

Section 26.45: Overall DBE 3-Year Goal Methodology on FAA-Assisted Projects

Name of Recipient: Vermont Agency of Transportation (VTrans)

Goal Period: FY-2024-2025-2026 – October 1, 2023 through September 30, 2026

DOT-assisted contract amount:	FY2024	\$9,507,500
	FY2025	\$9,660,000
	FY2026	<u>\$13,770,000</u>
Total		\$32,937,500

DBE 3-Year Overall Goal: (percentage) 2.6%

Total dollar amount to be expended on DBE's: \$858,375

Describe the Number and Type of Projects that the airport anticipates awarding:

FY24

Airport	Project Description	Federal Cost
Bennington (DDH)	Apron Reconstruction	\$2,250,000
Bennington (DDH)	Env Assessment (easements, obst rmvl, twy)	\$225,000
Caledonia (CDA)	EA (obstr rmvl, SRE Bldg, Pavement Recon)	\$135,000
	CDS - Ext RW/TW (400') South, Shift T/W Mid	
Franklin County (FSO)	(1000') - A/E, permits, obstr., constr.	\$1,610,000
Franklin County (FSO)	Easement Acquisition Phase 2	\$270,000
Franklin County (FSO)	Extend Taxiway A 2700' (A/E, permits)	\$270,000
Middlebury (6B0)	Obstruction Removal	\$315,000
Middlebury (6B0)	Environmental Assessment (Terminal)	\$225,000
Morrisville-Stowe (MVL)	18b Survey to update runway length	\$225,000
Rutland (RUT)	Rehabilitate Terminal Apron	\$3,600,000
Rutland (RUT)	Sign & Marking	\$382,500

FY25

Airport	Project Description	Federal Cost
EF Knapp (MPV)	Easement Acquisition	\$180,000
Bennington (DDH)	Easement Acquisition	\$202,500
Caledonia (CDA)	SRE Building	\$570,000
Caledonia (CDA)	Easement Acquisition	\$225,000
Franklin County (FSO)	Snow Removal Equip	\$315,000
Franklin County (FSO)	Easement Acquisition Phase 3	\$450,000
Franklin County (FSO)	Perimeter Fence	\$360,000
Middlebury (6B0)	Terminal Building	\$990,000
Middlebury (6B0)	Navigational Aid Study (PAPI)	\$135,000
Morrisville-Stowe (MVL)	Taxiway Ext & Apron Expansion (FD & Const)	\$3,375,000
Morrisville-Stowe (MVL)	Apron Rehab	\$2,317,500
Rutland (RUT)	ARFF Building Upgrades (A/E, Permits)	\$225,000
Rutland (RUT)	Snow Removal Equip	\$315,000

FY26

Airport	Project Description	Federal Cost
EF Knapp (MPV)	Obstruction Removal	\$315,000
EF Knapp (MPV)	Runway Recon 17-35 (A/E & Permits)	\$270,000
EF Knapp (MPV)	Snow Removal Equip	\$270,000
Bennington (DDH)	Snow Removal Equip	\$270,000
Bennington (DDH)	Extend Taxiway (A/E & Permits)	\$270,000
Bennington (DDH)	Obstruction Removal	\$247,500
Caledonia (CDA)	Obstruction Removal	\$270,000
Franklin County (FSO)	Extend Taxiway A 2700' (FD & Const.)	\$4,230,000
Middlebury (6B0)	PAPI Installation	\$270,000
Middlebury (6B0)	Apron Rehab	\$675,000
Morrisville-Stowe (MVL)	EA (Ext Taxiway [PH 4], Terminal, Fence)	\$225,000
Morrisville-Stowe (MVL)	Snow Removal Equip	\$270,000
NE Kingdom Int (EFK)	Env Assessment (Twy A Reconfiguration)	\$112,500
NE Kingdom Int (EFK)	Snow Removal Equip	\$270,000
Springfield/Hartness (VSF)	Reconstruct Runway 5/23 (FD & Constr.)	\$5,175,000
Springfield/Hartness (VSF)	Easement Acquisition Pt 2	\$360,000
Springfield/Hartness (VSF)	Obstruction Removal	\$270,000

Total Three Year Projected Preliminary Engineering and Construction Costs: \$32,937,500

The Vermont Agency of Transportation's Disadvantaged Business Enterprise (DBE) Triennial Goal & Goal Setting Methodology for FFY 2024-2026

For Federal Aviation Administration (FAA) Assisted Projects

Introduction and Overview of Goal Setting Process:

The Vermont Agency of Transportation (VTrans) has availed itself of a variety of techniques to comply with the goal setting provisions for participation by disadvantaged business enterprises (DBEs) and airport concessionaire DBEs (ACDBEs) in its FAA-assisted contracting program, as required by Section 26.45 of the DBE Regulations.

VTrans has solicited ideas and suggestions for developing and implementing overall goals by inviting input from the women, minority, and general contracting community. In keeping with our past process, we have utilized a collaborative and inclusive approach to formulating a goal setting methodology, which has included a series of open meetings as well as scheduled, direct, and interactive exchanges with industry and community groups, and prime and DBE contractors and consultants.

Information concerning the purpose and elements of the DBE Program were widely disseminated electronically and through a series of presentations and public meetings involving a diverse range of individuals and organizations, including: certified DBEs, our non-DBE contractors and consultants, Associated General Contractors-Vermont Chapter, American Council of Engineering Consultants, Vermont Commission on Women, U.S. Small Business Administration, Vermont Public Transportation Association, Vermont APEX Accelerator, Vermont Agency of Commerce and Community Development, Vermont Women's Business Center, Vermont Small Business Development Centers, Vermont Partnership for Fairness and Diversity, Vermont Community Action Agencies, Vermont Department of Labor, Micro Business Development Program, Women's Small Business Program, Vermont Professionals of Color Network Vermont Works for Women, U.S. Committee for Refugees and Immigrants (USCRI)-Vermont, Vermont Chambers of Commerce, Vermont Regional Planning Commissions, Vermont League of Cities and Towns, University of Vermont Transportation Research Center, transit providers, and towns and municipalities.

VTrans is mindful of the supplemental guidance issued by the U.S. Department of Transportation, Office of the Secretary, via Charles E. James, Sr., the Director of the Departmental Office of Civil Rights (DOCR), originally on a Memorandum dated April 1, 2020, and subsequently extended by Memorandum dated July 27, 2020, concerning DBE and ACDBE Program Requirements during COVID-19 Public Health Emergency. In particular, as it relates to the DBE Overall Goal Methodology Public Participation Requirements, the DOCR guidance provides as follows:

- 49 CFR 26.45(g)(1) requires recipient agencies, as part of their triennial overall goal setting process, to provide opportunities for publication, as well as consultation with stakeholder groups, prior to submitting the methodology to the relevant OA for review.
- This regulatory provision states that consultation with stakeholder groups must include a scheduled, direct, interactive exchange (e.g., an in-person meeting, video conference, teleconference) with as many interested stakeholders as possible. In light of the COVID-

19 public health emergency, recipients may use alternative methods for carrying out required stakeholder consultation such as:

- Instead of holding in-person meetings, recipients may use other options allowed under the rule, such as video conference or teleconferencing, by making use of technologies such as Microsoft Teams, Zoom, FaceTime, GoToMeeting and other similar telecommunication applications.

In accordance with this guidance, VTrans has engaged in multiple virtual meetings and events winter of 2023 and spring of 2024 during the spring and summer of 2021 to share information about the VTrans DBE Program and our proposed FY 2024–2026 DBE overall goal with our DBEs and small businesses, as well as representatives from many of our program partners, listed above, including the following: The Vermont Procurement Technical Assistance Center, the U.S. Small Business Administration, the Vermont Small Business Development Centers, the Vermont Department of Buildings and General Services, the Vermont Agency of Commerce and Community Development, the Vermont Commission on Women, Vermont Works for Women, Creative Workforce Solutions, the State of Vermont Racial Equity Consortium, and the Vermont Partnership for Fairness and Diversity. During these virtual meetings and mini-conferences and workshops, staff from the VTrans Office of Civil Rights have provided information and invited feedback on certification and contracting opportunities at VTrans, including a detailed discussion of our DBE goal setting process and proposed DBE goal and methodology for FY 2024–2026.

Feedback from these individuals and organizations included information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs and ACDBEs, and the scope and effectiveness of VTrans’ efforts to establish a level playing field for the participation of DBEs and ACDBEs.

The final goal for our FAA-assisted contracting program was established through an ongoing dialogue with all our stakeholders and represents an informed consent by stakeholder groups.

To comply with the goal setting provisions of the DBE regulations, VTrans has employed the two-step process outlined in Section 26.45, by first creating a baseline figure reflecting the relative availability of “ready, willing and able DBEs” in our marketplace, and then examining all relevant evidence, including past DBE participation, to determine what adjustments, if any, are needed to arrive at our overall goal.

While VTrans has affirmed its commitment to meeting the maximum feasible portion of our overall goal using race-neutral means, we have also provided the requisite projection of a breakout of participation derived from both race-neutral and race-conscious measures, as specified in Section 26.51. In addition to summarizing our current race-neutral program components, we have identified a variety of new strategies, the implementation of which will serve as additional program performance measures.

Federal Aviation Administration (FAA) Goal:

In FY 2024 – FY 2026, VTrans intends to expend 2.6% of the federal financial assistance received from the Federal Aviation Administration with small business concerns owned and controlled by socially and economically disadvantaged individuals (DBEs). It is the intent of VTrans that this expenditure be obtained through a race and gender-neutral program.

Goal Methodology:

Pursuant to February 2010 USDOT rule amendments to 49 CFR Section 26.45, VTrans' overall annual goal of 2.6% on FAA-funded contracts is effective for a period of three years: FY 2024 – FY 2026.

As in the past, the State of Vermont is proposing a single DBE goal for all of the airport facilities within the state, as well as projects performed directly by the Agency of Transportation. Vermont is a small state, and all of the airports face essentially the same market conditions and set of potential vendors. They all have to make use of the VTrans DBE Directory. Over time, they also face the same capital needs in terms of runway and facility maintenance. Thus, even if the DBE goal methodology were to be executed separately for each airport, the results would likely be nearly identical.

The following describes the goal methodology used to determine this three-year goal:

Step 1: Base Figure for the Relative Availability of DBEs

As specified in Section 26.45(c) of the DBE Regulations, the method used to calculate the relative availability of DBEs ("base figure") for Step 1 of the goal setting process is a percentage figure calculated by dividing a number representing available DBEs by a number representing all available firms (Method 1). VTrans employed the use of our DBE directory and Census Bureau data for calculating a base figure. We obtained our data and calculated the relative availability percentage in the following manner:

- The Rail and Aviation Bureau (RAB) at VTrans maintains a five-year Capital Improvement Program with detailed spending projections for each airport in the state. The federal spending for each project was identified, and then the itemized spending was categorized by six-digit North American Industry Classification System (NAICS) code. The list of the projects with a federal share of \$250,000 or more expected for the coming three-year period is shown in Table 1. The collection of NAICS codes, their descriptions and projected federal spending is shown below in Table 2.

Table 1. Expected Capital Projects

FFY	Airport	Description	Federal Amount
2026	Springfield/Hartness (VSF)	Reconstruct Runway 5/23 (FD & Constr.)	\$5,175,000
2026	Franklin County (FSO)	Extend Taxiway A 2700' (FD & Const.)	\$4,230,000
2024	Rutland (RUT)	Rehabilitate Terminal Apron	\$3,600,000
2025	Morrisville-Stowe (MVL)	Taxiway Ext & Apron Expansion (FD & Const)	\$3,375,000
2025	Morrisville-Stowe (MVL)	Apron Rehab	\$2,317,500
2024	Bennington (DDH)	Apron Reconstruction	\$2,250,000
2024	Franklin County (FSO)	CDS - Ext RW/TW (400') South, Shift T/W Mid (1000') - A/E, permits, obstr., constr.	\$1,610,000
2025	Middlebury (6B0)	Terminal Building	\$990,000
2026	Middlebury (6B0)	Apron Rehab	\$675,000
2025	Caledonia (CDA)	SRE Building	\$570,000
2025	Franklin County (FSO)	Easement Acquisition Phase 3	\$450,000
2024	Rutland (RUT)	Sign & Marking	\$382,500
2025	Franklin County (FSO)	Perimeter Fence	\$360,000
2026	Springfield/Hartness (VSF)	Easement Acquisition Pt 2	\$360,000
2024	Middlebury (6B0)	Obstruction Removal	\$315,000
2025	Franklin County (FSO)	Snow Removal Equip	\$315,000
2025	Rutland (RUT)	Snow Removal Equip	\$315,000
2026	EF Knapp (MPV)	Obstruction Removal	\$315,000
2024	Franklin County (FSO)	Easement Acquisition Phase 2	\$270,000
2024	Franklin County (FSO)	Extend Taxiway A 2700' (A/E, permits)	\$270,000
2026	EF Knapp (MPV)	Runway Recon 17-35 (A/E & Permits)	\$270,000
2026	EF Knapp (MPV)	Snow Removal Equip	\$270,000
2026	Bennington (DDH)	Snow Removal Equip	\$270,000
2026	Bennington (DDH)	Extend Taxiway (A/E & Permits)	\$270,000
2026	Caledonia (CDA)	Obstruction Removal	\$270,000
2026	Middlebury (6B0)	PAPI Installation	\$270,000
2026	Morrisville-Stowe (MVL)	Snow Removal Equip	\$270,000
2026	NE Kingdom Int (EFK)	Snow Removal Equip	\$270,000
2026	Springfield/Hartness (VSF)	Obstruction Removal	\$270,000

Table 2. Projected Spending by NAICS Code

NAICS Code	Description	FY24-26 Spending	% of Total
236210	Industrial Building Construction	\$570,000	1.7%
236220	Commercial and Institutional Building Construction	\$990,000	3.0%
237210	Land Subdivision	\$1,687,500	5.1%
237310	Highway, Street, and Bridge Construction	\$23,232,500	70.5%
237990	Other Heavy and Civil Engineering Construction	\$1,417,500	4.3%
238210	Electrical Contractors and Other Wiring Installation Contractors	\$270,000	0.8%
332618	Other Fabricated Wire Product Manufacturing	\$360,000	1.1%

423810	Construction Machinery and Equipment Merchant Wholesalers	\$1,710,000	5.2%
541330	Engineering Services	\$1,395,000	4.2%
541370	Surveying and Mapping (except Geophysical) Services	\$225,000	0.7%
541430	Graphic Design Services	\$382,500	1.2%
541620	Environmental Consulting Services	\$697,500	2.1%
	TOTAL	\$32,937,500	100.0%

- We determined the number of ready, willing and able DBEs in our market from our DBE registry for each of these NAICS codes. The VTrans [DBE Directory](#) supports searches by NAICS code, allowing for the simple tabulation of the number of available firms.
- The next step was to determine the appropriate market area for the analysis. In the past, the default market area has been the State of Vermont, but for each of these NAICS codes, Vermont firms represented only a small minority of the certified DBEs. Table 3 shows the distribution of DBE firms in the VTrans directory by state for each of the relevant NAICS codes.

Table 3. Vermont-certified DBE Firms by State

NAICS Code	Total DBE firms	VT	MA	NY	NH	PA	NJ	CT	Other
236210	6	1	2				1		2
236220	15	1	4	4		1	1		4
237210	1		1						0
237310	27	2	5	12		2	1	1	4
237990	13	1	3	2		1	2		4
238210	6			1	1				4
332618	2			1					1
423810	0								0
541330	39	4	8	10	2	1	1	4	9
541370	9	2	1	3			1	1	1
541430	8	1	1	2					4
541620	27	5	6	5	2		1		8

- To make the denominator of the availability calculation more consistent with the geography of the numerator (the DBE firms) a broader area was defined which includes all of Vermont and New Hampshire, seven counties in northern and western Massachusetts, five counties in northern and central Connecticut, and 13 counties in eastern New York (as far south at Dutchess County). This area is the same as was used in the development of the DBE goal for FTA-assisted contracts. This area excludes the most urbanized portions of Massachusetts and New York, which have many more establishments than the other parts of those states, and which would have depressed the DBE goal. Of course, this area also excludes the home states of many of the firms in the DBE registry, with New Jersey, Maryland, Pennsylvania, and Florida particularly well represented there.
- Finally, using the Census Bureau's County Business Pattern (CBP) database, we determined the number of establishments for the relevant area for each of the NAICS codes. The most recent available data from the census is for 2021.

Table 4 shows the number of VTrans-certified DBE firms in each of these categories and the number of establishments in the defined market area.

Table 4. Relative Availability of DBE Firms by NAICS Code

NAICS Code	Description	VT DBE Firms	CBP Total for Market Area
236210	Industrial Building Construction	6	36
236220	Commercial and Institutional Building Construction	15	957
237210	Land Subdivision	1	59
237310	Highway, Street, and Bridge Construction	27	324
237990	Other Heavy and Civil Engineering Construction	13	83
238210	Electrical Contractors and Other Wiring Installation	6	3,448
332618	Other Fabricated Wire Product Manufacturing	2	9
423810	Construction Machinery and Equipment Merchant	0	92
541330	Engineering Services	39	1,970
541370	Surveying and Mapping (except Geophysical) Services	9	228
541430	Graphic Design Services	8	378
541620	Environmental Consulting Services	27	380
	TOTAL	153	7,964

The 153 ready, willing, and able DBE firms in the Vermont DBE Registry, divided by the 7,964 total firms from the County Business Patterns database in the defined market area yields an unweighted base figure of 1.92%.

In order to better reflect the availability of DBE contractors with regard to potential spending, we recalculated the relative availability using a weighted approach, so that the NAICS codes with higher spending are weighted more heavily. The percentages of total spending represented by each of the NAICS categories, shown in the rightmost column of Table 1, were multiplied by the percent availability of DBE contractors for each NAICS code. The results of this calculation are shown below in Table 5.

Table 5. Weighted Average of DBE Availability

NAICS Code	Number of DBEs available to perform this work	Number of all firms available (including DBEs)	Pct Available		Weight	Weighted Availability
236210	6	36	16.7%	x	1.7%	0.29%
236220	15	957	1.6%	x	3.0%	0.05%
237210	1	59	1.7%	x	5.1%	0.09%
237310	27	324	8.3%	x	70.5%	5.88%
237990	13	83	15.7%	x	4.3%	0.67%
238210	6	3448	0.2%	x	0.8%	0.00%
332618	2	9	22.2%	x	1.1%	0.24%
423810	0	92	0.0%	x	5.2%	0.00%
541330	39	1970	2.0%	x	4.2%	0.08%
541370	9	228	3.9%	x	0.7%	0.03%
541430	8	378	2.1%	x	1.2%	0.02%
541620	27	380	7.1%	x	2.1%	0.15%

The weighted average DBE availability is the sum of the weighted availabilities in the rightmost column, which comes out to 7.50%. This is the step 1 base figure.

Step 2: Adjustment to Base Figure

As specified in Section 26.45, once the relative availability of ready, willing and able DBEs in our marketplace has been determined, it is necessary to examine additional evidence and, if appropriate, make adjustments to the base figure, to ensure that our goal truly and accurately reflects the level of DBE participation we would expect absent the effects of discrimination. Table 6 below shows the historical awards to DBE firms by year for the past three years.

Table 6. Historical Contract Awards to DBE Firms

Federal Fiscal Year	Total FAA Dollars Awarded	Awards to DBE Firms	DBE Percentage of Contract Awards
2021	\$4,907,037	\$270,357	5.5%
2022	\$5,673,267	\$20,266	0.4%
2023	\$9,740,547	\$257,458	2.6%

The median for the past three years is 2.6%. Over the past three years, there has been one DBE firm that has won prime contracts and four other firms that have had subcontracting roles. However, one of the DBE firms, which regularly worked as a subcontractor on construction projects, was sold in September 2022 and is no longer a DBE firm.

The experience thus far in FY24 suggests that meeting the DBE goal will continue to be a challenge. With an aggressive capital program averaging more than \$10 million per year and one of the most-frequently used DBE firms no longer available, VTrans chooses to adjust the weighted figure of 7.5% down to match the recent median figure of 2.6%.

VTrans considered several other potential adjustments to the base figure before concluding the analysis:

- **Disparity Studies:** There has been no disparity study performed in Vermont, New Hampshire, or Maine for any public agency or private sector company.
- **Statistical Disparities in the Ability of DBEs to Get the Financing, Bonding, and Insurance Required to Participate in the VTrans DBE Program:** VTrans has not collected and analyzed this data related to transit contracts. VTrans offers training, mentoring, and one-on-one business coaching to its DBEs through the VTrans Business Development Program, and partners with the Small Business Administration and other agencies to promote accessible financing, bonding, and insurance to all certified DBEs. This has not been identified as a barrier to contracting and procurement opportunities for DBEs in Vermont.
- **Data on Employment, Self-Employment, Education, Training and Union Apprenticeship Programs, to the Extent They Relate to the Opportunities for DBEs to Perform in the VTrans DBE Program:** VTrans has not collected and analyzed this data related to transit contracts. Through the VTrans Business Development Program, DBEs are assessed for

training needs, and VTrans funds DBE training to remove barriers, build capacity, and enhance critical business skills.

After full consideration of these factors, VTrans concludes that the adjusted weighted base figure of 2.6% is an appropriate goal for FY 2024 – 2026 for our FTA-assisted contracts.

Breakout of Estimated Race-Neutral and Race-Conscious Participation

VTrans will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. VTrans uses the following race-neutral means to promote DBE participation:

- Providing technical assistance and other services to DBEs, directly and via consultants, seminars, partnerships with technical assistance providers and academic institutions.
- Administering a business development program, the Vermont Business Development Program (VBDP), for certified DBEs that provides one-on-one business counseling and needs assessments, business and marketing plan development, and training and networking opportunities.
- Carrying out information and communications programs on contracting procedures and specific contract opportunities, including electronic notification of all bidding and contracting opportunities on a weekly basis.
- Providing formal and informal training and presentations to DBEs and other contractors.
- Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs.
- Providing frequent updates to our DBEs on all bidding and subcontracting opportunities.
- Providing prompt payment monitoring and enforcement for payments to all subcontractors, including DBEs.
- Conducting periodic user surveys and needs assessments to better determine DBE needs (e.g., training, financing, etc.) and to obtain better contact info.
- Ensuring distribution of our DBE Directory, through print and electronic means, to the widest feasible universe of potential prime contractors, including mail distribution to all potential prime bidders, and widespread distribution at conferences, expos, and seminars.
- Developing and delivering small business training and networking opportunities, including the annual Government Contracting Conference, the annual Women's Economic Opportunity Conference, matchmaker events, etc.
- Assisting DBEs to develop their capability to utilize emerging technology and conduct business through electronic media, and utilizing our website to disseminate information,

including our Directory, bid opportunities, updated information on Part 26, and useful links.

- Providing services to help DBEs improve long-term development, increase opportunities to participate in a variety of different kinds of work, handle increasingly significant projects, successfully compete as prime contractors, and achieve eventual self-sufficiency.
- Providing assistance in overcoming limitations such as an inability to obtain bonding or financing and identify and eliminate other barriers to contracting with the VT Agency of Transportation.
- Networking with local, state and federal agencies, non-profits, academic and business communities to obtain maximum partnering opportunities and resources and develop comprehensive resource and referral network with technical assistance and service providers.
- Coordinating with other state DBE Liaison Officers, to ensure certification reciprocity and to maximize interstate contracting opportunities; and
- Assisting DBEs to establish prequalification status.

In addition to the above-described race-neutral means that VTrans already employs to increase DBE participation, we propose implementing and expanding our efforts in the following ways:

- Providing more one-on-one business counseling services to our DBEs.
- Ensuring that our prime contractors consider the use of DBEs in all possible work categories, by providing quick reference guides detailing the expertise and capacities of our DBEs.
- Providing frequent updates to our DBEs on all bidding and subcontracting opportunities.
- Providing more effective outreach with minority businesses.

Breakout of Estimated Race-Neutral and Race-Conscious Participation: FAA-Assisted Contracting Program:

On our FAA-assisted contracts, VTrans estimates that we will meet 2.0% of our overall goal through race-neutral means and 0.6% through race-conscious measures.

Because most of the non-construction work funded by FAA is procured through retainer contracts, it is not generally feasible to include race-conscious goals in such work. Construction contracts offer much greater opportunities for DBE subcontractors. Construction spending is projected to consume about 80% of total FAA funded work over the coming three years. This implies that among all construction contracts, there will be a race-conscious DBE contract goal of about 0.75% on average.

We will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation and we will track and report race-neutral and race-conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following:

- DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures.
- DBE participation through a subcontract on a prime contract that does not carry a DBE goal.
- DBE participation on a prime contract exceeding a contract goal.
- DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.