



# Federal Transit Administration Small Business Element: 101

*Let's Get Started*

# Web Conference Rules:

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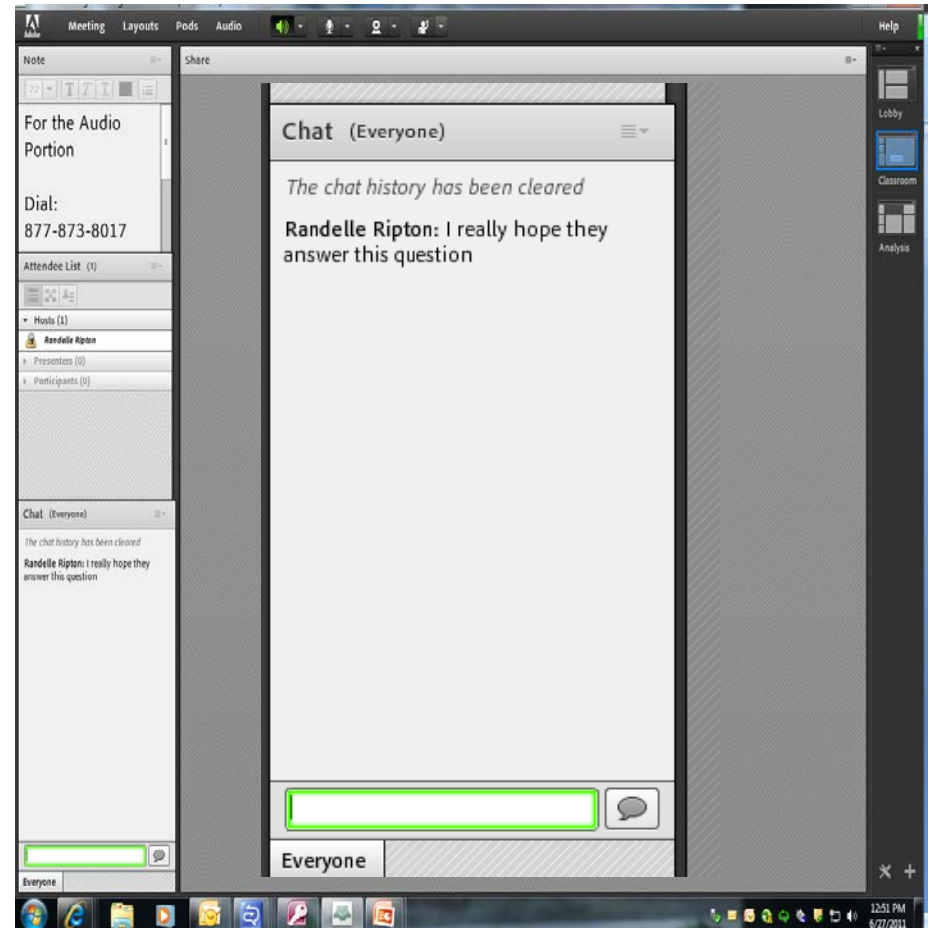
- ▶ **Can't Hear?**
- ▶ **Call the Conference Number for the Audio Portion!**
- ▶ See the Outlook Invitation for Details



# Rules Continued...*(during the presentation)*

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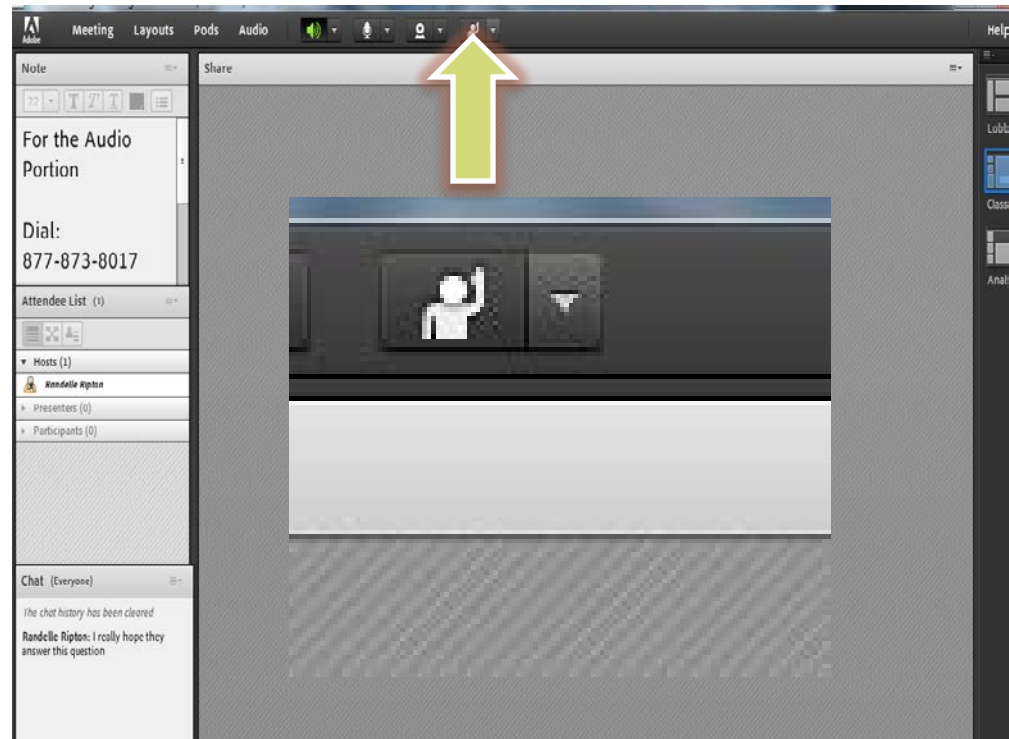
- ▶ During the presentation
  - ▶ Your phone will be muted
- ▶ Questions?
  - ▶ Use the chat box
    - ▶ Response in the chat box
    - ▶ Or addressed by moderator
    - ▶ *Any questions not responded to in chat box will be addressed via email*
- ▶ *Did you use your email as your sign in?*



# Rules Continued...*(during Open Q & A)*

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- ▶ There maybe a chance for Open Q & A
  - ▶ Your phone will not be muted
  - ▶ We're counting on you to mute your phone (\*6)
- ▶ Questions?
  - ▶ “Raise Your Hand”
    - ▶ Called on in order
- ▶ Etiquette
  - ▶ Mute your phone until called on.
  - ▶ Need to take another call?
    - ▶ Hang up...Don't put on hold!



# Rules Continued...*(anytime)*

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- ▶ Tell us how you feel
  - ▶ Not including “raise your hand”
  - ▶ Too Quiet?
  - ▶ Too Loud?
  - ▶ Agree?
  - ▶ Disagree?
- ▶ Don't forget to  
    **“Clear Status”**





# Federal Transit Administration Small Business Element: 101

*But First: Some Oldies but Goodies*

# Race Conscious & Race Neutral

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- ▶ DBE Program is intended to be
  - ▶ “Narrowly Tailored”
  - ▶ a Race Neutral program...
  - ▶ With a Race Conscious Element
  
- ▶ All participants are acting in “good faith”



# Race Conscious

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- ▶ measure or program focused specifically on assisting only DBEs, *including women-owned DBEs*
- ▶ You must establish **contract goals** to meet any portion of your overall goal you do not project being able to meet using race-neutral means.





# Race Neutral

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- ▶ measure or program is one that is, or can be, used to assist all small businesses.
  - ▶ *race-neutral* includes gender-neutrality.
- ▶ Providing technical assistance
- ▶ Long-term development opportunities
- ▶ Contract structuring & delivery



# RC v RN: What fields to Use?

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## Race Conscious

- ▶ Set contract goals...
  - ▶ When projecting goal miss
  - ▶ (4) “must provide for participation by all certified DBEs”
  - ▶ not “divided into group-specific”

## Race Neutral

- ▶ Did not set contract goals
  - ▶ Attributed to all the other wonderful things you do
  - ▶ Bottom line: Open Bid



# Prime contracts awarded this period?

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- ▶ Contract – a legally binding agreement obligating a seller to furnish supplies or services [26.5]
  - ▶ Prime contract = Direct agreement for services/supplies
  - ▶ Sub contract = Agreement between prime contractor and 2<sup>nd</sup> tier contractors





# Federal Transit Administration Small Business Element: 101

*Down to Business*

# What's Going On?

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- ▶ **New Section added to 49 CFR Part 26**
- ▶ **49 CFR § 26.39: Fostering Small Business Participation**
  - ▶ **Your** DBE Program,
  - ▶ **Must** include an element
  - ▶ Facilitate competition by **small business concerns**



# Why?

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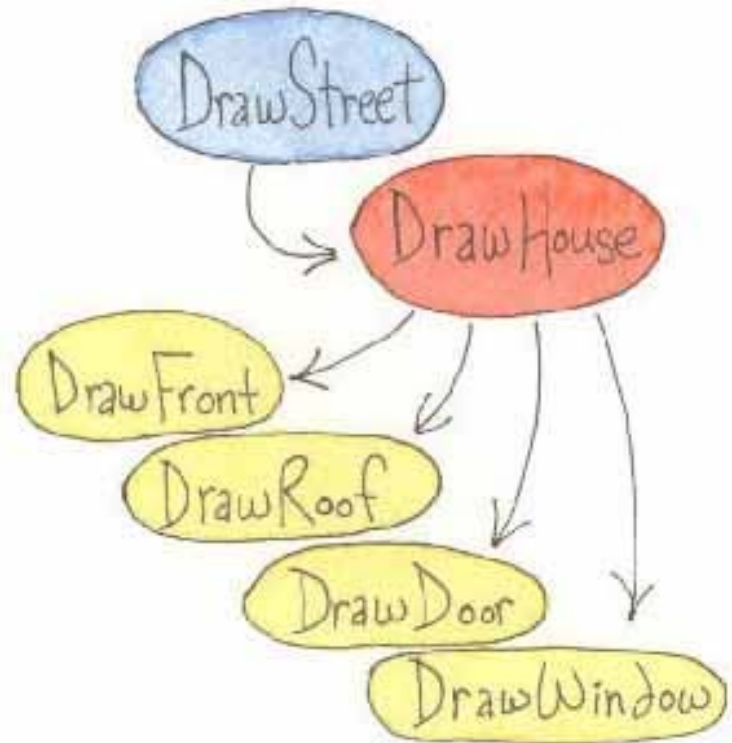
- ▶ **#1 : USDOT's Small Business Job Motivator**
  - ▶ *Assist Small Businesses & Encourage Competition*
- ▶ **# 2: USDOT thought you were doing this already**
- ▶ See the **Preamble Text**
  - ▶ Augment/Memorialize race neutral elements
  - ▶ Race neutral elements should not be “passive”
  - ▶ “Waiting and hoping” for DBE participation “not effective”



# Who's responsible

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- ▶ **Direct recipients responsible for subs**
  - ▶ Subs report through direct recipients
- ▶ **Small business goal?**
  - ▶ Not necessarily. Your discretion.



# How? When?

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- ▶ Element...must be submitted...
- ▶ By February 28, 2012
- ▶ FTA has asked for your entire DBE Program
  - ▶ Yes, that thing you update when significant changes occur
- ▶ Submit to FTA through **TEAM**

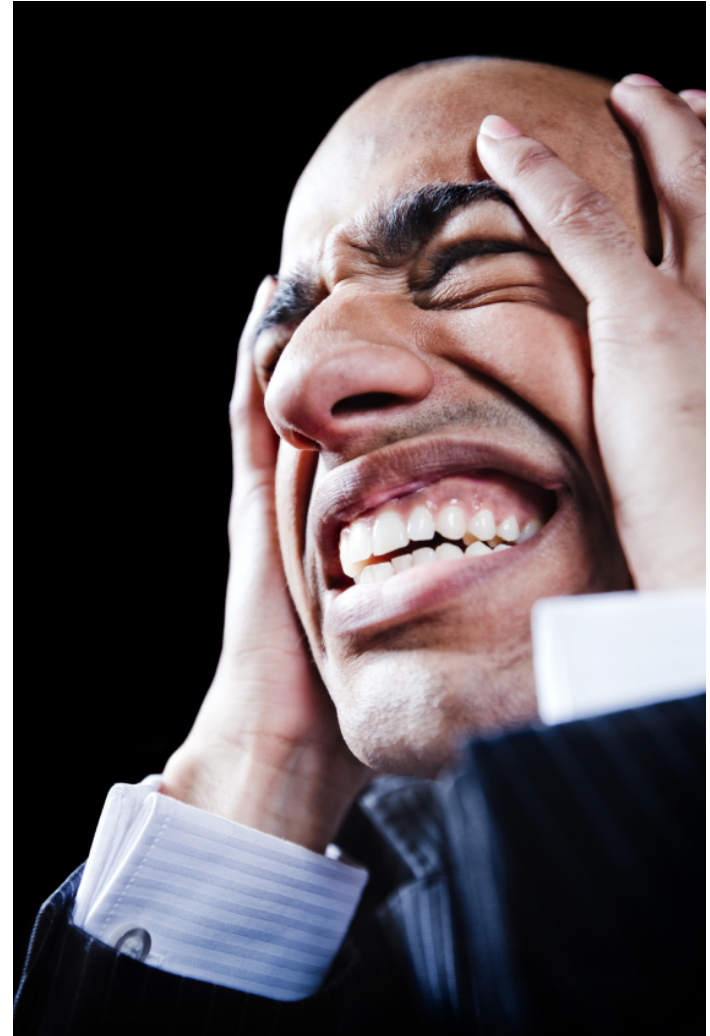




# February 28, 2012!?!?! Help!

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- ▶ Formal (Rule/Preamble)
- ▶ Informal (Randelle)
  - ▶ Webinars



# Is there any other help?

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- ▶ **Guidance**

- ▶ This Webinar

- ▶ **Official Q & A's**

- ▶ [Small Business Element](#)
- ▶ [Official Q&A's on OSDBU](#)



- ▶ **NO Sample Structures**

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▶ *Photo credit: Here & Now, Microsoft Online Stock Photos*

# Must & May

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- ▶ **MUSTS:**
- ▶ You must add a race neutral element to facilitate competition by small business concerns
  - ▶ Within your DBE Program
  - ▶ Structure contracting requirements
    - ▶ Facilitate competition!
- ▶ February 28, 2012
  
- ▶ Important: Can't just be outreach...must create work!



# The Mays

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- ▶ Establish a small business **set-aside** for prime contracts
  - ▶ Must be absent social disadvantage!
  - ▶ No DBE contract goals within here.
- ▶ Require prime bidders to identify sub contracts within a large contract
  - ▶ Does this require contract clauses?
- ▶ Requiring prime contractors to provide sub contracts appropriate for small businesses
- ▶ Alternative acquisition strategies
  - ▶ Joint ventures?
- ▶ Reasonable number of prime contracts available for small businesses



# What's Expected?

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- ▶ Approach this task in the manner that we've started our training.
  - ▶ Who?
  - ▶ What?
  - ▶ Where?
  - ▶ Why?
  - ▶ How?
- ▶ We're not expecting a literary masterpiece
  - ▶ Should be readable by the public



# Expectations

- ▶ A Good Program includes...
  - ▶ “Who” can compete
    - ▶ Adopt Size Standards
- ▶ Small business?
  - ▶ Use SBA/USDOT size limits where applicable
    - Can do micro-business plan...but suggest plan to address moderately small also

The screenshot shows the SBA.gov website. At the top left is the SBA logo with the tagline 'U.S. Small Business Administration'. To the right is a search bar labeled 'Search Federal, State & Local' and a 'Search' button. Below the search bar are navigation links: 'About SBA | Contact SBA | Community | Email Updates'. A main navigation bar contains: 'Starting & Managing a Business', 'Loans & Grants', 'Contracting', 'Counseling & Training', 'SBA Direct', and 'For Lenders'. The main content area features a large banner for 'START UP AMERICA' with the subtitle 'EMPOWERING AMERICA'S ENTREPRENEURS' and a group photo of diverse entrepreneurs. Below the photo is a 'Learn More' button. To the right of the banner is a 'Featured Tasks' sidebar with a list of links: 'Find Loans & Grants...', 'Register Your Business...', 'Apply for HUBZone Status...', 'Apply for 8(a) Certification...', 'Find Business Licenses & Permits...', 'Submit Your Idea for Reducing Regulatory Barriers...', and 'Find Exporting Opportunities...'. Below the banner is a 'SBADirect' section with the headline 'The answers you need start here.' and a sub-headline 'SBA Direct gives you information and services based on your unique business needs'. It includes three bullet points: 'Find local resources.', 'Explore your programs and services.', and 'Achieve your business goals.'. To the right of this text is a map of the United States with a 'Your Business ZIP Code' input field and a 'Go' button. On the far right is a 'What's New' section with three news items: 'New Year, New Business: How to Start it Right', 'Web Chat Event: Join host Janice Washington on February 16, 2012 at 1pm (ET)', 'Rebuilding After a Disaster: SBA's role in Disaster Recovery', and 'SBA Program Helps to Bridge the Small'.

# Great! More?

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- ▶ PNW?
  - ▶ Recipients discretion
- ▶ Certify?
  - ▶ Not necessarily
- ▶ Verify?
  - ▶ YES!



# Expectations

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## Not enough

- ▶ **Simply stating:**
  - ▶ We will establish a race-neutral small business set-aside for prime contracts

## Good

- ▶ **Stating:**
  - ▶ We will establish a race-neutral small business set-aside for prime contracts
  - ▶ This will be proposed on a per fiscal year basis
  - ▶ DBELO, Counsel, Finance will participate





# Expectations

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## Not enough

- ▶ **Simply stating:**
  - ▶ We will provide a reasonable number of prime contracts available for small businesses

## Good

- ▶ **Stating:**
  - ▶ We will provide a reasonable number of prime contracts available for small businesses
  - ▶ ...By taking a yearly assessment of contracts
  - ▶ ...with engineering and procurement
  - ▶ Must seek GM, Board Approval



# Uh huh...anything else?

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- ▶ **Doing Outreach Activities? Technical Capacity Building?**
- ▶ **Consider working with a regional partner**
  - ▶ Both must submit document, but can list members
- ▶ **Can use existing small business program**
  - ▶ Must be without “social disadvantage element”



# Reporting?

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- ▶ Required to report Small Business participation
  - ▶ No...(not yet)
- ▶ Must report DBE participation!
- ▶ SBE count for DBE credit?
  - ▶ NEVER

# Let's Recap

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- ▶ You have to add a Small Business Element
  - ▶ It should address **whether or not** you can structure contracts to benefit small businesses
- ▶ It's tailored to your circumstances
  - ▶ Describe to us, what you think will work.



# Let's Recap

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- ▶ Give us your best
  - ▶ *Good faith effort!*
- ▶ You can always go back and improve it.
  - ▶ *Submit significant changes for approval*
- ▶ Program intended to help all small businesses



# Let's Recap

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- ▶ **Small Business Set-Aside**  
→ must not have social disadvantage element
- ▶ **You May: Collaborate on Outreach Efforts**



# Let's Recap

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- ▶ You've Got a Menu of Options
- ▶ You Can Create More Items
- ▶ Think about what tools you may need for your choices. Such as:
  - ▶ Contract Clauses?
  - ▶ Forms?





# Federal Transit Administration Small Business Element: 101

*Switching Gears → How to Get it to FTA*



# Let's take a Deep Breath

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- ▶ **Some of you have already started**
  - ▶ GREAT! Looking forward to your submissions
  - ▶ This training is designed to assist you.
- ▶ **Many of you do these activities already**
  - ▶ Now you need to memorialize them
- ▶ **Many of you are very small recipients**
  - ▶ We are cognizant of your size, and will be making judgments based on that understanding



# Let's Talk Logistics...

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## ▶ Logistics:

- *Organization of complex task: the planning and implementation of a complex task*
- ▶ Not really that complex

## ▶ Within your DBE Program

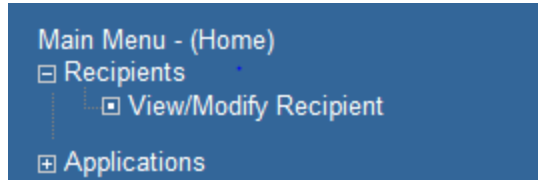
- ▶ Where?



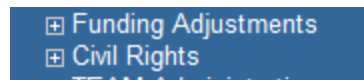
# How to Attach in TEAM?

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▶ Through Recipient Query



▶ Through Civil Rights Query



**Query Recipients**

Recipient ID: 0000 - [ 0000 ]

Name:

State: Any

Cost Ctr: 00000

Status: Active ▾

**Query Recipients**

Name:

Recipient ID: 0000

State: Any



# Find the Paper Clip to attach

- ▶ Query Results →
  - ▶ Your Agency's Information

The image shows a screenshot of a web application interface. On the left, there is a table with a blue header row labeled 'Recipient De'. Below the header, the word 'NSPORTATION' is visible in a grey row. To the right, a 'Windows Internet Explorer' window titled 'Attachments - Windows Internet Explorer' is open. The window shows a tree view for 'Recipient Id: 1000' with the following folders and files:

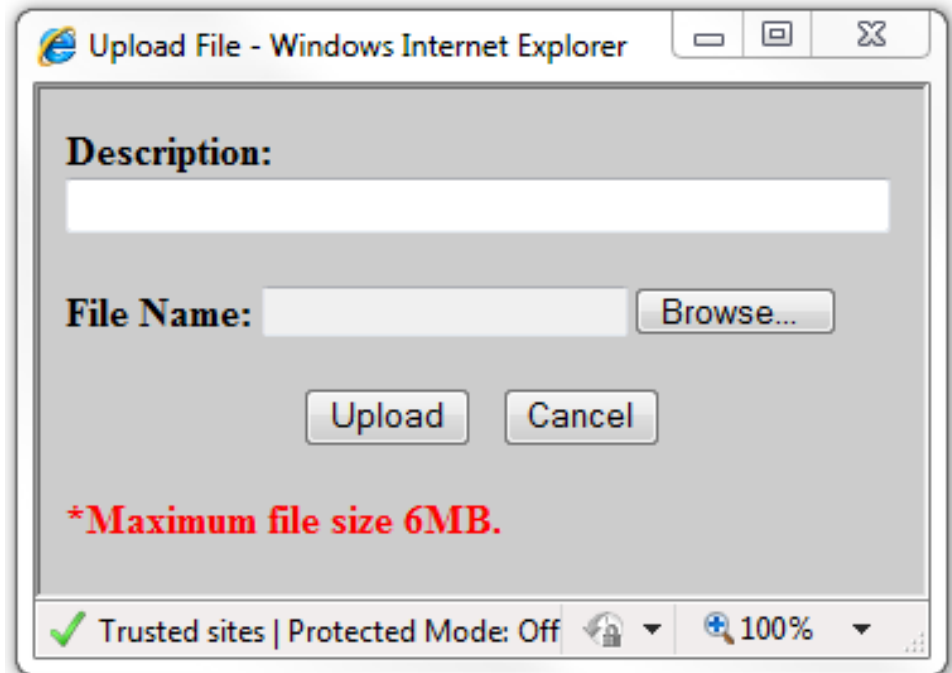
- General
- Contact Persons
- Cert & Assurances
  - ( ALDOT TEAM Signatory Designation )
- Codes
- Payment Codes
- Civil Rights
  - ( Alabama DOT\_J09.pdf )
  - ( Approved Title VI Plan.pdf )
  - ( Title VI Plan Approval Letter .pdf )
  - EEO Plan Approval 05-10-11 ( 2011051 )
- Otrack
- Triennial Review
  - FY2004 Triennial Review Report ( 04-AL )
  - FY2004 Triennial Review Worksheets ( )

A paperclip icon is visible in the bottom right corner of the attachments window, indicating that a file can be attached to the selected item.

# Use the Civil Rights Folder

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- ▶ Give your File a Name
  - ▶ No special characters
    - ▶ (#, \$, etc...)
- ▶ Give your File a Description
  - ▶ NYMTA DBE Program 2012
  - ▶ Give us a Date...



- ▶ We like to know which is the latest and greatest
- 



# 6 MB!?!

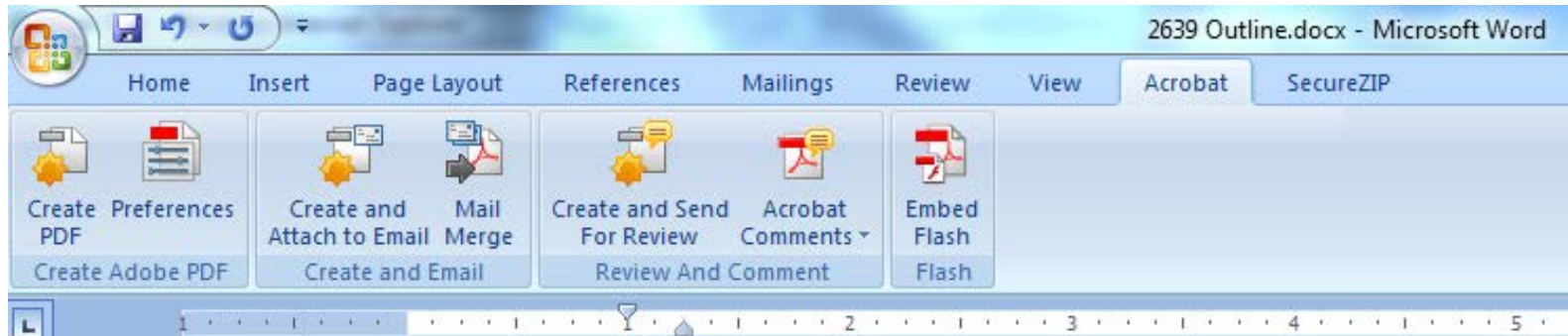
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- ▶ Scanned copies take up more space
  - ▶ Plus not 508 Compliant
- ▶ Convert your Document to Adobe PDF
- ▶ Last Resort →
  - ▶ Split your document



# How?

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- ▶ **Print as PDF**
- ▶ **Convert is Better!**
  - ▶ Even saves links.
  - ▶ You can't do it...we can help.

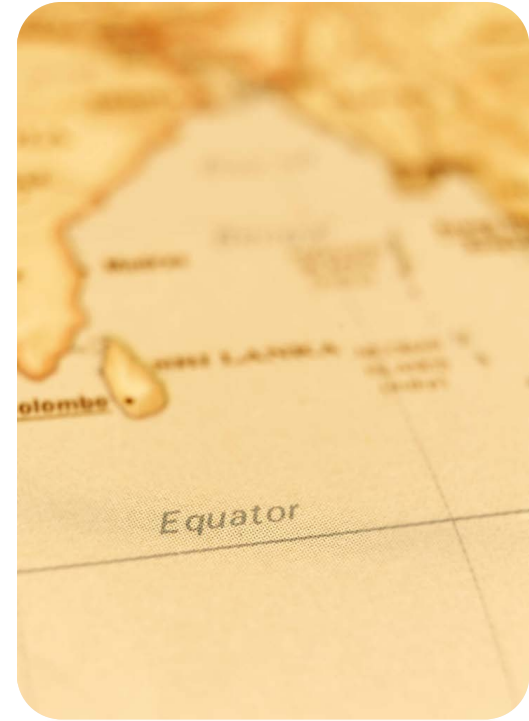




# Anything Else?

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- ▶ Update your Program
  - ▶ *Many of you already have*
- ▶ **26.11 – Records & Reporting**
- ▶ **26.37 – Monitoring & Enforcement**
- ▶ **26.47 – Can a Recipient be Penalized?**
- ▶ **26.53 – Good Faith Efforts.**





# Need more information/assistance?

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Contact:

Your Regional Office

[click here](#)

**FTA HQ:**

Federal Transit Administration  
Office of Civil Rights  
1200 New Jersey Ave. SE  
East Building, 5<sup>th</sup> Floor  
Washington, D.C. 20590  
Office: (202) 366-4018



# Questions?

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Photo Credit: The Peanut Gallery [www.mrkatzoff.org](http://www.mrkatzoff.org)