

Northern New England Passenger Rail Authority

2023, 2024, 2025 DBE Goal advertised 7/1/2022

NNEPRA's DBE goal for 2023, 2024 and 2025 is 0.50% obtained by race neutral participation.

Methodology for DBE

Step 1 – Base Goal

Market Area: The Northern New England Passenger Rail Authority (NNEPRA) has used the State of Maine market area to determine coverage. The Maine Department of Transportation's (MaineDOT) Disadvantaged Business Enterprises Listing (DBE) directory was used as the source for DBE information.

NNEPRA's DBE goal has been calculated using the criteria in 49 CFR 26.45. The 2020 US Census Bureau industry listing filtered for the State of Maine was used to establish the industries and associated firms from which NNEPRA would have the ability and/or intention to request bids and award Federal Transit Administration (FTA) funded contracts.

NNEPRA anticipates receiving FTA funding through two programs for Fiscal Year (FY) 2023-2025, the State of Good Repair Program (§5337) and the Urbanized Area Formula Program (§5307). Section 5307 funds include flexible funding from the Federal Highway Administration (FHWA) that allows the Maine and New Hampshire Departments of Transportation to transfer funds to §5307 under the flexible funding provision from various programs, including Congestion and Air Quality Mitigation (CMAQ). NNEPRA anticipates receiving \$12 million annually in Section 5337 and \$2 million annually in Section 5307 funds during the goal period covering FY2023, FY2024, and FY2025.

In determining the funding for the DBE Goal, NNEPRA included all FTA funding in the goal-setting process, there were excluded funds related to the Wells Area Improvement Project which received a Federal Railroad Administration \$16 million CRISI grant. NNEPRA has no subrecipients therefore no additional projects are included.

The contracts that NNEPRA intends to let in for the three-year period are contracting for operations of the Amtrak Downeaster service. NNEPRA contracts with Amtrak to run the service and contracts with a vendor to provide café service on the trains. NNEPRA also contracts for railroad maintenance and repairs. Operation contracts include advertising, auditing services, IT management, insurance, legal, and maintenance services.

The tables below provide the detailed calculations for the three step DBE goal setting process. NNEPRA used data from the Maine Unified Certification Program DBE directory and the US Census Bureau to establish the base figures in step 2. The North American Industry Classification System (NAICS) codes were obtained through an online search for firms that provide the respective functions. The number of businesses with the corresponding NAICS codes was obtained through the US Census Bureau County Business Patterns for 2020 using Maine as the market range. The total number DBEs were divided by total firm counts for all NAICS codes to determine the base figure.

Base Figure is equal to all "Ready, Willing and Able DBEs" (26) divided by "All Ready, Willing and Able Firms" (2,491) which equals 1.0438 percent.

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

* Enter all the FTA-assisted projects below. Project amounts should be assigned relevant NAICS Code(s).

	NAICS Code	Project	Amount of DOT funds on project:	% of total DOT funds (weight)
1)	541810	Advertising Agency	\$315,250.00	0.80%
2)	541211	CPA/Other Accounting	\$221,162.00	0.56%
3)	541513	Computer Management	\$31,777.20	0.08%
4)	52421	Insurance Agency	\$124,540.14	0.32%
5)	541110	Legal	\$262,161.90	0.66%
6)	237990	Railroad Industrial Materials	\$830,849.85	2.11%
7)	237990	Railroad Construction	\$737,437.59	1.87%
8)	541330	RR Maint Project Management	\$66,202.50	0.17%
9)	561720	Janitorial Service	\$12,710.88	0.03%
10)	541214	Website Hosting	\$18,271.89	0.05%
11)	811310	Equipment and Machinery Repair & Maintenance	\$93,600.00	0.24%
12)	323111	Commercial Printing	\$26,481.00	0.07%
13)	541890	Marketing Merchandise	\$26,481.00	0.07%
14)	541430	Graphic Design	\$66,202.50	0.17%
15)	722310	Food Service - NET	\$803,984.34	2.04%
16)	485112	Amtrak NET	\$35,805,272.58	90.78%
Total FTA-Assisted Contract Funds			\$39,442,385.37	1.0000

BASE GOAL

Step 2 - Determine the relative availability of DBE's by NAICS Code:

Version 1 adjusted for removing DBEs in the Maine UCP that do not perform the function of the NAICS Code.

	NAICS Code	Project	Number of DBEs available to perform this work	Number of all firms available (including DBEs)	Relative Availability	
1)	541810	Advertising Agency	6	42	14.2857%	
2)	541211	CPA/Other Accounting	1	211	0.4739%	
3)	541513	Computer Management	3	17	17.6471%	
4)	52421	Insurance Agency	1	440	0.2273%	
5)	541110	Legal	0	605	0.0000%	
6)	237990	Railroad Industrial Materials	1	8	12.5000%	
7)	237990	Railroad Construction	2	45	4.4444%	
8)	541330	RR Maint Project Management	1	300	0.3333%	
9)	561720	Janitorial Service	2	361	0.5540%	
10)	541214	Website Hosting	2	66	3.0303%	
11)	811310	Equipment and Machinery Repair & Maintenance	0	119	0.0000%	
12)	323111	Commercial Printing	1	70	1.4286%	
13)	541890	Marketing Merchandise	1	42	2.3810%	
14)	541430	Graphic Design	5	65	7.6923%	
15)	722310	Food Service - NET	0	100	0.0000%	
16)	485112	Amtrak NET	0	1	0.0000%	
Combined Totals			26	2,491	1.0438%	Overall availability of DBEs

Step 3 is based on the relative availability figure in the Base Goal of Step 2.

Step 3 - (Weight) x (Availability) = Weighted Base Figure						
	NAICS Code	Project	Weight	x	Availability	Weighted Base Figure
1)	541810	Advertising Agency	0.80%	x	14%	0.0011
2)	541211	CPA/Other Accounting	0.56%	x	0%	0.0000
3)	541513	Computer Management	0.08%	x	18%	0.0001
4)	52421	Insurance Agency	0.32%	x	0%	0.0000
5)	541110	Legal	0.66%	x	0%	0.0000
6)	237990	Railroad Industrial Materials	2.11%	x	13%	0.0026
7)	237990	Railroad Construction	1.87%	x	4%	0.0008
8)	541330	RR Maint Project Management	0.17%	x	0%	0.0000
9)	561720	Janitorial Service	0.03%	x	1%	0.0000
10)	541214	Website Hosting	0.05%	x	3%	0.0000
11)	811310	Equipment and Machinery Repair & Maintenance	0.24%	x	0%	0.0000
12)	323111	Commerical Printing	0.07%	x	1%	0.0000
13)	541890	Marketing Merchandise	0.07%	x	2%	0.0000
14)	541430	Graphic Design	0.17%	x	8%	0.0001
15)	722310	Food Service - NET	2.04%	x	0%	0.0000
16)	485112	Amtrak NET	90.78%	x	0%	0.0000
Total						0.0050
Expressed as a % (*100)						0.50%
BASE GOAL						0.50%

The Base Goal is 0.50%.

To arrive at the weighted base figure, NNEPRA took each project and multiplied the weighted percent of total funds multiplied by the relative availability of DBEs. The base goal of .50% is the sum of total individual figures.

Step Two – Adjustments to Base Goal

NNEPRA is not adjusting the calculated Base Goal of 0.50%.

Future procurements will be similar to the procurements in the prior goal period, however, NNEPRA anticipates similar DBE participation in the future goal period due to a relatively small number of DBE firms ready, willing, and available to bid on future work. The three highest value contracts include Amtrak (NAICS 485112), Railroad Construction (NAICS 237990), Food Service (NAICS 722310) and Railroad Industrial Materials (NAICS 237990) accounting for 95 percent of the total FTA assisted contract funding. However, there are currently three DBE firms registered and available under the NAICS codes in the State of Maine.

Measures of DBE attainment – Race Neutral Measures

NNEPRA’s DBE goal for 2023, 2024 and 2025 is 0.50% obtained by race neutral participation.

NNEPRA will be able to meet the Race Neutral goal of 0.50% without race conscious goals.

To calculate the race neutral and race conscious split of the overall goal, NNEPRA analyzed its race neutral achievement over the three-year period FFY2019-2022. As noted in the analysis below, historically NNEPRA has been able to achieve DBE participation goals through Race Neutral means. For the FFY19-21 period, NNEPRA was able to achieve 100% of its goal through Race Neutral means. The first six months of FFY22 are included in the analysis despite not being the complete fiscal year.

	Awarded	Percent	DBE Goal
FFY2022*			0.11%
DBE R/N	\$0	0%	.11%
DBE R/C	\$0	0%	
All	\$207,384		
FFY2021			0.11%
DBE R/N	\$285,344	20%	.11%
DBE R/C	\$0	0%	.00%
All	\$1,400,193		
FFY2020			0.11%
DBE R/N	\$12,026	0.58%	.11%
DBE R/C	\$0	0%	.00%
All	\$2,090,896		
FFY2019			0.15%
DBE R/N	\$126,343	1.25%	.15%
DBE R/C	\$0	0%	.00%
All	\$10,113,439		

*Partial year analysis of first six months.

NNEPRA will use the means as outlined in CFR 26.51 to facilitate Race Neutral DBE participation to include but not limited to:

Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under CFR § 26.39.

Carrying out information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate).

NNEPRA was able to exceed the goal of 0.11% DBE participation for the FY2019-2022 period.

NNEPRA will continuously monitor DBE participation to determine if the DBE goal will be met on an annual basis and apply Race Neutral and Race Conscious goals accordingly. By closely monitoring the semi-annual DBE reporting, if it appears that NNEPRA will not meet the goal through race neutral measures, consideration of instituting race conscious measures will occur.

Future Participation

Requirement: Evidence from disparity studies conducted anywhere within your jurisdiction, to the extent it is not already accounted for in your base figure; and

There have been no known disparity studies.

NNEPRA is committed to, and has a history of, prompt payment for all vendors, including DBE vendors. Payment is typically forwarded within thirty days. If the need should arise where a DBE contractor could not fund a

particularly large material purchase, NNEPRA would work with that vendor to acquire a loan, better terms or take on the material procurement through NNEPRA's resources.

Requirement: If available, you must consider evidence from related fields that affect the opportunities for DBEs to form, grow and compete. These include, but are not limited to:

(i) Statistical disparities in the ability of DBEs to get the financing, bonding and insurance required to participate in your program;

This data is not available as stated above.

Requirement: Data on employment, self-employment, education, training and union apprenticeship programs, to the extent you can relate it to the opportunities for DBEs to perform in your program.

This data has not been collected related to transit contracts. NNEPRA continually searches for opportunities to have current vendors apply for DBE certification and to reach out to New Hampshire and Massachusetts DBEs to become certified in Maine.

Requirement: If you attempt to make an adjustment to your base figure to account for the continuing effects of past discrimination (often called the "but for" factor) or the effects of an ongoing DBE program, the adjustment must be based on demonstrable evidence that is logically and directly related to the effect for which the adjustment is sought.

NNEPRA will not attempt to adjust the base figure based upon the effects of the DBE program.

Public Participation

In addition, the goal methodology was sent to all the Maine certified DBEs. This included direct email outreach to all 173 registered DBE businesses. Additionally, included in the direct email was an invitation for interested parties to view the DBE Program and FTA Goal Methodology at NNEPRA's office during normal business hours (8 a.m. – 4 p.m.) Monday through Friday during the comment period. NNEPRA reached out to the registered DBE's in New Hampshire (356 emails) as well to solicit feedback on the goal setting methodology.

The notice of this Goal and requests for comments was published on the NNEPRA website: www.nnepra.com.

NNEPRA's goal methodology was shared with Eastern Maine Development Corporation (EMDC), which contracts with MaineDOT to implement their DBE Supportive Service Program. MaineDOT is responsible for certifying all Maine DBEs.

NNEPRA hosted a public information session on the DBE Goal for the FFY2023-2025 reporting period on July 29, 2022 as a direct, scheduled forum for stakeholders to provide relevant information to the goal setting process.

NNEPRA will hold a public information session on DBE Goal for the FY2026-2028 reporting period in advance of the next triennial submission in 2025. The date, location, and time, are to be determined, however every effort will be made to ensure the meeting logistics and advertisement are made to promote maximum DBE stakeholder participation. The purpose of the public information session will be to provide a direct, scheduled, interactive forum for stakeholders to provide relevant information to the

goal setting process. NNEPRA will incorporate this feedback from stakeholders in the goal setting process.

For this current DBE goal setting there were no comments received from the public consultation process and there were no in-person inquiries at the NNEPRA office, therefore, no changes have been made to the goal.

Continuing DBE Outreach Activity:

1. Attend and participate in DBE training webinars and on-site workshops;
2. Continue to participate in business outreach through Chambers of Commerce and other organizations that NNEPRA belongs to and participate in;
3. Continue to electronically notify the Maine DBE directory of bidding opportunities;
4. Collaborate with Maine DOT and other Maine transportation providers to encourage DBE participation;
5. Investigate and collaborate with New Hampshire DOT and Massachusetts DOT to encourage DBEs relevant to NNEPRA's projects to register in Maine;
6. Utilize and solicit more DBE business support services, i.e., advertisements, temporary help, janitorial services, printing services, courier services, etc.; and
7. Reinforce the training of NNEPRA staff of the DBE Program and Goals.

Assurance 26.13 is used in all NNEPRA contracts and subcontracts.