts.
- Actual payments on contracts completed this reporting period.
- Subrecipient information.

**Reminder to track all award and payment information through BlackCat!**



## Alaska Community Transit Grant Agreement #5

5. The SUBRECIPIENT assures it will not discriminate on the basis of race, religion, color, gender, age, marital status, ability, or national origin in implementation of the project, in award or performance of any third-party contract or sub-agreement supported with this grant, or in administration of its DBE program and 49 CFR 26. If the STATE receives a complaint regarding discrimination by the SUBRECIPIENT, the SUBRECIPIENT will cooperate fully in the investigation of the complaint by the STATE.

# Civil Rights Act & ADA

- Title VI of the Civil Rights Act of 1964
  - "No person in the United States shall, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."
- ADA Policy:
  - Americans with Disabilities Act of 1990 or ADA (42 U.S.C. 12101) Is a civil rights law that prohibits discrimination based on disability.
- Links:
  - Information on Title VI and ADA can be found at the Civil Rights Office website.
  - Instructions on how to file a complaint can be found here.

# Reporting Dates

Type	Purpose	Due Date	Responsibility	Resources
<p><b>Uniform Report</b></p>	<p>Data collection of contracting opportunities available to firms paid for with DOT dollars.</p>	<ul style="list-style-type: none"> <li>• June 1</li> <li>• December 1</li> </ul>	<ul style="list-style-type: none"> <li>• CRO will email subrecipient with current form, instructions and deadlines.</li> <li>• Subrecipient is responsible for filling out Uniform Report and submitting on time.</li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">FTA Guidance on <u>Uniform Report</u></a></li> <li>• <a href="#">FTA DBE Reporting on <u>Uniform Reports Video</u></a></li> </ul>
<p><b>TVM Reporting</b></p>	<p>Document transit vehicle procurements.</p>	<p>Within 30 days of making an award</p>	<ul style="list-style-type: none"> <li>• Subrecipient will document award and purchases through BlackCat.</li> <li>• CRO will fill out TVM Award Reporting Form.</li> </ul>	<ul style="list-style-type: none"> <li>• <a href="#">Transit Vehicle Award Reporting Form</a></li> </ul>

# Coming Up



- Title VI & ADA Compliance Training
- Alaska Unified Certification Program



**Any  
Questions?**



# Contact Us

State of Alaska

Department of Transportation & Public Facilities

Civil Rights Office

Zhenia C. Peterson: [zhenia.peterson@alaska.gov](mailto:zhenia.peterson@alaska.gov)

Jennifer Rackliff: [jennifer.rackliff@alaska.gov](mailto:jennifer.rackliff@alaska.gov)

Robespierre Howard: [robespierre.howard@alaska.gov](mailto:robespierre.howard@alaska.gov)