

ANTELOPE VALLEY TRANSIT AUTHORITY (AVTA)  
**DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM**  
October 1, 2008, through September 30, 2009

Antelope Valley Transit Authority (AVTA) has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR, part 26. AVTA receives Federal financial assistance from the Department of Transportation and, as a condition of receiving this assistance, AVTA has signed an assurance that it will comply with 49 CFR, part 26.

Many of the terms, words, and phrases used in this DBE program description are defined in 49 CFR 26.5, a copy of which is Attachment 1 to this document.

It is the policy of AVTA to ensure that DBEs, as defined in part 26, have an equal opportunity participate in DOT-assisted contracts. It is also AVTA's policy:

1. To ensure nondiscrimination in the award and administration of DOT-assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT-assisted contracts; and
6. To assist the development of firms that can compete successfully in the market place outside the DBE program.

The Analyst II/Contracts & Procurement position has been designated as the DBE Liaison Officer. In that capacity, this person is responsible for implementing all aspects of the DBE program. The DBE Liaison Officer oversees all aspects of the DBE program including the annual goal setting analysis. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by AVTA in its financial assistance agreements with the Department of Transportation. AVTA has disseminated the DBE policy to the Board of Directors, to employees of the organization, and to DBE and non-DBE businesses that have performed work for AVTA on DOT-assisted contracts.

## **Nondiscrimination (26.7)**

AVTA will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, AVTA will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

## **DBE Program Updates (26.21)**

AVTA will continue to carry out this DBE program until all funds from DOT financial assistance have been expended. AVTA will provide to DOT updates concerning significant changes in the DBE program.

## **Quotas (26.43)**

AVTA will not use any quotas in the administration of this DBE program.

## **DBE Liaison Officer (DBELO) (26.25)**

AVTA has designated the following individual as its DBE Liaison Officer:

Analyst II/Contracts & Procurement  
Antelope Valley Transit Authority  
42210 6<sup>th</sup> St West  
Lancaster, CA 93534

The DBE Liaison Officer is responsible for implementing all aspects of the DBE program and ensuring that AVTA complies with all provisions of 49 CFR part 26. The DBE Liaison Officer has direct access to the Executive Director concerning DBE program matters. Please see Attachment 2 for an organization chart that identifies the DBELO's position in the organization.

The DBELO is responsible for developing, implementing, and monitoring the DBE program in coordination with other officials. The DBELO has the following responsibilities:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with the DBE program.
3. Works with all departments to set overall annual goals.

4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurement so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
6. Analyzes AVTA's progress toward goal attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the Executive Director and Board of Directors on DBE matters and achievement.
9. Participates with the legal counsel and project director to determine contractor compliance with good faith efforts.
10. Provides DBEs with information and assistance in preparing bids and obtaining bonding and insurance.
11. Plans and participates in DBE training seminars.
12. Provides outreach to DBEs and community organizations to advise them of opportunities.
13. Maintains AVTA's updated directory on certified DBEs.
14. Delegates the above and other DBE tasks to appropriate staff.

#### **Federal Financial Assistance Agreement Assurance (26.13)**

AVTA has signed the following assurance that applies to all DOT-assisted contracts and their administration:

AVTA shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR part 26. AVTA shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. AVTA's DBE program, as required by 49 CFR part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to AVTA of its failure to carry out its approved program, the Department may impose sanctions as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C.

1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

### **Directory (26.31)**

AVTA uses three sources to identify firms eligible to participate as DBEs in the program: (1) the DBE directory maintained by the California Unified Certification Program (CUCP) Database for Certified DBEs at [http://www.dot.ca.gov/hq/bep/dbe\\_query.htm](http://www.dot.ca.gov/hq/bep/dbe_query.htm); (2) the American Public Transportation Association (APTA) Database for transit-related companies at "http://www.apta.com" and selecting Industry Information, then selecting COMPS (Catalog of Member Products & Services); (3) and the 2005 US Census Bureau County Business Patterns for all firms at "<http://censtats.census.gov/cbpnaic/cbpnaic.shtml>".

### **Over concentration (26.33)**

When capital projects are undertaken, AVTA hires a primary contractor. The primary contractor is asked to identify any over concentrations of DBE firms. In the unlikely event that such a situation exists, AVTA will work with the primary contractor and obtain DOT approval of determinations of over concentration and measures for dealing with them.

### **Required Contract Clauses (26.13, 26.29) Contract Assurance**

AVTA will ensure that the following clause is included in every DOT-assisted contract and subcontract:

The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as AVTA deems appropriate.

### **Prompt Payment**

AVTA will include the following clause in each DOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 30 days from the receipt of each payment the prime contractor receives from AVTA. The prime contractor further agrees to return retainage payments to each subcontractor within 30 days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of AVTA. This clause applies to both DBE and non-DBE subcontractors.

## **Monitoring and Enforcement Mechanisms (26.37)**

AVTA will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the DBE program of which AVTA becomes aware so that DOT can take appropriate action as provided for in Section 26.109 (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules). AVTA will also consider similar action under its own legal authority that is available in the event of non-compliance with the DBE program by a participant in AVTA's procurement activities, including responsibility determinations in future contract awards.

## **Overall DBE Goal (26.45)**

The purpose of the overall goal is to achieve a "level playing field" for ready, willing, and able DBEs seeking to participate in federally-assisted contracts at AVTA. In an effort to establish this level playing field, AVTA has examined its programs and relevant local markets and has determined the amount of participation that DBEs would be expected to achieve in the absence of present and past effects of discrimination.

The Code of Federal Regulations (49 CFR part 26) requires recipients of DOT federal aid to use a two-step process in the development of their Overall DBE Goal.

Step One: Determine the base figure for the Overall DBE Goal. AVTA first identified the upcoming Federally-funded operational and capital projects and the total FTA funding amount, which is required to be at least \$250,000. Revenue vehicle purchases were not considered. AVTA then identified subcontracting opportunities attributable to the upcoming Federally-funded capital and operational projects and used the North American Industry Classification System (NAICS) Codes and the American Public Transportation Association (APTA) comparables. AVTA then decided on the Los Angeles County market range for each subcontracting opportunity.

AVTA next calculated the relative availability of certified DBE firms that are ready, willing, and able to work on DOT-assisted contracts. This figure is a measurement of the current percentage of ready, willing, and able certified firms and is based on demonstrable evidence of the Antelope Valley, Los Angeles County, and nationwide labor market conditions. In determining this percentage, AVTA used three data sources immediately available to the agency, consisting of (1) the CUCP Database for Certified DBEs Directory at [http://www.dot.ca.gov/hq/bep/dbe\\_query.htm](http://www.dot.ca.gov/hq/bep/dbe_query.htm); (2) the American Public Transportation Association (APTA) Database for transit related companies at <https://www.apta.com> and selecting Industry Information, then selecting COMPS (Catalog of Member Products & Services); and (3) the 2005 US Census Bureau County Business Patterns for all firms located at <http://censtats.census.gov/cbpnaic/cbpnaic.shtml>.

The percentage of available certified DBE firms was multiplied by each subcontracting opportunity cost to arrive at a Weighted Cost for each subcontracting opportunity. The

total of all Weighted Costs was divided by the total FTA funding amount to arrive at the current Overall DBE Goal. See Attachment 3 for Overall DBE Goal.

Step Two: Adjust the Overall DBE Goal calculated in Step One to account for other evidence, such as prior years' actual percentages that were lower than the current year's calculations. See Attachment 3 for Overall DBE Goal.

### **Transit Vehicle Manufacturers (26.49)**

AVTA will require each Transit Vehicle Manufacturer (TVM), as a condition of being authorized to bid or propose on an FTA-assisted transit vehicle procurement, to certify that it has complied with the requirements of Section 26.49 of 49 CFR part 26. Alternatively, AVTA may, at its discretion and with FTA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of the TVM complying with this element of the DBE program.

### **Process**

AVTA submits its Overall DBE Goal to DOT on August 1 of each year. Before establishing the overall goal each year, AVTA will consult with the State of California CUCP Database to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses and the effects of discrimination on opportunities for DBEs, and will review AVTA's efforts to establish a level playing field for the participation of DBEs.

Following this review, AVTA will publish a notice of the proposed Overall DBE Goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at AVTA's principal office for 30 days following the date of the notice, and that AVTA will accept comments on the goal for 45 days from the date of the notice. This notice will be placed in a local newspaper of general circulation, and on the AVTA website. AVTA will issue this notice by June 15 of each year. The notice will include the address to which comments may be sent and the address (including offices and websites) where the proposal may be reviewed.

AVTA's Overall DBE Goal submission to DOT will include a summary of information and comments received during this public participation process and AVTA's responses. AVTA's will begin using its Overall DBE Goal on October 1 of each year, unless other instructions are received from DOT.

### **Breakout of Estimated Race-Neutral and Race-Conscious Participation**

AVTA will meet the maximum feasible portion of its Overall DBE Goal by using race-neutral means to facilitate DBE participation.

AVTA will use race-neutral means to increase DBE participation, including outreach, technical assistance, and revisions to the procurement process to ensure increased

opportunities for all small businesses, not just DBEs. Specific goals for the use of DBEs on individual contracts will not be established. Additional actions may include:

- A. Advertise small contracts with a local newspaper of general circulation.
- B. Assist small businesses in writing responses to Requests for Proposals through individual counseling or group training sessions.

AVTA will meet the maximum feasible portion of its Overall DBE Goal by using race-neutral means to facilitate DBE participation. Race-neutral DBE participation is deemed to have occurred when a DBE is awarded a prime contract through customary competitive procurement procedures, is awarded a subcontract on a prime contract that does not carry a DBE goal, or even if there is a DBE goal, is awarded a subcontract by a prime contractor that did not consider its DBE status in making the award (e.g., a prime contractor that uses a strict low bid system to award subcontracts).

Race-neutral means include, but are not limited to, the following:

- A. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate the participation of DBEs, and other small businesses (e.g., unbundling large contracts to make them more accessible to small businesses and requiring or encouraging prime contractors to subcontract portions of work that they might otherwise perform with their own forces).
- B. Providing assistance in overcoming limitations, such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs and other small businesses obtain bonding and financing).
- C. Providing technical assistance and other services.
- D. Conducting 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; and providing information in languages other than English, where appropriate).
- E. Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses.
- F. Providing services to help DBEs and other small businesses improve long-term development, increase opportunities to participate in a variety of work, handle increasingly significant projects, and achieve eventual self-sufficiency.

- G. Assist in establishing a program to assist new start-up firms, particularly in fields in which DBE participation has historically been low.
- H. Ensuring distribution of the DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors.
- I. Assisting DBEs, and other small businesses, to develop their capability to use emerging technology and to conduct business through electronic media.

AVTA estimates that, in meeting its Overall DBE Goal of 8.23%, it will obtain 100% from race-neutral participation.

AVTA will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation, and AVTA 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 that 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; and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

### **Contract Goals (26.51)**

AVTA will use contract goals to meet any portion of the Overall DBE Goal that AVTA does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of the Overall DBE Goal that is not projected to be met through the use of race-neutral means.

AVTA will establish contract goals, or its contractor will establish goals, only on those DOT-assisted contracts that have subcontracting possibilities. A contract goal will not be established on every such contract, and the size of the contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, and availability of DBEs to perform the particular type of work). AVTA will express its contract goals as a percentage of the Federal share of a DOT-assisted contract.

### **Good Faith Efforts (26.53)**

AVTA treats bidder/offeror compliance with good faith efforts requirements as a matter of significance.

Each solicitation for which a contract goal has been established will require the bidders/offerors to submit the following information prior to award of the contract:

1. The names and addresses of DBE firms that will participate in the contract;

2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm;
4. Written and signed commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment; and
6. If the contract goal is not met, evidence of good faith efforts.

### **Demonstration of good faith efforts**

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to 49 CFR part 26.

The DBE Liaison Officer is responsible for determining whether a bidder/offeror that has not met the contract goal has documented sufficient good faith efforts to be regarded as responsible. AVTA will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before AVTA commits to the performance of the contract by the bidder/offeror.

### **Administrative reconsideration**

Within 30 days of being informed by AVTA that it is not responsible, because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. The bidder/offeror should make this request in writing to the following reconsideration official: Analyst II/Contracts & Procurement, 42210 6<sup>th</sup> St West, Lancaster, CA 93534. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with AVTA's reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do so. AVTA will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The decision resulting from this reconsideration process is not appealable to the Department of Transportation.

## **Good Faith Efforts when a DBE is replaced on a contract**

AVTA will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. AVTA will require the prime contractor to notify the DBE Liaison Officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation. In this situation, AVTA will require the prime contractor to obtain prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

If the prime contractor fails or refuses to comply in the time specified, AVTA's purchasing office will issue an order stopping all or part of payment or work until satisfactory action has been taken. If the prime contractor still fails to comply, the Purchasing Supervisor may initiate a termination for default proceeding.

## **Counting DBE Participation (26.55)**

AVTA will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55.

## **Certification Process**

The State of California CUCP Database has a unified certification program.

## **Certification Appeals**

Any complainant may appeal the State of California's decision in a certification matter to:

Department of Transportation  
Office of Civil Rights  
Certification Appeals Branch  
400 7th St., SW, Room 2104

## **"No Change" Affidavits and Notices of Change**

AVTA requires all DBEs to inform AVTA, in a written notice, of any change in circumstances affecting its ability to meet size, disadvantaged status, ownership or control criteria of 49 CFR part 26, or of any material changes in the information provided with the DBE's application for certification.

## **Information Collection and Reporting**

### Bidders List

AVTA will update its bidders list, which consists of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The purpose of this requirement is to enable use of the bidders' list approach in calculating overall goals. The bidders list will include the name, address, DBE/non-DBE status, age, and annual gross receipts of firms. This information will be obtained through a contract clause requiring prime bidders to report the names, addresses, and other information for all firms that quote to them on subcontracts.

### Monitoring Payments to DBEs

AVTA will require prime contractors to maintain records of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request of any authorized representative of AVTA or DOT. This reporting requirement also extends to any certified DBE subcontractor.

AVTA will keep a running tally of actual contract payments made to DBE firms for work committed to them at the time of contract award.

AVTA will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

### Reporting to DOT

AVTA will report DBE participation on a semi-quarterly basis, using DOT Form 4630. These reports will reflect payments actually made to DBEs on DOT-assisted contracts.

### Confidentiality

AVTA will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. Notwithstanding any contrary provisions of state or local law, AVTA will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submitter.

### **Attachments**

- 1 49 CFR 26.5 Definition of Terms
- 2 Antelope Valley Transit Authority Organizational Chart
- 3 Antelope Valley Transit Authority Overall DBE Goal

**ATTACHMENT 1**  
**49 CFR 26.5**  
**Definitions of Terms**

26.5 What do the terms used in this part mean?

Affiliation has the same meaning the term has in the Small Business Administration (SBA) regulations, 13 CFR part 121.

1. Except as otherwise provided in 13 CFR part 121, concerns are affiliates of each other when, either directly or indirectly:
  - a. One concern controls or has the power to control the other; or
  - b. Third party or parties controls or has the power to control both; or
  - c. An identity of interest between or among parties exists such that affiliation may be found.
2. In determining whether affiliation exists, it is necessary to consider all appropriate factors, including common ownership, common management, and contractual relationships. Affiliates must be considered together in determining whether a concern meets small business size criteria and the statutory cap on the participation of firms in the DBE program.

Alaska Native means a citizen of the United States who is a person of one-fourth degree or more Alaskan Indian, Eskimo, or Aleut blood, or a combination of those bloodlines. The term includes, in the absence of proof of a minimum blood quantum, any citizen whom a Native village or Native group regards as an Alaska Native if their father or mother is regarded as an Alaska Native.

Alaska Native Corporation (ANC) means any Regional Corporation, Village Corporation, Urban Corporation, or Group Corporation organized under the laws of the State of Alaska in accordance with the Alaska

Native Claims Settlement Act, as amended (43 U.S.C. 1601, et seq.). "Compliance" means that a recipient has correctly implemented the requirements of this part.

Contract means a legally binding relationship obligating a seller to furnish supplies or services (including, but not limited to, construction and professional services) and the buyer to pay for them.

Contractor means one who participates, through a contract or subcontract (at any tier), in a DOT-assisted highway, transit, or airport program.

Department or DOT means the U.S. Department of Transportation, including the Office of the Secretary, the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and the Federal Aviation Administration (FAA).

Disadvantaged business enterprise or DBE means a for-profit small business concern -

1. That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals; and
2. Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it?

DOT -assisted contract means any contract between a recipient and a contractor (at any tier) funded in whole or in part with DOT financial assistance, including letters of credit or loan guarantees, except a contract solely for the purchase of land.

Good faith efforts means efforts to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the program requirement.

Immediate family member means father, mother, husband, wife, son, daughter, brother, sister, grandmother, grandfather, grandson, granddaughter, mother-in-law, or father-in-law.

Indian tribe means any Indian tribe, band, nation, or other organized group or community of Indians, including any ANC, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, or is recognized as such by the State in which the tribe, band, nation, group, or community resides. See the definition of "tribally-owned concern" in this section.

Joint venture means an association of a DBE firm and one or more other firms to carry out a single, for-profit business enterprise, for which the parties combine their property, capital, efforts, skills and knowledge, and in which the DBE is responsible for a distinct, clearly defined portion of the work of the contract and whose share in the capital contribution, control, management, risks, and profits of the joint venture are commensurate with its ownership interest.

Native Hawaiian means any individual whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

Native Hawaiian Organization means any community service organization serving Native Hawaiians in the State of Hawaii which is a not-for-profit organization chartered by the State of Hawaii, is controlled by Native Hawaiians, and whose business activities will principally benefit such Native Hawaiians.

Noncompliance means that a recipient has not correctly implemented the requirements of this part.

Operating Administration or OA means any of the following parts of DOT: the Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA). The "Administrator" of an operating administration includes his or her designees.

Personal net worth means the net value of the assets of an individual remaining after total liabilities are deducted. An individual's personal net worth does not include: The

individual's ownership interest in an applicant or participating DBE firm or the individual's equity in his or her primary place of residence. An individual's personal net worth includes only his or her own share of assets held jointly or as community property with the individual's spouse.

Primary industry classification means the four digit Standard Industrial Classification (SIC) code designation, which best describes the primary business of a firm. The SIC code designations are described in the Standard Industry Classification Manual. As the North American Industrial Classification System (NAICS) replaces the SIC system, references to SIC codes and the SIC Manual are deemed to refer to the NAICS manual and applicable codes. The SIC Manual and the NAICS Manual are available through the National Technical Information Service (NTIS) of the U. S. Department of Commerce (Springfield, VA, 22261). NTIS also makes materials available through its web site ([www.ntis.gov/naics](http://www.ntis.gov/naics)).

Primary recipient means a recipient which receives DOT financial assistance and passes some or all of it on to another recipient.

Principal place of business means the business location where the individuals who manage the firm's day-to-day operations spend most working hours and where top management's business records are kept. If the offices from which management is directed and where business records are kept are in different locations, the recipient will determine the principal place of business for DBE program purposes.

Program means any undertaking on a recipient's part to use DOT financial assistance, authorized by the laws to which this part applies.

Race-conscious measure or program is one that is focused specifically on assisting only DBEs, including women-owned DBEs.

Race-neutral measure or program is one that is, or can be, used to assist all small businesses. For the purposes of this part, race-neutral includes gender-neutrality.

Recipient is any entity, public or private, to which DOT financial assistance is extended, whether directly or through another recipient, through the programs of the FAA, FHWA, or FTA, or who has applied for such assistance.

Secretary means the Secretary of Transportation or his/her designee.

Set-aside means a contracting practice restricting eligibility for the competitive award of a contract solely to DBE firms.

Small Business Administration or SBA means the United States Small Business Administration.

Small business concern means, with respect to firms seeking to participate as DBEs in DOT-assisted contracts, a small business concern as defined pursuant to section 3 of the Small Business Act and Small Business Administration regulations implementing it (13 CFR part 121) that also does not exceed the cap on average annual gross receipts specified in §26.65(b).

Socially and economically disadvantaged individual means any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who is:

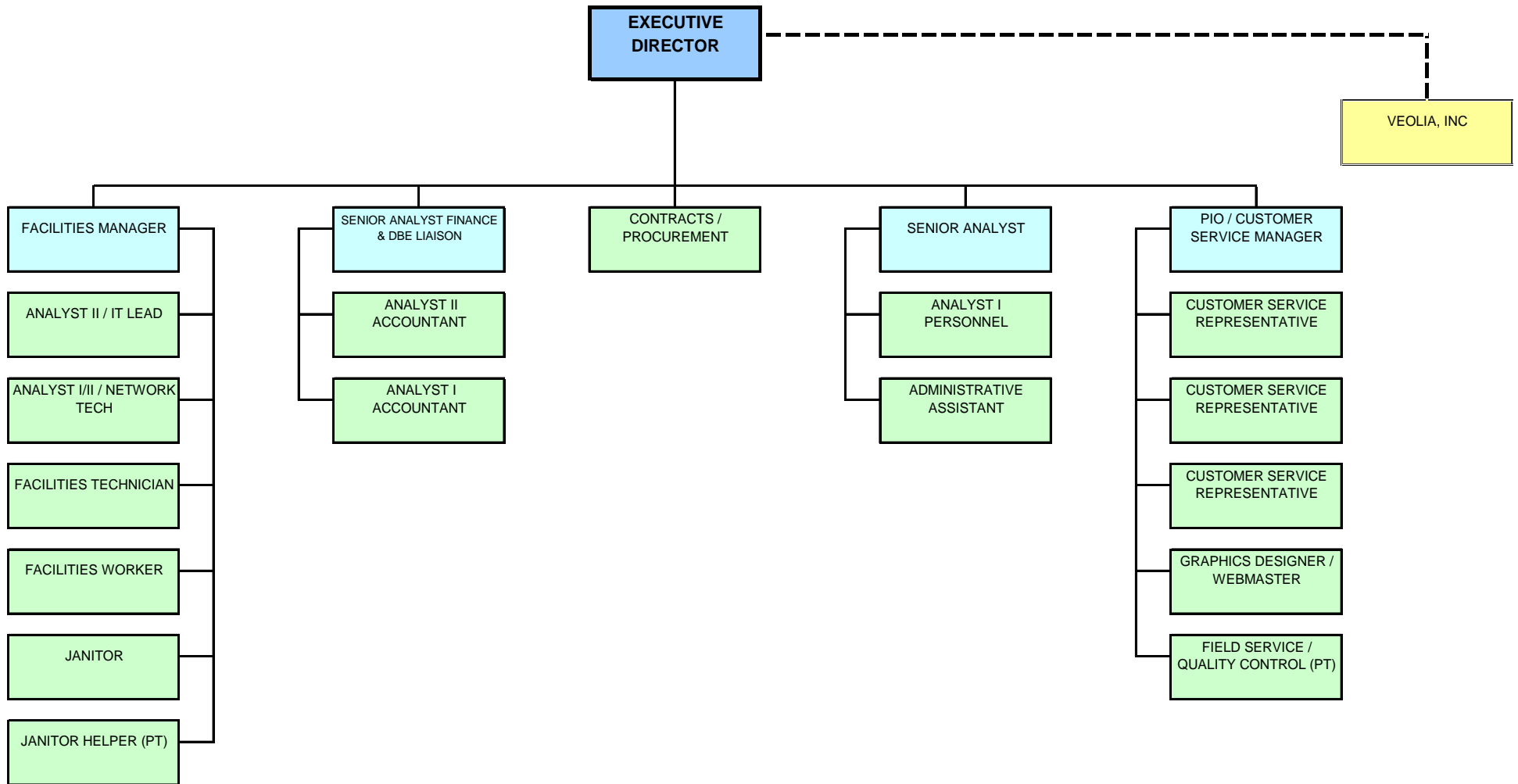
1. Any individual who a recipient finds to be a socially and economically disadvantaged individual on a case-by-case basis.
2. Any individual in the following groups, members of which are reputedly presumed to be socially and economically disadvantaged:
  - a. "Black Americans," which includes persons having origins in any of the Black racial groups of Africa;
  - b. "Hispanic Americans," which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;
  - c. "Native Americans," which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians;
  - d. "Asian-Pacific Americans," which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), the Commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga, Kiribati, Juvalu, Nauru, Federated States of Micronesia, or Hong Kong;
  - e. "Subcontinent Asian Americans," which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka.
  - f. Women.
  - g. Any additional groups whose members are designated as socially and economically disadvantaged by the SBA, at such time as the SBA designation becomes effective.

Tribally owned concern means any concern at least 51 percent owned by an Indian tribe as defined in this section.

You refers to a recipient, unless a statement in the text of this part or the context requires otherwise (i.e., 'You must do XYZ' means that recipients must do X

# ATTACHMENT 2

## Antelope Valley Transit Authority (AVTA) Organizational Chart



**ATTACHMENT**

Antelope Valley Transit Authority Overall DBE Goal

**Antelope Valley Transit Authority**

**Overall Disadvantaged Business Enterprise (DBE) Goal for 10/1/2008 to 9/30/2009**

\* Does not include Buses

(A)	(B)	(C)	(D)= (BXC)	(E)	(F) = (D) X (E)	(G)	(H)	(I)	(J) = (G/I)	(K) = (J) X (F)
Project Title and Subcontracting Opportunities	Total Project Cost	FTA Funding %	FTA Amount	Weight: Estimated % of Project Total of Col (A)	Estimated FTA % of Total Project Cost	CUCP # DBE Firms Available	Range of Market	2005 US Census # of DBE & Non DBE Firms in LA County	% of relative DBE availability	DBE % of FTA Project Cost
<b>3 support vehicles</b>	\$150,000	80%	\$120,000							
New Car Dealers #441110				95.00%	\$114,000	2	LA County	565	0.35%	\$404
Insurance for vehicles #524210				3.00%	\$3,600	27	LA County	3190	0.85%	\$30
Automobile Maintenance #423120				2.00%	\$2,400	6	LA County	835	0.72%	\$17
<b>Land Purchase</b>	\$10,097,000	80%	\$8,077,600							
Lending Institution#522110 for land purchase				90.00%	\$7,269,840	1	LA County	1388	0.07%	\$5,238
Realtor #531210				4.00%	\$323,104	19	LA County	3587	0.53%	\$1,711
Appraisers #531320				1.00%	\$80,776	7	LA County	279	2.51%	\$2,027
Escrow/Deed Transfer/surety bond #531390				1.00%	\$80,776	11	LA County	1053	1.04%	\$844
Notary #541199				0.30%	\$24,233	3	LA County	163	1.84%	\$446
Title Company# 541191				1.00%	\$80,776	0	LA County	82	0.00%	\$0
Environmental Consulting Services #541620				2.70%	\$218,095	162	LA County	194	83.51%	\$182,121
<b>Maint &amp; Admin Equipment</b>	\$100,000	80%	\$80,000							
Facility Support Svc (Telephone System) #561421				100.00%	\$80,000	3	LA County	74	4.05%	\$3,243

<b>ITS Implementation/Upgrade</b>	\$1,900,000	80%	\$1,520,000							
Vehicle Inspection Automation #488490				16.00%	\$243,200	7	LA County	51	13.73%	\$33,380
Additional IT/ITS projects #541513 Business Intelligence (TransTrack) #541611				51.00%	\$775,200	37	LA County	91	40.66%	\$315,191
				33.00%	\$501,600	202	LA County	1663	12.15%	\$60,928
<b>Operating Expense</b>	\$9,705,000	50%	\$4,852,500							
Fuel #324191				35.00%	\$1,698,375	4	LA County	9	44.44%	\$754,833
Veolia Bus Contractor Service #485111				65.00%	\$3,154,125	8	LA County	2536	0.32%	\$9,950
<b>Fareboxes</b>	\$2,155,000	88.53%	\$1,907,822							
Purchase New Fareboxes/UFS (85@15K) #334514				100.00%	\$1,907,822	1	LA County	5	20.00%	\$381,564.30
<b>Security</b>	\$960,000	80%	\$768,000							
Upgrade to Vehicle & Facility Security Camera Sys #423690				100.00%	\$768,000	16	LA County	798	2.01%	\$15,398
<b>Refurbish/Engine Rebuilds/Repowers #333618</b>	\$1,000,000	80%	\$800,000	100.00%	\$800,000	0	nationwide (APTA)	14	0.00%	\$0
<b>Preventative Maintenance #811111</b>	\$4,220,000	80%	\$3,376,000	100.00%	\$3,376,000	2	California	2536	0.08%	\$2,662
<b>Line Total</b>	<b>\$30,287,000</b>		<b>\$21,501,922</b>		<b>\$21,501,922</b>					<b>\$1,769,989</b>
Total FTA Funding without revenue buses										\$21,501,922
<b>Overall DBE Goal for FFY2008/2009 (a/b)</b>										<b>8.23%</b>