

The Vermont Agency of Transportation's Disadvantaged Business Enterprise (DBE) Triennial Goal And Goal Setting Methodology for FFY 2021-2023

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) in its FTA-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 in writing, and through a series of presentations and public meetings involving a diverse range of individuals and organizations, including our currently certified DBEs, our non-DBE contractors and consultants, the Associated General Contractors - Vermont Chapter, the American Council of Engineering Consultants, the Vermont Commission on Women, the U.S. Small Business Administration, the Vermont Public Transportation Association, the Vermont Procurement Technical Assistance Center, the Vermont Agency of Commerce and Community Development, the Vermont Women's Business Center, the Vermont Small Business Development Centers, the Vermont Partnership for Fairness and Diversity, the Vermont Community Action Agencies, the Vermont Department of Labor, the Micro Business Development Program, the Women's Small Business Program, Vermont Works for Women (formerly Northern New England Tradeswomen), the Vermont Refugee Resettlement Program, Vermont Chambers of Commerce, Vermont Regional Planning Commissions, the Vermont League of Cities and Towns, the University of Vermont Transportation Research Center, regional planning commissions, transit providers and various 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:

1. 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 FaceTime, Skype, GoToMeeting, Zoom, and other similar telecommunication applications.”

In accordance with this guidance, VTrans has engaged in multiple virtual meetings and events during the spring and summer of 2020 to share information about the VTrans DBE Program and our proposed FY 2021 – 2023 DBE overall goal with our DBEs and small businesses, as well as representatives from many of our program partners, 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 2021 - 2023.

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 the scope and effectiveness of VTrans’ efforts to establish a level playing field for the participation of DBEs.

The final goal for our FTA-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.

Amount of Goal:

Federal Transit Administration (FTA) Goal:

In FY 2021 – FY 2023, VTrans intends to expend 1.14% of the federal financial assistance received from the Federal Transit 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:

Goal Methodology: Federal Transit Administration (FTA) Goal:

Pursuant to February 2010 USDOT rule amendments to 49 CFR Section 26.45, VTrans’ overall annual goal of 1.14% on FTA funded contracts is effective for a period of three years: FY 2021 – FY 2023. 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:

- We reviewed VTrans past spending for FY18-19 on direct contracts from the agency, and tabulated the operating and planning spending of our subrecipients (rural transit providers in Vermont) for this period. This spending was subdivided by line item, and all spending for wages, benefits, and other items that are not contracting opportunities (rent, utilities, memberships) was excluded. To these operating and planning figures, we added projected capital spending for the FY21-FY23 period based on capital requests from the subrecipients and a VTrans forecast as to which items are likely to be funded. The itemized spending was then categorized by six-digit North American Industry Classification System (NAICS) code. The average spending for operations and planning was multiplied by three (to represent the coming three-year period) and the capital spending projections were added to those figures. This collection of codes, federal spending, and their descriptions are shown below in Table 1.

Table 1. Spending Categories

NAICS Code	Description	FY18-20 Spending	% of Total
236220	Commercial and Institutional Building Construction	\$ 291,200	1.6%
238110	Poured Concrete Foundation and Structure Contractors	\$ 388,720	2.1%
238130	Framing Contractors	\$ 190,232	1.0%
238140	Masonry Contractors	\$ 77,691	0.4%
238150	Glass and Glazing Contractors	\$ 88,064	0.5%
238160	Roofing Contractors	\$ 136,224	0.7%

238170	Siding Contractors	\$ 240,336	1.3%
238190	Other Foundation, Structure, and Building Exterior Contractors	\$ 502,174	2.7%
238210	Electrical Contractors and Other Wiring Installation Contractors	\$ 348,496	1.9%
238220	Plumbing, Heating, and Air-Conditioning Contractors	\$ 411,480	2.2%
238290	Other Building Equipment Contractors	\$ 465,088	2.5%
238310	Drywall and Insulation Contractors	\$ 108,016	0.6%
238320	Painting and Wall Covering Contractors	\$ 142,416	0.8%
238330	Flooring Contractors	\$ 68,112	0.4%
238350	Finish Carpentry Contractors	\$ 91,379	0.5%
238390	Other Building Finishing Contractors	\$ 148,213	0.8%
238910	Site Preparation Contractors	\$ 323,316	1.8%
238990	All Other Specialty Trade Contractors	\$ 69,200	0.4%
323111	Commercial Printing (except Screen and Books)	\$ 86,039	0.5%
332311	Prefabricated Metal Building and Component Manufacturing	\$ 49,600	0.3%
332420	Metal Tank (Heavy Gauge) Manufacturing	\$ 167,500	0.9%
333618	Other Engine Equipment Manufacturing	\$ 39,305	0.2%
333921	Elevator and Moving Stairway Manufacturing	\$ 200,000	1.1%
336350	Motor Vehicle Transmission and Power Train Parts Manufacturing	\$ 39,305	0.2%
339950	Sign Manufacturing	\$ 10,953	0.1%
423120	Motor Vehicle Supplies and New Parts Merchant Wholesalers	\$ 307,176	1.7%
423430	Computer and Peripheral Equipment and Software Merchant Wholesalers	\$ 120,000	0.7%
423610	Electrical Equipment, Wiring Supplies, and Related Equipment Wholesalers	\$ 65,000	0.4%
423690	Other Electronic Parts and Equipment Merchant Wholesalers	\$ 30,149	0.2%
423730	Heating & Air-Conditioning Equipmt. and Supplies Merchant Wholesalers	\$ 10,640	0.1%
423830	Industrial Machinery and Equipment Merchant Wholesalers	\$ 464,040	2.5%
423850	Service Establishment Equipment and Supplies Merchant Wholesalers	\$ 57,083	0.3%
424320	Men's and Boys' Clothing and Furnishings Merchant Wholesalers	\$ 89,313	0.5%
424720	Petroleum and Petroleum Products Merchant Wholesalers	\$ 2,215,574	12.0%
441110	New Car Dealers	\$ 129,000	0.7%
441310	Automotive Parts and Accessories Stores	\$ 550,263	3.0%
441320	Tire Dealers	\$ 320,213	1.7%
442110	Furniture Stores	\$ 3,796	0.0%
444110	Home Centers	\$ 3,660	0.0%
444130	Hardware Stores	\$ 24,640	0.1%
444190	Other Building Material Dealers	\$ 82,362	0.4%
447110	Gasoline Stations with Convenience Stores	\$ 154,383	0.8%
453210	Office Supplies and Stationery Stores	\$ 433,701	2.4%
453220	Gift, Novelty, and Souvenir Stores	\$ 9,294	0.1%
454110	Electronic Shopping and Mail-Order Houses	\$ 149,551	0.8%
454310	Fuel Dealers	\$ 116,160	0.6%
485210	Interurban and Rural Bus Transportation	\$ 1,818,450	9.9%

485310	Taxi Service	\$ 516,320	2.8%
485991	Special Needs Transportation	\$ 383,952	2.1%
488410	Motor Vehicle Towing	\$ 80,661	0.4%
511110	Newspaper Publishers	\$ 89,978	0.5%
511210	Software Publishers	\$ 321,600	1.7%
515112	Radio Stations	\$ 10,637	0.1%
517311	Wired Telecommunications Carriers	\$ 211,067	1.1%
517312	Wireless Telecommunications Carriers (except Satellite)	\$ 111,758	0.6%
518210	Data Processing, Hosting, and Related Services	\$ 24,000	0.1%
519130	Internet Publishing and Broadcasting and Web Search Portals	\$ 9,000	0.0%
524126	Direct Property and Casualty Insurance Carriers	\$ 874,575	4.7%
532420	Office Machinery and Equipment Rental and Leasing	\$ 11,763	0.1%
541110	Offices of Lawyers	\$ 81,079	0.4%
541211	Offices of Certified Public Accountants	\$ 245,528	1.3%
541310	Architectural Services	\$ 147,360	0.8%
541330	Engineering Services	\$ 343,840	1.9%
541430	Graphic Design Services	\$ 17,281	0.1%
541511	Custom Computer Programming Services	\$ 120,000	0.7%
541512	Computer Systems Design Services	\$ 370,626	2.0%
541611	Administrative Management and General Mgmt. Consulting Services	\$ 618,064	3.4%
541612	Human Resources Consulting Services	\$ 26,598	0.1%
541613	Marketing Consulting Services	\$ 54,533	0.3%
541620	Environmental Consulting Services	\$ 55,049	0.3%
541690	Other Scientific and Technical Consulting Services	\$ 45,997	0.2%
541860	Direct Mail Advertising	\$ 11,519	0.1%
541890	Other Services Related to Advertising	\$ 148,874	0.8%
561421	Telephone Answering Services	\$ 27,762	0.2%
561621	Security Systems Services (except Locksmiths)	\$ 20,122	0.1%
561720	Janitorial Services	\$ 358,808	1.9%
561730	Landscaping Services	\$ 74,053	0.4%
561740	Carpet and Upholstery Cleaning Services	\$ 2,339	0.0%
561790	Other Services to Buildings and Dwellings	\$ 22,184	0.1%
562111	Solid Waste Collection	\$ 12,007	0.1%
562119	Other Waste Collection	\$ 3,921	0.0%
562211	Hazardous Waste Treatment and Disposal	\$ 3,015	0.0%
562991	Septic Tank and Related Services	\$ 4,944	0.0%
611430	Professional and Management Development Training	\$ 14,098	0.1%
621111	Offices of Physicians (except Mental Health Specialists)	\$ 12,035	0.1%
621999	All Other Miscellaneous Ambulatory Health Care Services	\$ 36,014	0.2%
722320	Caterers	\$ 4,905	0.0%
722513	Limited-Service Restaurants	\$ 15,055	0.1%

811111	General Automotive Repair	\$ 912,592	5.0%
811192	Car Washes	\$ 10,397	0.1%
811212	Computer and Office Machine Repair and Maintenance	\$ 64,529	0.4%
811213	Communication Equipment Repair and Maintenance	\$ 43,995	0.2%
811310	Commercial/Industrial Machinery and Equipment Repair & Maintenance	\$ 11,668	0.1%
	TOTAL	\$ 18,423,606	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 registry (at <http://apps.vtrans.vermont.gov/dberegistry/>) 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 each NAICS code. In the past, the default market area has been the State of Vermont, but for selected NAICS codes, additional states were included, based primarily on the home states of the DBE firms in the Vermont registry. For the current goal-setting period, in order to make the methodology more consistent across all NAICS codes, we determined that each NAICS code would have one of two geographic scopes: 1) the State of Vermont, or 2) an area of New England and upstate New York within a 2-hour drive of Vermont. This broader area 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 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. Ultimately there is no perfect way to define the market area.
- The scopes for each NAICS code were determined partly by the feasibility or likelihood that a Vermont transit provider would contract with an out-of-state entity for a particular type of service or item, and also by the representation of other states in the DBE registry. By type of NAICS code, the scopes were set as follows:
 - Construction management (2362) – broader area
 - Building construction and equipment (2381, 2382) – broader area
 - Building finishing (2383) – Vermont
 - Manufacturing (33) – broader area
 - Wholesale trade (42) – broader area
 - Retail trade (44-45) – Vermont
 - Transportation (48) – broader area (with the exception of taxi service and towing, which were limited to Vermont)
 - Information (51) – broader area
 - Finance, insurance, real estate, professional/technical services (51-54) – broader area (with the exception of lawyers, which were limited to Vermont)
 - Administrative/support/waste management services (56) – Vermont (with the exception of telephone answering, security systems, hazardous and other waste collection, which were the broader area, mainly because there were no Vermont establishments for most of those NAICS codes)
 - Educational and health care services (61-62) – Vermont

- Food services (72) – Vermont
- Other services (81) – Vermont
- 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.

Table 2 shows the number of VAOT-certified DBE firms in each of these categories and the number of establishments in the selected area: Vermont or Broader Area (BA).

Table 2. Relative Availability of DBE Firms by NAICS Code

NAICS Code	Description	VT DBE Firms	Scope: 1=VT 2=BA	CBP Total for Relevant Area
236220	Commercial and Institutional Building Construction	13	2	1110
238110	Poured Concrete Foundation and Structure Contractors	2	2	560
238130	Framing Contractors	1	2	431
238140	Masonry Contractors	1	2	817
238150	Glass and Glazing Contractors	0	2	168
238160	Roofing Contractors	0	2	549
238170	Siding Contractors	0	2	307
238190	Other Foundation, Structure, and Building Exterior Contractors	0	2	141
238210	Electrical Contractors and Other Wiring Installation Contractors	9	2	3431
238220	Plumbing, Heating, and Air-Conditioning Contractors	2	1	295
238290	Other Building Equipment Contractors	0	2	225
238310	Drywall and Insulation Contractors	1	1	70
238320	Painting and Wall Covering Contractors	2	1	161
238330	Flooring Contractors	0	1	37
238350	Finish Carpentry Contractors	0	1	114
238390	Other Building Finishing Contractors	3	1	14
238910	Site Preparation Contractors	13	1	311
238990	All Other Specialty Trade Contractors	13	1	79
323111	Commercial Printing (except Screen and Books)	1	1	43
332311	Prefabricated Metal Building and Component Manufacturing	0	2	4
332420	Metal Tank (Heavy Gauge) Manufacturing	0	2	7
333618	Other Engine Equipment Manufacturing	0	2	7
333921	Elevator and Moving Stairway Manufacturing	0	2	3
336350	Motor Vehicle Transmission and Power Train Parts Manufacturing	0	2	17
339950	Sign Manufacturing	3	2	155
423120	Motor Vehicle Supplies and New Parts Merchant Wholesalers	0	2	355
423430	Computer and Peripheral Equipment and Software Merchant	2	2	313
423610	Electrical Equipment, Wiring Supplies, and Related Equipment	5	2	477
423690	Other Electronic Parts and Equipment Merchant Wholesalers	1	2	469
423730	Heating & Air-Conditioning Equipmt. and Supplies Merchant	0	2	176
423830	Industrial Machinery and Equipment Merchant Wholesalers	1	2	836
423850	Service Establishment Equipment and Supplies Merchant	0	2	123
424320	Men's and Boys' Clothing and Furnishings Merchant Wholesalers	0	2	53
424720	Petroleum and Petroleum Products Merchant Wholesalers	0	2	48
441110	New Car Dealers	0	1	87
441310	Automotive Parts and Accessories Stores	0	1	109

441320	Tire Dealers	0	1	39
442110	Furniture Stores	0	1	58
444110	Home Centers	0	1	16
444130	Hardware Stores	0	1	77
444190	Other Building Material Dealers	2	1	107
447110	Gasoline Stations with Convenience Stores	0	1	388
453210	Office Supplies and Stationery Stores	0	1	14
453220	Gift, Novelty, and Souvenir Stores	0	1	71
454110	Electronic Shopping and Mail-Order Houses	0	2	1166
454310	Fuel Dealers	1	1	108
485210	Interurban and Rural Bus Transportation	0	2	40
485310	Taxi Service	0	1	16
485991	Special Needs Transportation	1	2	163
488410	Motor Vehicle Towing	0	1	22
511110	Newspaper Publishers	0	1	40
511210	Software Publishers	2	2	687
515112	Radio Stations	0	2	111
517311	Wired Telecommunications Carriers	1	1	107
517312	Wireless Telecommunications Carriers (except Satellite)	0	2	604
518210	Data Processing, Hosting, and Related Services	6	2	627
519130	Internet Publishing and Broadcasting and Web Search Portals	1	2	260
524126	Direct Property and Casualty Insurance Carriers	0	2	421
532420	Office Machinery and Equipment Rental and Leasing	0	2	10
541110	Offices of Lawyers	2	1	415
541211	Offices of Certified Public Accountants	2	2	1725
541310	Architectural Services	1	2	793
541330	Engineering Services	31	2	2134
541430	Graphic Design Services	7	2	419
541511	Custom Computer Programming Services	13	2	2368
541512	Computer Systems Design Services	18	2	1681
541611	Administrative Management and General Mgmt. Consulting Services	32	2	1871
541612	Human Resources Consulting Services	5	2	237
541613	Marketing Consulting Services	14	2	921
541620	Environmental Consulting Services	23	2	433
541690	Other Scientific and Technical Consulting Services	18	2	610
541860	Direct Mail Advertising	1	2	83
541890	Other Services Related to Advertising	1	2	213
561421	Telephone Answering Services	0	2	30
561621	Security Systems Services (except Locksmiths)	0	2	211
561720	Janitorial Services	1	1	191
561730	Landscaping Services	3	1	478
561740	Carpet and Upholstery Cleaning Services	0	1	14
561790	Other Services to Buildings and Dwellings	0	1	34
562111	Solid Waste Collection	1	1	45
562119	Other Waste Collection	0	2	9
562211	Hazardous Waste Treatment and Disposal	0	2	19
562991	Septic Tank and Related Services	0	1	28
611430	Professional and Management Development Training	7	2	275
621111	Offices of Physicians (except Mental Health Specialists)	1	1	282
621999	All Other Miscellaneous Ambulatory Health Care Services	1	1	19

722320	Caterers	0	1	41
722513	Limited-Service Restaurants	0	1	426
811111	General Automotive Repair	0	1	340
811192	Car Washes	0	1	24
811212	Computer and Office Machine Repair and Maintenance	0	1	19
811213	Communication Equipment Repair and Maintenance	1	1	4
811310	Commercial/Industrial Machinery and Equipmt. Repair & Maintenance	0	2	547
		257		33083

The 257 ready, willing, and able DBE firms in the Vermont DBE Registry, divided by the 33,083 total firms from the County Business Patterns database in either Vermont or the broader area, yields an unweighted base figure of 0.78%.

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 3.

Table 3. 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
236220	13	1110	1.17%	x	1.6%	0.02%
238110	2	560	0.36%	x	2.1%	0.01%
238130	1	431	0.23%	x	1.0%	0.00%
238140	1	817	0.12%	x	0.4%	0.00%
238150	0	168	0.00%	x	0.5%	0.00%
238160	0	549	0.00%	x	0.7%	0.00%
238170	0	307	0.00%	x	1.3%	0.00%
238190	0	141	0.00%	x	2.7%	0.00%
238210	9	3431	0.26%	x	1.9%	0.00%
238220	2	295	0.68%	x	2.2%	0.02%
238290	0	225	0.00%	x	2.5%	0.00%
238310	1	70	1.43%	x	0.6%	0.01%
238320	2	161	1.24%	x	0.8%	0.01%
238330	0	37	0.00%	x	0.4%	0.00%
238350	0	114	0.00%	x	0.5%	0.00%
238390	3	14	21.43%	x	0.8%	0.17%
238910	13	311	4.18%	x	1.8%	0.07%
238990	13	79	16.46%	x	0.4%	0.06%
323111	1	43	2.33%	x	0.5%	0.01%

NAICS Code	Number of DBEs available to perform this work	Number of all firms available (including DBEs)	Pct Available		Weight	Weighted Availability
332311	0	4	0.00%	x	0.3%	0.00%
332420	0	7	0.00%	x	0.9%	0.00%
333618	0	7	0.00%	x	0.2%	0.00%
333921	0	3	0.00%	x	1.1%	0.00%
336350	0	17	0.00%	x	0.2%	0.00%
339950	3	155	1.94%	x	0.1%	0.00%
423120	0	355	0.00%	x	1.7%	0.00%
423430	2	313	0.64%	x	0.7%	0.00%
423610	5	477	1.05%	x	0.4%	0.00%
423690	1	469	0.21%	x	0.2%	0.00%
423730	0	176	0.00%	x	0.1%	0.00%
423830	1	836	0.12%	x	2.5%	0.00%
423850	0	123	0.00%	x	0.3%	0.00%
424320	0	53	0.00%	x	0.5%	0.00%
424720	0	48	0.00%	x	12.0%	0.00%
441110	0	87	0.00%	x	0.7%	0.00%
441310	0	109	0.00%	x	3.0%	0.00%
441320	0	39	0.00%	x	1.7%	0.00%
442110	0	58	0.00%	x	0.0%	0.00%
444110	0	16	0.00%	x	0.0%	0.00%
444130	0	77	0.00%	x	0.1%	0.00%
444190	2	107	1.87%	x	0.4%	0.01%
447110	0	388	0.00%	x	0.8%	0.00%
453210	0	14	0.00%	x	2.4%	0.00%
453220	0	71	0.00%	x	0.1%	0.00%
454110	0	1166	0.00%	x	0.8%	0.00%
454310	1	108	0.93%	x	0.6%	0.01%
485210	0	40	0.00%	x	9.9%	0.00%
485310	0	16	0.00%	x	2.8%	0.00%
485991	1	163	0.61%	x	2.1%	0.01%
488410	0	22	0.00%	x	0.4%	0.00%
511110	0	40	0.00%	x	0.5%	0.00%
511210	2	687	0.29%	x	1.7%	0.01%
515112	0	111	0.00%	x	0.1%	0.00%
517311	1	107	0.93%	x	1.1%	0.01%
517312	0	604	0.00%	x	0.6%	0.00%
518210	6	627	0.96%	x	0.1%	0.00%
519130	1	260	0.38%	x	0.0%	0.00%

NAICS Code	Number of DBEs available to perform this work	Number of all firms available (including DBEs)	Pct Available		Weight	Weighted Availability
524126	0	421	0.00%	x	4.7%	0.00%
532420	0	10	0.00%	x	0.1%	0.00%
541110	2	415	0.48%	x	0.4%	0.00%
541211	2	1725	0.12%	x	1.3%	0.00%
541310	1	793	0.13%	x	0.8%	0.00%
541330	31	2134	1.45%	x	1.9%	0.03%
541430	7	419	1.67%	x	0.1%	0.00%
541511	13	2368	0.55%	x	0.7%	0.00%
541512	18	1681	1.07%	x	2.0%	0.02%
541611	32	1871	1.71%	x	3.4%	0.06%
541612	5	237	2.11%	x	0.1%	0.00%
541613	14	921	1.52%	x	0.3%	0.00%
541620	23	433	5.31%	x	0.3%	0.02%
541690	18	610	2.95%	x	0.2%	0.01%
541860	1	83	1.20%	x	0.1%	0.00%
541890	1	213	0.47%	x	0.8%	0.00%
561421	0	30	0.00%	x	0.2%	0.00%
561621	0	211	0.00%	x	0.1%	0.00%
561720	1	191	0.52%	x	1.9%	0.01%
561730	3	478	0.63%	x	0.4%	0.00%
561740	0	14	0.00%	x	0.0%	0.00%
561790	0	34	0.00%	x	0.1%	0.00%
562111	1	45	2.22%	x	0.1%	0.00%
562119	0	9	0.00%	x	0.0%	0.00%
562211	0	19	0.00%	x	0.0%	0.00%
562991	0	28	0.00%	x	0.0%	0.00%
611430	7	275	2.55%	x	0.1%	0.00%
621111	1	282	0.35%	x	0.1%	0.00%
621999	1	19	5.26%	x	0.2%	0.01%
722320	0	41	0.00%	x	0.0%	0.00%
722513	0	426	0.00%	x	0.1%	0.00%
811111	0	340	0.00%	x	5.0%	0.00%
811192	0	24	0.00%	x	0.1%	0.00%
811212	0	19	0.00%	x	0.4%	0.00%
811213	1	4	25.00%	x	0.2%	0.06%
811310	0	547	0.00%	x	0.1%	0.00%

The weighted average DBE availability is the sum of the weighted availabilities in the rightmost column, which comes out to 0.66%. 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 4 below shows the historical awards to DBE firms by year for the past four years. The annual percent to DBEs was calculated by adding together the semi-annual reports for each year, and then dividing the DBE contracting by the total contracting figure.

Table 4. Historical Contract Awards to DBE Firms

Year	Total Dollars	Total to DBEs	Percent to DBEs	DBE Goal
FY 2016	\$4,986,586	\$104,044	2.09%	2.25%
FY 2017	\$5,453,527	\$2,523	0.05%	2.25%
FY 2018	\$6,155,805	\$85,860	1.39%	1.65%
FY 2019	\$3,785,693	\$69,879	1.85%	1.65%
		Median	1.62%	

It can be seen in Table 4 that the State of Vermont came close to the goal in FY 2016 and in FY 2018, and achieved the goal in FY 2019, but fell significantly short in FY 2017. The median for the past four years is almost identical to the goal for FFY18-20, reinforcing the point that this most recent goal was reasonable. The majority of DBE contract dollars in FY 2018 and FY 2019 were awarded by VTrans to two DBE firms (one of which was a subcontractor) for statewide planning-related contracts.

The shortfall analyses completed for FY16, FY17 and FY18 explained the reasons why the goals were not met in those years. VTrans and its subrecipients continue to make strong efforts to encourage eligible firms to register as DBEs in Vermont and to make use of such firms whenever possible.

The experience thus far in FY20 suggests that meeting the DBE goal will continue to be a challenge. VTrans thus chooses to average the weighted base figure with the median figure from the past four years to result in a goal of 1.14%.

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 1.14% is an appropriate goal for FY 2021 – 2023 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: FTA-Assisted Contracting Program:

On our FTA-assisted contracts, VTrans estimates that we will meet our entire overall goal of 1.14% through race-neutral participation, and that we will not have to resort to race-conscious measures.

Since 1999, VTrans has administered a race and gender neutral DBE Program, and has not resorted to race-conscious measures, including project specific DBE goals. Therefore, all past participation by DBE prime contractors and subcontractors since 1999 has been race and gender neutral.

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.