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## **Regular Meeting of the Board of Directors**

**Tuesday, July 23, 2024**

**10:00 a.m.**

Antelope Valley Transit Authority Community Room  
42210 6<sup>th</sup> Street West, Lancaster, California  
[www.avta.com](http://www.avta.com)

### **AGENDA**

For record-keeping purposes, and if staff may need to contact you, we request that a speaker card located at the Community Room entrance be completed and deposited with the AVTA Clerk of the Board. This will then become public information. Please note that you do not have to complete this form or state your name. A three-minute time limit will be imposed on all speakers besides staff members.

In accordance with the Americans with Disabilities Act of 1990, if you require a disability-related modification or accommodation to attend or participate in this meeting, including auxiliary aids or services, please contact the Clerk of the Board at (661) 729-2206 at least 72 hours prior to the scheduled Board of Directors meeting. All accommodation requests will be handled swiftly and resolving all doubts in favor of access.

Translation services for Limited English Proficiency (LEP) persons are also available by contacting the Clerk of the Board at least 72 hours prior to the meeting.

**Please turn off, or set to vibrate, cell phones, pagers, and other electronic devices for the duration of this meeting.**

### **CALL TO ORDER**

### **PLEDGE OF ALLEGIANCE**

### **ROLL CALL:**

Chairman Marvin Crist, Vice Chair Dianne Knippel, Director Richard Loa, Director Eric Ohlsen, Director Raj Malhi, Director Michelle Flanagan

### **APPROVAL OF AGENDA**

### **PUBLIC BUSINESS– AGENDIZED AND NON-AGENDIZED ITEMS:**

If you would like to address the Board on any agendized or non-agendized items, you may present your comments at this time. For record-keeping purposes and so that staff may contact you if needed, we request that a speaker card, located in the Community Room lobby, be completed and provided to the Clerk of the Board. This will then become public information. Please note that you do not have to complete this form or state your name to speak.

State law generally prohibits the Board of Directors from taking action on or discussing non-agenda items; therefore, your matter will be referred to the authority's Executive Director/CEO for follow-up. A three-minute time limit will be imposed on all speakers other than staff members.

**SPECIAL REPORTS, PRESENTATIONS, AND REQUESTS FOR DIRECTION (SRP):** During this portion of the meeting, staff will present information not normally covered under regular meeting items. This information may include, but is not limited to budget presentations, staff conference presentations, or information from outside sources that relates to the transit industry. **Staff will seek direction as is necessary from the Board with regard to the following item(s).**

- SRP 1 LEGISLATIVE REPORT FROM SENATOR SCOTT WILK'S OFFICE – THOMAS MORENO
- SRP 2 LEGISLATIVE REPORT FROM ASSEMBLYMEMBER TOM LACKEY'S OFFICE – ANNA ZARLEY
- SRP 3 PRESENTATION TO AVTA EMPLOYEE OF THE MONTH FOR JUNE 2024 – KAREN CONRAD
- SRP 4 PRESENTATION TO AV TRANSPORTATION SERVICES (AVTS) EMPLOYEE OF THE MONTH FOR JUNE 2024 – HENRY BEAUSEJOUR
- SRP 5 AVTS MICROTRANSIT AND DIAL-A-RIDE KEY PERFORMANCE INDICATORS (KPI) REPORT FOR JUNE 2024 – HENRY BEAUSEJOUR
- SRP 6 LEGISLATIVE REPORT AND FINANCE UPDATE FOR JULY 2024 – JUDY VACCARO-FRY
- SRP 7 MAINTENANCE KPI REPORT FOR JUNE 2024 – JOSEPH SANCHEZ
- SRP 8 PRESENTATION TO MV TRANSPORTATION EMPLOYEE AND OPERATOR OF THE MONTH FOR JUNE 2024 – GENIE MAXIE
- SRP 9 OPERATIONS KPI REPORT FOR JUNE 2024 – GENIE MAXIE

**PUBLIC HEARING (PH):**

- PH 1 PUBLIC HEARING AND ADOPTION OF THE DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM AND GOAL-SETTING METHODOLOGY FOR FEDERAL FISCAL YEARS (FFY'S) 2025 THROUGH 2027 (OCTOBER 1, 2024 THROUGH SEPTEMBER 30, 2027) – CECIL FOUST

*Recommendation: 1) Consider any public comments received; 2) Close the public comment period; 3) Approve the new DBE Program, Overall Goal-Setting Methodology, and DBE Participation Goal of 8%; and 4) Adopt Resolution No. 2024-006, a Resolution of the Board of Directors of the Antelope Valley Transit Authority*

*approving the revised Federal Transit Administration required DBE Program and Overall Goal-Setting Methodology for FFY's 2025 through 2027.*

**CONSENT CALENDAR (CC):** Consent items may be received and filed and/or approved by the Board in a single motion. If any member of the Executive Board wishes to discuss a consent item, please request that the item be pulled for further discussion and potential action.

CC 1 BOARD OF DIRECTORS MEETING MINUTES OF JUNE 25, 2024 – KAREN DARR

*Recommendation: Approve the Board of Directors Regular Meeting Minutes of June 25, 2024.*

CC 2 FINANCIAL REPORT FOR JUNE 2024 – VIANNEY MCLAUGHLIN

*Recommendation: Receive and file the Financial Report for June 2024.*

CC 3 FY 2023/2024 (FY 2024) FOURTH QUARTER LOS ANGELES COUNTY SHERIFF'S DEPARTMENT REPORT (APRIL 1 – JUNE 30, 2024) – DEEANNA CASON

*Recommendation: Receive and file the FY 2024 Fourth Quarter Los Angeles County Sheriff's Department Report for the period covering April 1 through June 30, 2024.*

CC 4 TRAVEL POLICY AND GUIDELINES FOR EXPENSE REIMBURSEMENT – JUDY VACCARO-FRY

*Recommendation: Approve the revised Draft Travel Policy and Guidelines for Expense Reimbursement*

**NEW BUSINESS (NB):**

NB 1 METHODOLOGY FOR CALCULATING JURISDICTIONAL CONTRIBUTIONS – JUDY VACCARO-FRY

*Recommendations:*

- 1. Approve updated Jurisdictional Contributions methodology.*
- 2. Approve the proposed annual calculation timeline.*
- 3. Approve increased OPERATING contributions for inclusion in FY25 AVTA Midyear Budget Adjustment.*
- 4. Authorize the Executive Director/CEO to coordinate with legal counsel to incorporate the updated methodology for jurisdictional shares into the Joint Exercise of Powers Agreement (JPA)/Bylaws.*

**CLOSED SESSION (CS):**

**PRESENTATION BY LEGAL COUNSEL OF ITEM(S) TO BE DISCUSSED IN CLOSED SESSION:**

- CS 1      Conference with Legal Counsel – Pursuant to Government Code Section 54956.9(d)(2)  
Significant exposure to litigation (two potential cases)
- CS 2      Conference with Legal Counsel – Pursuant to Government Code Section 54956.9(d)(4)  
Consideration of whether to initiate litigation (one potential case)
- CS 3      Conference with Legal Counsel – Anticipated Litigation: Consideration of Initiation of Litigation Pursuant to Government Code Section 54956.9(D)(4) (one potential case)

**RECESS TO CLOSED SESSION**

**RECONVENE TO PUBLIC SESSION**

**REPORT BY LEGAL COUNSEL OF ACTION TAKEN IN CLOSED SESSION**

**REPORTS AND ANNOUNCEMENTS (RA):**

- RA 1      REPORT BY THE EXECUTIVE DIRECTOR/CEO

**MISCELLANEOUS BUSINESS – NON-AGENDA BOARD OF DIRECTORS ITEMS:**

During this portion of the meeting, Board Members may address non-agenda items by briefly responding to statements or questions posed by the public, asking a question for clarification, making a brief announcement, or making a brief report on their activities. **State law generally prohibits the AVTA Board of Directors from taking action on or discussing items not on the agenda.** Matters will be referred to the Executive Director/CEO for follow-up.

**ADJOURNMENT:**

Adjourn to the Regular Meeting of the Board of Directors on August 27, 2024, at 10:00 a.m. in the Antelope Valley Transit Authority Community Room, 42210 6<sup>th</sup> Street West, Lancaster, CA.

**The agenda was posted by 6:00 p.m. on July 19, 2024, at the Antelope Valley Transit Authority entrance, 42210 6<sup>th</sup> Street West, Lancaster, CA 93534.**

Copies of the staff reports and attachments or other written documentation relating to each proposed item of business on the agenda presented for discussion by the Board of Directors are on file in the Office of the Executive Director/CEO. Any disclosable public records related to an open session item on a regular meeting

Board of Directors – Regular Meeting Agenda

July 23, 2024

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agenda and distributed by the AVTA to the Board of Directors less than 72 hours prior to that meeting are on file in the Office of the Executive Director/CEO. These documents are available for public inspection during regular business hours at the Customer Service window of the AVTA at 42210 6<sup>th</sup> Street West, Lancaster or by contacting the Clerk of the Board at (661) 729-2206.



# June

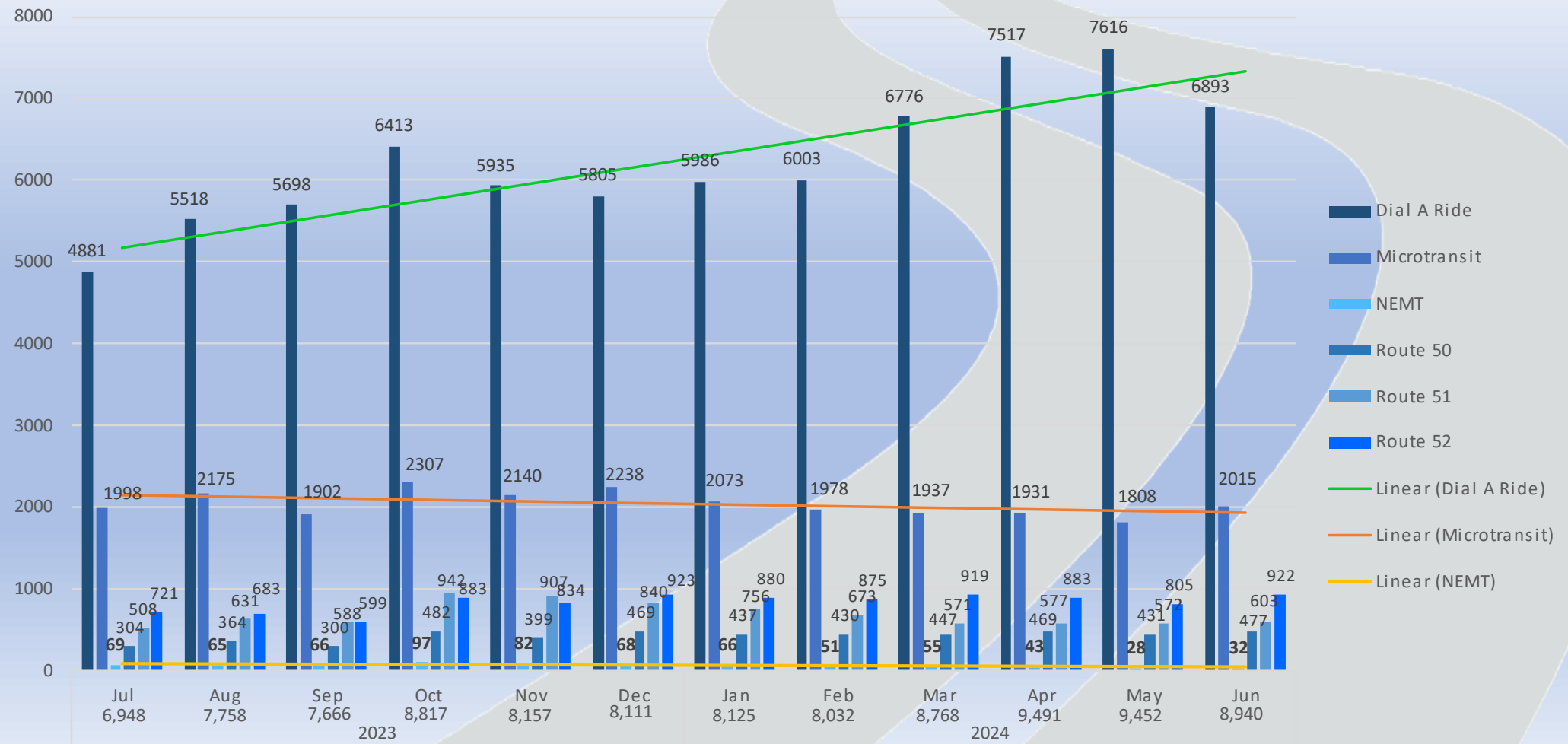
## FY 2024 MONTHLY OPERATIONS KEY PERFORMANCE INDICATORS

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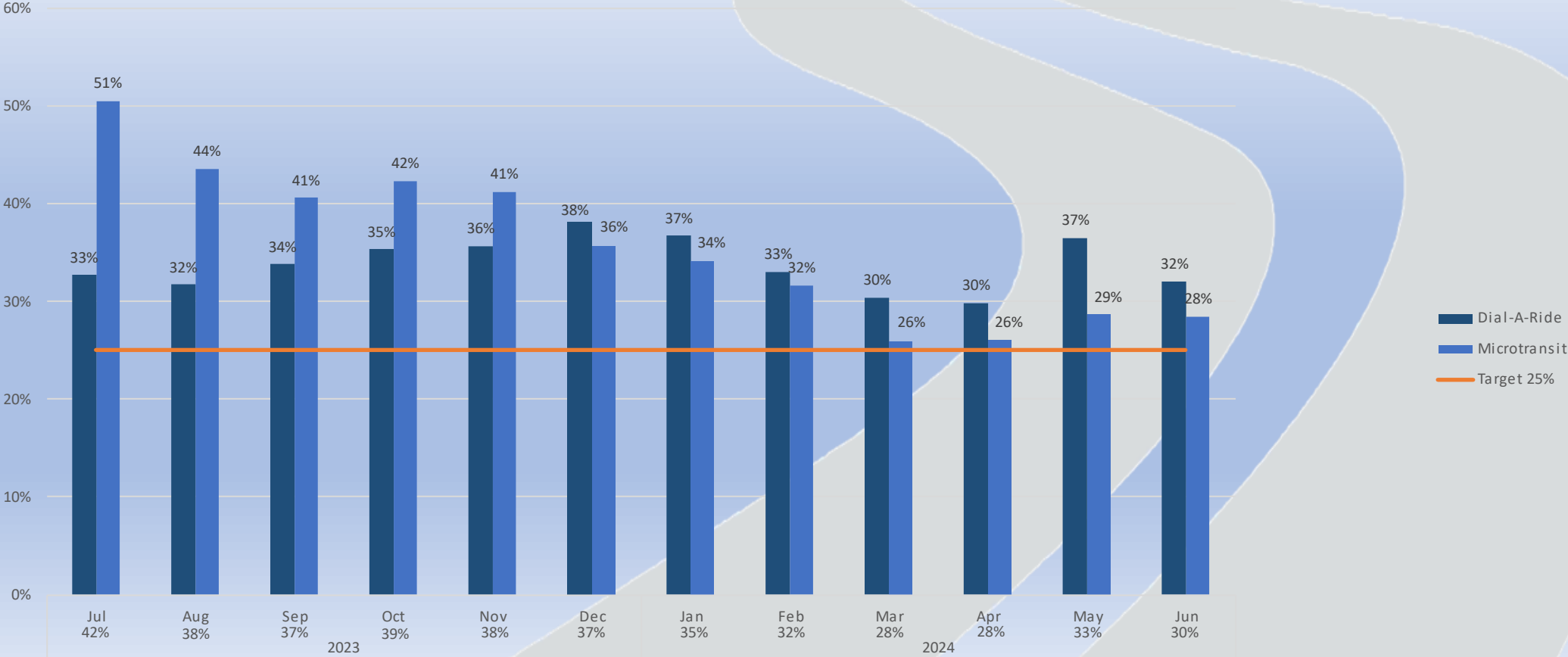
Presentation to the  
Board of Directors  
July 23, 2024

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# PASSENGER RIDERSHIP DATA

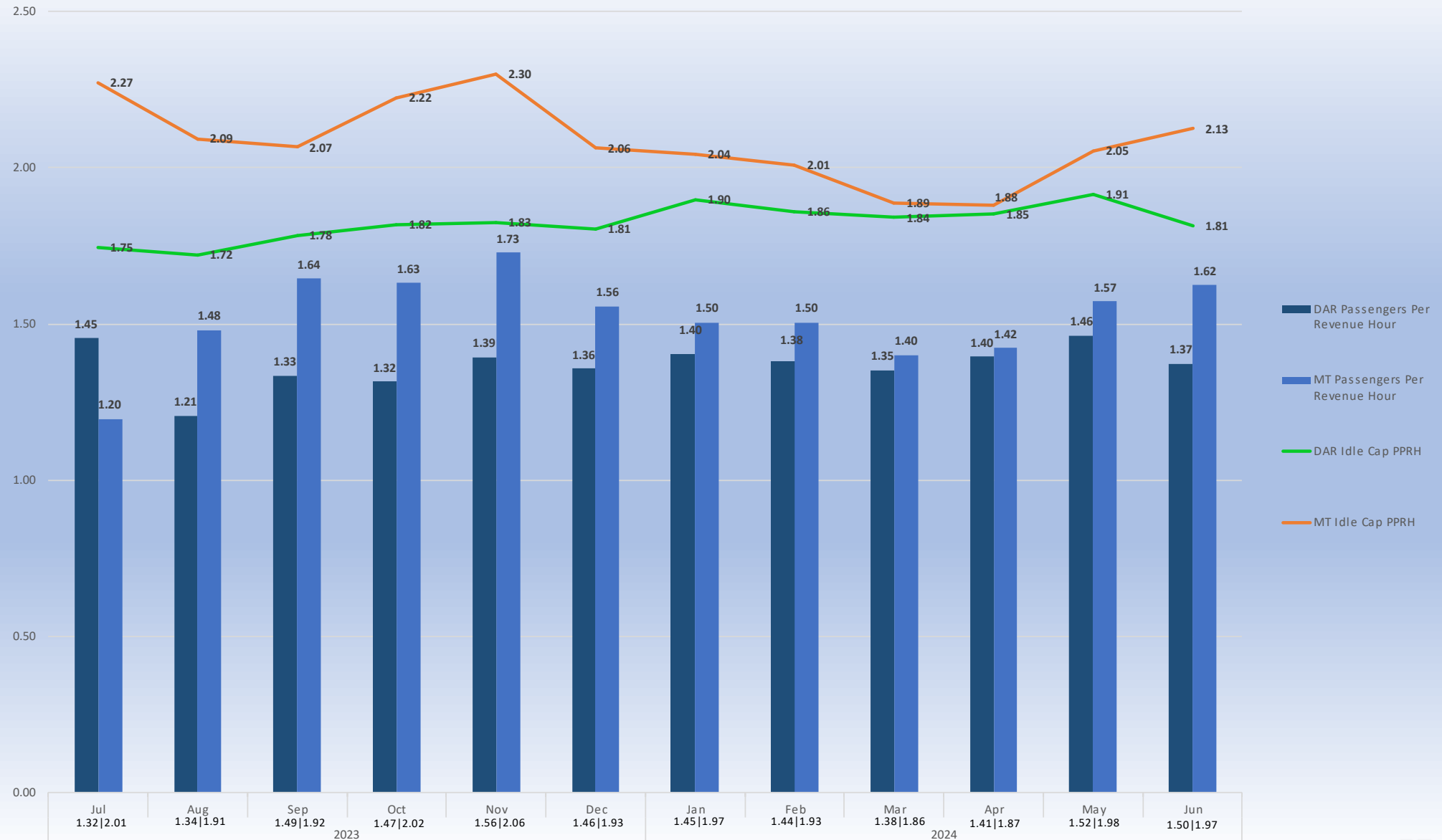


# AVERAGE SHARED RIDE PERCENTAGE

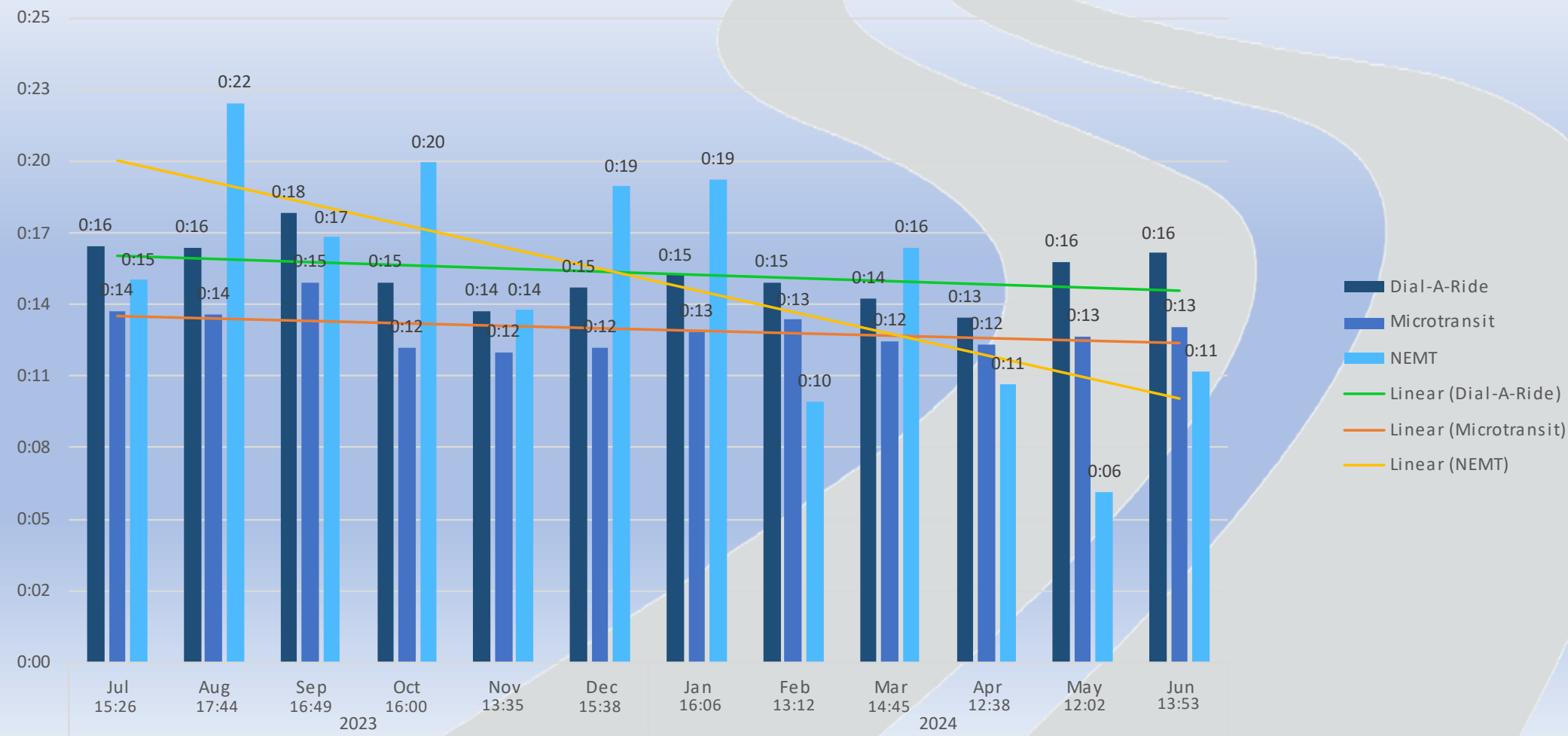




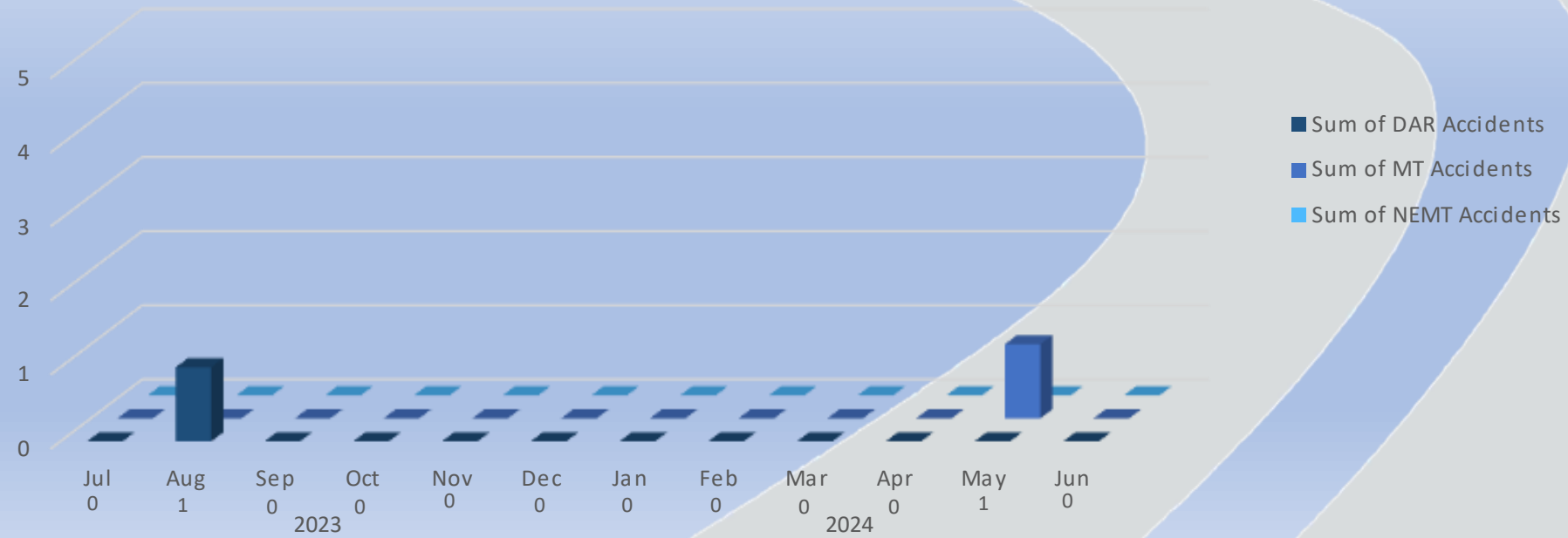
# PASSENGERS PER REVENUE HOUR



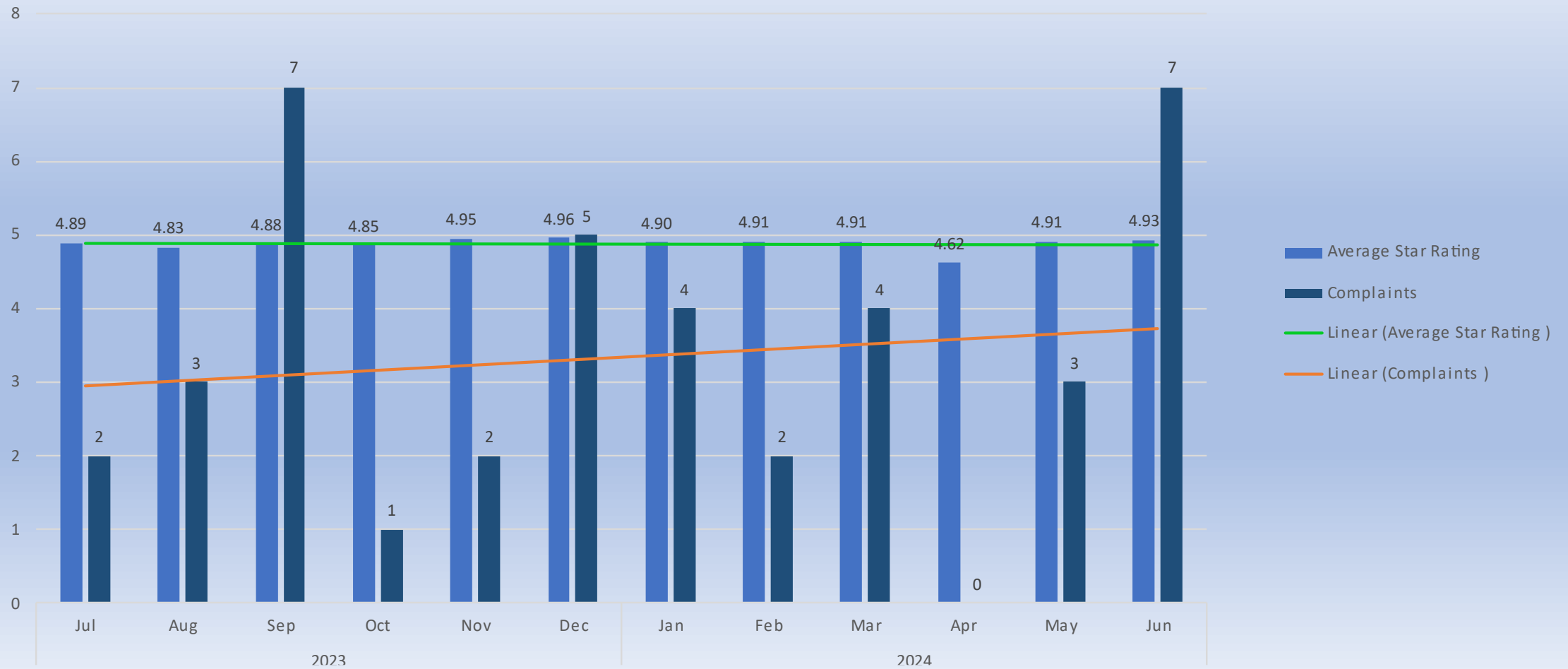
# PASSENGER WAIT TIME



# ACCIDENTS



# PASSENGER FEEDBACK



# June

## FY 2024 MONTHLY OPERATIONS KEY PERFORMANCE INDICATORS

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Thank You!

Questions?

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# LEGISLATIVE UPDATE

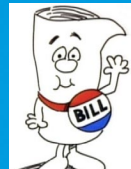
Presentation to the Board of Directors  
July 23, 2024



# STATE



# ASSEMBLY BILLS



BILL #	TITLE	LAST ACTION - STATUS		CARRILLO	LACKEY	WILK
AB 1904	Yield Signs on Transit Buses.	5/30/2024	Ordered to third reading	YES	YES	NVR
AB 1953	Vehicles: weight limits.	6/6/2024	Ordered to third reading			
<b>AB 2553</b>	<b>Major Transit Stops</b>	<b>7/3/2024</b>	<b>Do pass. (Ayes 8. Noes 1.)</b>	<b>YES</b>	<b>YES</b>	<b>NVR</b>
<b>AB 2043</b>	<b>NMT and NEMT</b>	<b>6/24/2024</b>	<b>Referred to suspense file.</b>	<b>YES</b>	<b>YES</b>	<b>NVR</b>
AB 2697	<i>Transportation electrification: electric vehicle charging infrastructure.*</i>	6/27/2024	Read second time and amended. Re-referred to Com. on APPR.	YES	YES	NVR
AB 2626	Advanced Clean Fleets Regulations: local governments.	3/4/2024	Referred to Committee on Transportation and Natural Resources			
AB 2824	Enhanced Penalties for Transit Employee Assaults.	4/23/2024	In committee: Hearing postponed by committee			
AB 2719	Commercial Vehicle Inspections	5/16/2024	In committee: Held under submission.			
AB 3219	Advanced Clean Fleets Regulation: local governments.	3/12/2024	Re-referred to Committee on Transportation			
<b>AB 3177</b>	<b>Mitigation Fee Act: land dedications: mitigating vehicular traffic impacts.</b>	<b>7/3/2024</b>	<b>Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 2.) (July 2). Re-referred to Com. on APPR.</b>	<b>YES</b>	<b>NO</b>	<b>NVR</b>
<b>AB 3238</b>	<b>Electrical infrastructure projects: endangered species: natural community conservation plans.</b>	<b>7/8/2024</b>	<b>Read second time and amended. Re-referred to Com. on APPR</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>

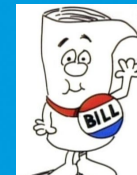
BOLD - Advanced to Senate

\*Authored by Assemblyman Carrillo





# SENATE BILLS



BILL #	TITLE	LAST ACTION - STATUS		CARRILLO	LACKEY	WILK
<b>SB 768</b>	<b>State Air Resources Board: vehicle miles traveled: study</b>	<b>7/2/2024</b>	<b>Placed in Suspense file</b>			
<b>SB 960</b>	<b>Transit Priority Projects</b>	<b>7/3/2024</b>	<b>Read second time and amended. Re-referred to Com. on APPR.</b>	<b>YES</b>	<b>NVR</b>	<b>NO</b>
<b>SB 961</b>	<b>Vehicles: safety equipment</b>	<b>7/3/2024</b>	<b>Do pass and re-refer to Com. on APPR. (Ayes 8. Noes 3.) (July 2). Re-referred to Com. on APPR.</b>	<b>YES</b>	<b>NVR</b>	<b>NO</b>
<i>SB 1204*</i>	<i>Planning and Zoning Law: electric vehicle charging stations</i>	<i>2/29/2024</i>	<i>Referred to Com. on RLS</i>			
<b>SB 1325</b>	<b>Public contracts: best value procurement: goods</b>	<b>6/26/2024</b>	<b>Do pass and re-refer to Com. on APPR. (Ayes 8. Noes 0.) (June 26). Re-referred to Com. on APPR</b>	<b>NVR</b>	<b>NVR</b>	<b>NO</b>
<b>BOLD - Advanced to Assembly</b>		<i>*Last action incorrectly reported June 2024</i>				

# STATE BUDGET



Budget preserves \$5.1 Billion in transit funding, implements fund shifts and minor delays, maintains much of the May Revise proposal.

The Governor signed AB 107, the main budget bill, on June 26, 2024, one day before the constitutionally mandated deadline.

SB 108 - Budget Act of 2024, subsequently signed, makes appropriations for the support of state government for the FY 2025 fiscal year.

# STATE BUDGET



**Maintains the \$4 billion for the formula-based Transit and Intercity Rail Capital Program (TIRCP) approved in the Budget Act of 2023, but updates the appropriation timeline as follows:**

- **\$2 billion** is appropriated in FY 2023-24;
- **\$1 billion** is appropriated in FY 2024-25; and
- **\$1 billion** is approved for appropriation in FY 2025-26.

Preserves four key elements relative to Transportation.

**Maintains \$148 million in TIRCP Cycle 6 funding for Southern California and the LOSSAN Corridor and maintains all funding commitments to TIRCP Cycle 6 as approved in the Budget Act of 2022.**

**Maintains the \$1.1 billion for the formula-based Zero-Emission Transit Capital Program approved in the Budget Act of 2023, but updates the appropriation timeline as follows:**

- **\$190 million** is appropriated in FY 2023-24;
- **\$220 million** is appropriated in FY 2024-25;
- **\$230 million** is approved for appropriation in FY 2026-27; and
- **\$460 million** is approved for appropriation in FY 2027-28.

**Restores \$200 million from the General Fund for the Active Transportation Program, with the remaining \$400 million subject to appropriation, and updates the appropriation timeline as follows:**

- **\$100 million** is appropriated from the General Fund in FY 2024-25;
- **\$100 million** is approved for appropriation from the General Fund in FY 2025-26; and
- **\$400 million** is approved for appropriation from the General Fund in out-years.

# FEDERAL



# FY2025 APPROPRIATIONS STATUS



## HOUSE – 4 of 12

- Defense
- Homeland Security
- Military Construction
  - Veterans Affairs
- State-Foreign Operations

## SENATE:

0 of 12

## SIGNED BY BOTH CHAMBERS

0 of 12

## SIGNED BY THE PRESIDENT

0 of 12

*Information as of July 14, 2024*

# FY2025 APPROPRIATIONS STATUS



## The Transportation Security Administration Budget for FY 2025 (Million \$\$)

	FY 2024 Enacted	FY 2025 Request	FY 2025 House	House vs FY 2024		House vs Request	
<b>Operations and Support</b>							
Aviation Screening Operations							
Screening Partnership Program	253.8	280.9	280.8	27.1	10.7%	-0.1	0.0%
Screener Personnel PC&B	5,302.1	5,940.9	5,876.3	574.3	10.8%	-64.6	-1.1%
Screener Training and Other	272.4	269.1	267.5	-4.9	-1.8%	-1.6	-0.6%
Airport Management	871.6	924.9	906.6	34.9	4.0%	-18.4	-2.0%
Canines	159.8	162.6	192.8	33.0	20.6%	30.2	18.6%
Screening Technology Maintenance	561.8	544.8	543.6	-18.2	-3.2%	-1.1	-0.2%
Secure Flight	137.9	146.4	144.8	6.9	5.0%	-1.6	-1.1%
Other Operations and Enforcement							
Federal Air Marshals	808.9	842.9	820.6	11.8	1.5%	-22.3	-2.7%
FFDO and Crew Training	26.7	22.2	26.9	0.2	0.7%	4.7	21.0%
Aviation Regulation	243.8	255.3	294.7	50.9	20.9%	39.4	15.4%
Air Cargo	135.6	140.5	137.1	1.4	1.1%	-3.4	-2.4%
Intelligence and TSOC	98.8	101.9	99.4	0.6	0.6%	-2.5	-2.4%
Surface Programs	173.1	118.2	113.7	-59.4	-34.3%	-4.5	-3.8%
Vetting Programs	49.5	37.6	36.8	-12.7	-25.7%	-0.8	-2.0%
Mission Support	1,069.2	1,091.3	1,075.6	6.4	0.6%	-15.7	-1.4%
Offsetting Aviation Passenger Security Fees	-3,420.0	-2,860.0	-2,860.0	560.0	-16.4%	0.0	0.0%
Fee Increase Proposal		-1,600.0		0.0		1,600.0	-100.0%
<b>Total, Operations and Support (Gross)</b>	<b>10,165.0</b>	<b>10,879.5</b>	<b>10,817.2</b>	<b>652.3</b>	<b>6.4%</b>	<b>-62.2</b>	<b>-0.6%</b>
<b>Total, Operations and Support (Net)</b>	<b>6,745.0</b>	<b>6,419.5</b>	<b>7,957.2</b>	<b>1,212.3</b>	<b>18.0%</b>	<b>1,537.8</b>	<b>24.0%</b>





# HIGHWAY TRUST FUND



## HIGHWAY TRUST FUND - CBO JUNE 2024 BASELINE

Million \$

### Obligation Limitations

			<u>FY24</u>	<u>FY25</u>	<u>FY26</u>	<u>FY27</u>	<u>FY28</u>	<u>FY29</u>	<u>FY30</u>	<u>FY31</u>	<u>FY32</u>	<u>FY33</u>	<u>FY34</u>
FHWA	Federal-Aid Highways	8083	60,096	61,495	62,648	63,801	65,014	66,227	67,501	68,834	70,229	71,623	73,079
FMCSA	Operations & Programs	8159	411	429	442	456	469	483	498	512	527	543	560
FMCSA	Motor Carrier Safety Grants	8158	516	528	538	547	558	568	579	590	602	614	626
NHTSA	Operations & Research	8016	201	207	212	217	222	227	233	238	244	250	256
NHTSA	Highway Traffic Safety Grants	8020	813	832	847	863	879	895	912	930	949	967	987
FTA	Transit Formula Grants	8350	13,990	14,312	14,578	14,843	15,123	15,403	15,697	16,005	16,326	16,648	16,984
<b>Subtotal, Obligation Limitations</b>			<b>76,027</b>	<b>77,803</b>	<b>79,265</b>	<b>80,727</b>	<b>82,265</b>	<b>83,803</b>	<b>85,420</b>	<b>87,109</b>	<b>88,877</b>	<b>90,645</b>	<b>92,492</b>
FHWA	Federal-Aid Highways (Exempt)	8083	739	739	739	739	739	739	739	739	739	739	739
<b>TOTAL NEW OBLIGATION AUTHORITY</b>			<b>76,766</b>	<b>78,542</b>	<b>80,004</b>	<b>81,466</b>	<b>83,004</b>	<b>84,542</b>	<b>86,159</b>	<b>87,848</b>	<b>89,616</b>	<b>91,384</b>	<b>93,231</b>
Total HTF Receipts and Interest			50,562	49,033	47,136	45,573	44,209	43,416	42,534	41,383	40,329	39,470	38,780
<b>NEW COMMITMENTS EXCEED REVENUES BY</b>			<b>26,204</b>	<b>29,509</b>	<b>32,868</b>	<b>35,893</b>	<b>38,795</b>	<b>41,126</b>	<b>43,625</b>	<b>46,465</b>	<b>49,287</b>	<b>51,914</b>	<b>54,451</b>

# HIGHWAY TRUST FUND



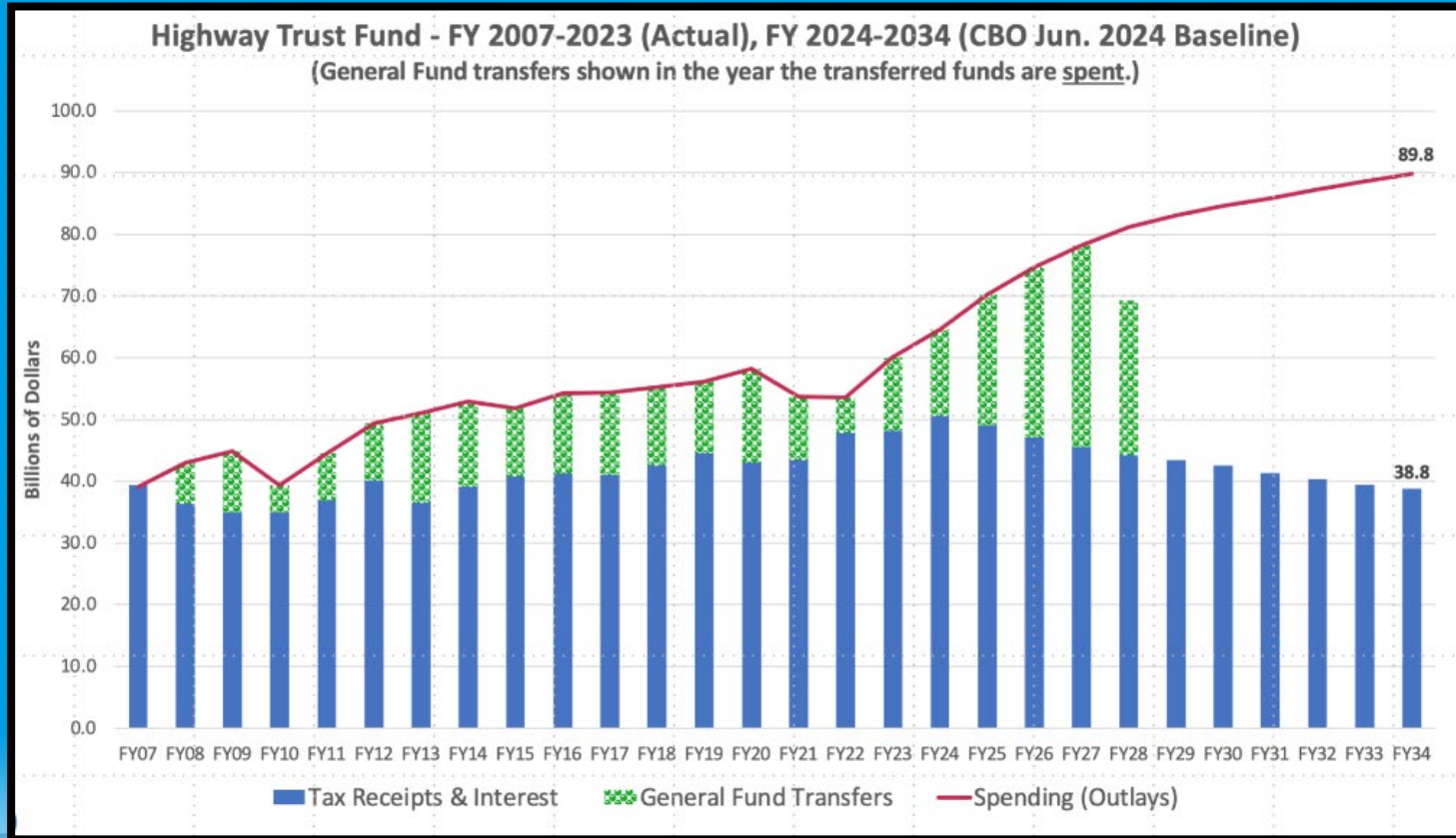
## Congressional Budget Office June 2024 Baseline Projections for Highway Trust Fund Cash Flow

(Billions of dollars per federal fiscal year.)

	<u>FY23</u>	<u>FY24</u>	<u>FY25</u>	<u>FY26</u>	<u>FY27</u>	<u>FY28</u>	<u>FY29</u>	<u>FY30</u>	<u>FY31</u>	<u>FY32</u>	<u>FY33</u>	<u>FY34</u>
<u>Highway Account</u>												
Beginning-of-FY-Balance	98.9	89.6	79.4	64.1	44.1	20.6	-6.2	-35.1	-66.0	-99.1	-134.3	-171.6
Receipts and Interest	+42.0	+43.9	+42.8	+41.4	+40.3	+39.3	+38.6	+37.9	+37.0	+36.2	+35.5	+35.0
Flex to Transit	-1.1	-1.2	-1.2	-1.2	-1.2	-1.2	-1.2	-1.2	-1.2	-1.2	-1.2	-1.2
Outlays	-50.2	-52.9	-56.8	-60.2	-62.6	-64.8	-66.4	-67.6	-68.9	-70.2	-71.6	-73.0
End-of-FY Balance	89.6	79.4	64.1	44.1	20.6	-6.2	-35.1	-66.0	-99.1	-134.3	-171.6	-210.8
<u>Mass Transit Account</u>												
Beginning-of-FY-Balance	34.6	31.9	28.0	22.1	14.5	5.5	-4.7	-15.4	-26.7	-38.0	-49.7	-61.6
Receipts and Interest	+6.3	+6.7	+6.3	+5.7	+5.3	+5.0	+4.8	+4.6	+4.4	+4.2	+4.0	+3.8
Flex from Highways	+1.1	+1.2	+1.2	+1.2	+1.2	+1.2	+1.2	+1.2	+1.2	+1.2	+1.2	+1.2
Outlays	-10.0	-11.8	-13.4	-14.5	-15.5	-16.3	-16.7	-17.0	-16.9	-17.1	-17.0	-16.8
End-of-FY Balance	31.9	28.0	22.1	14.5	5.5	-4.7	-15.4	-26.7	-38.0	-49.7	-61.6	-73.3



# HIGHWAY TRUST FUND



# TRANSPORTATION & INFRASTRUCTURE



On June 27, 2024, Transportation Secretary testified before the U.S. House of Representatives' Transportation and Infrastructure Committee.

He discussed the USDOT's programs, priorities, and FY 2025 budget proposal.

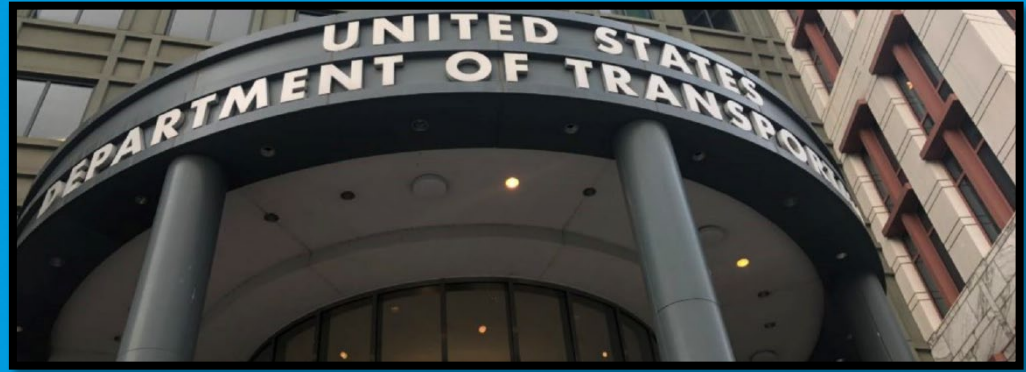
He stressed the historic nature of the Infrastructure Investment and Jobs Act (IIJA), providing \$1.2 trillion in federal transportation and infrastructure spending through FY 2026.

# HAPPY 60<sup>TH</sup> BIRTHDAY FTA



The Federal Transit Administration is celebrating its 60th anniversary.

On July 9, 1964, President Lyndon Johnson signed into law the Urban Mass Transportation Act of 1964, creating the federal transit program.



Allowed the federal government to take on a major role in supporting transit bus and rail systems across the U.S.

# REGIONAL



# CONNECT SOCIAL 2024



## Notice of Availability and Public Hearings

The draft 2025 Federal Transportation Improvement Program (FTIP) and draft Amendment 1 to the Connect SoCal 2024 Regional Transportation Plan/Sustainable Communities Strategy are available for public review and comment.

The programs and projects included in the 2025 FTIP will advance federal performance measures, including

- ✓ safety,
- ✓ asset conditions,
- ✓ air quality, and
- ✓ reduced travel time, and
- ✓ provide increased accessibility for residents across the SCAG region.

Approximately 1,100 projects.  
A total programming of \$38.8 billion.

Will advance the implementation of Connect SoCal 2024 over the next six years.





# Questions?



SRP 7

# **FY 2024 Monthly Fleet Maintenance Key Performance Indicators**

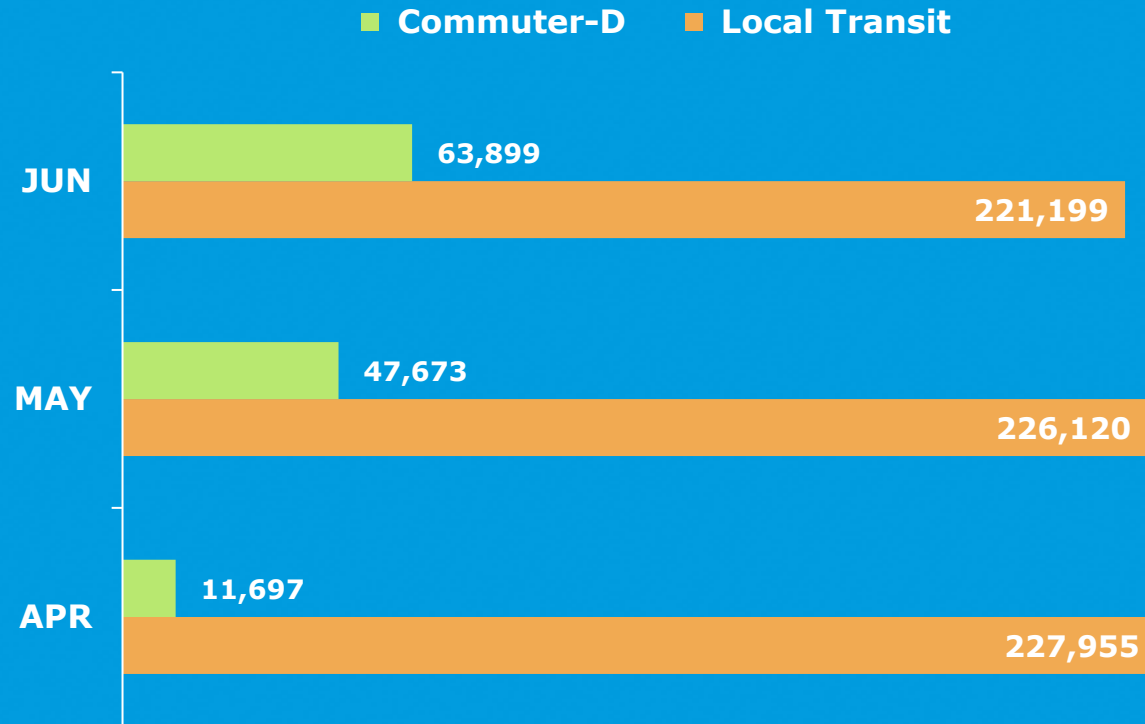
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Presentation to the Board of Directors

July 23, 2024

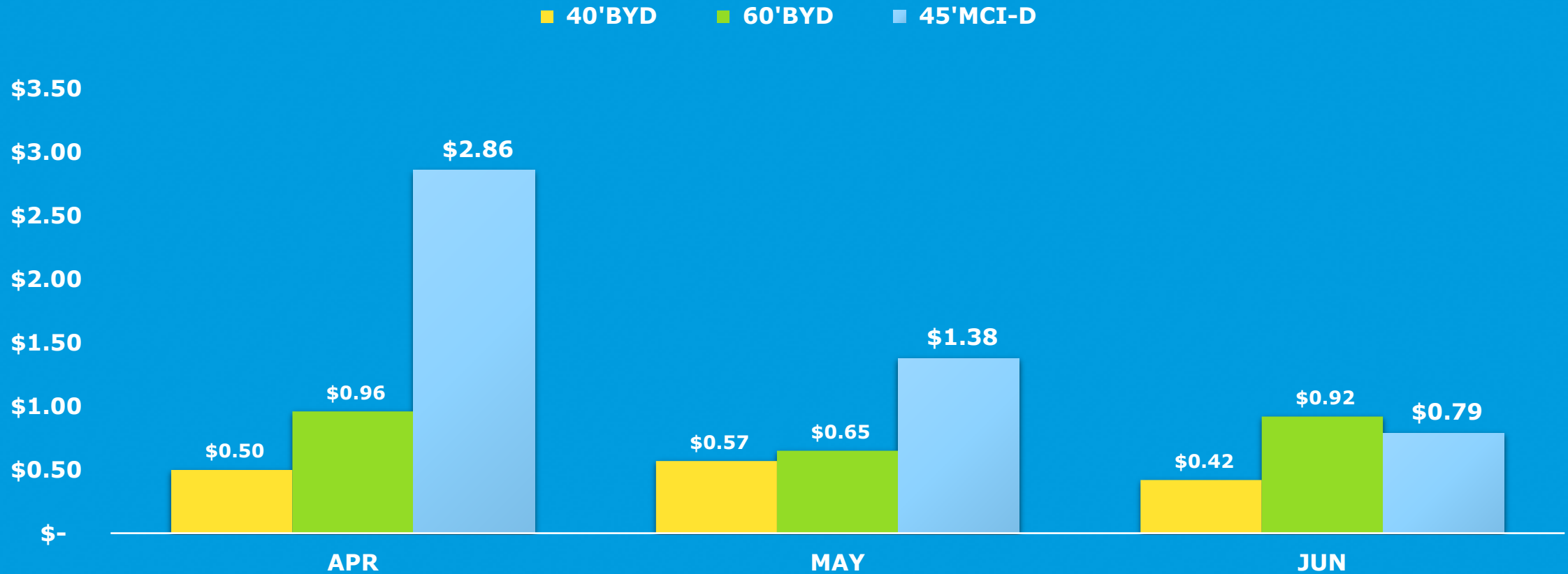


# MILESTONES



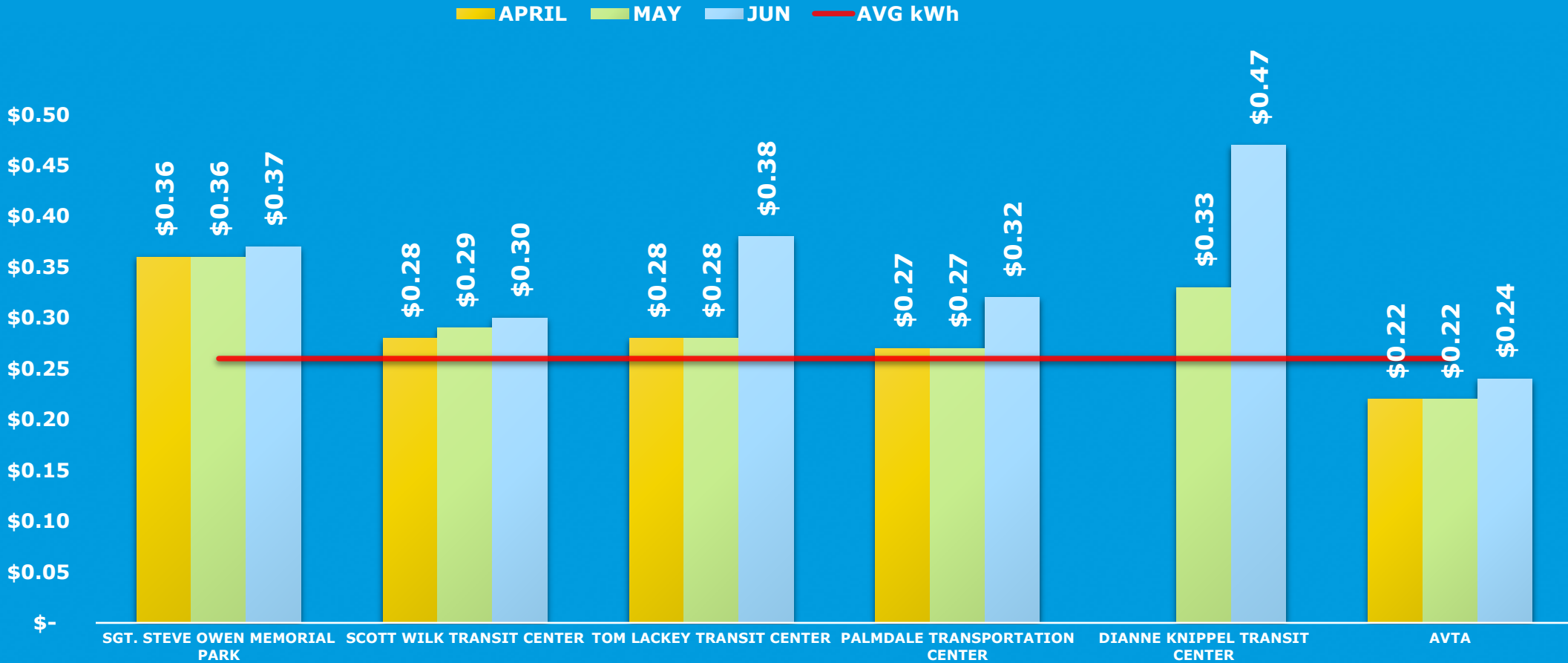


# MAINTENANCE COST PER MILE BY FLEET

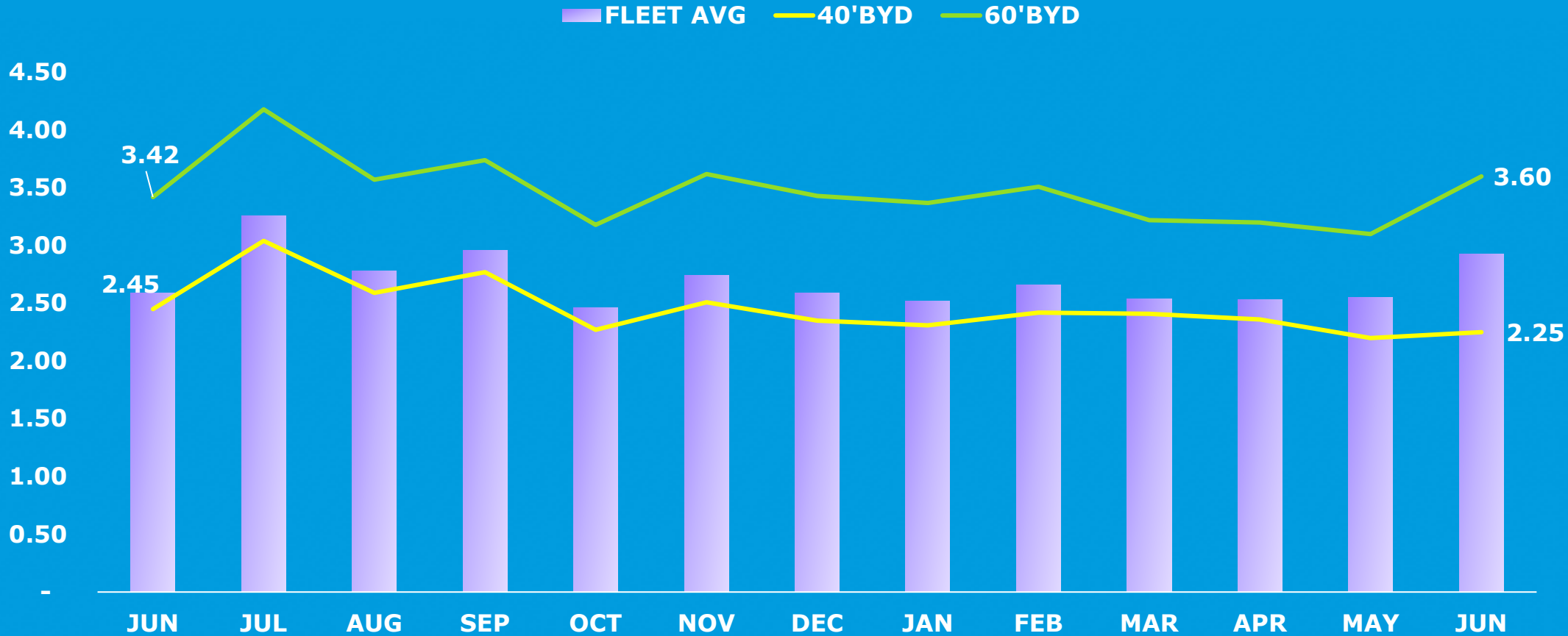


# ENERGY DEPOTS

## COST PER KWH

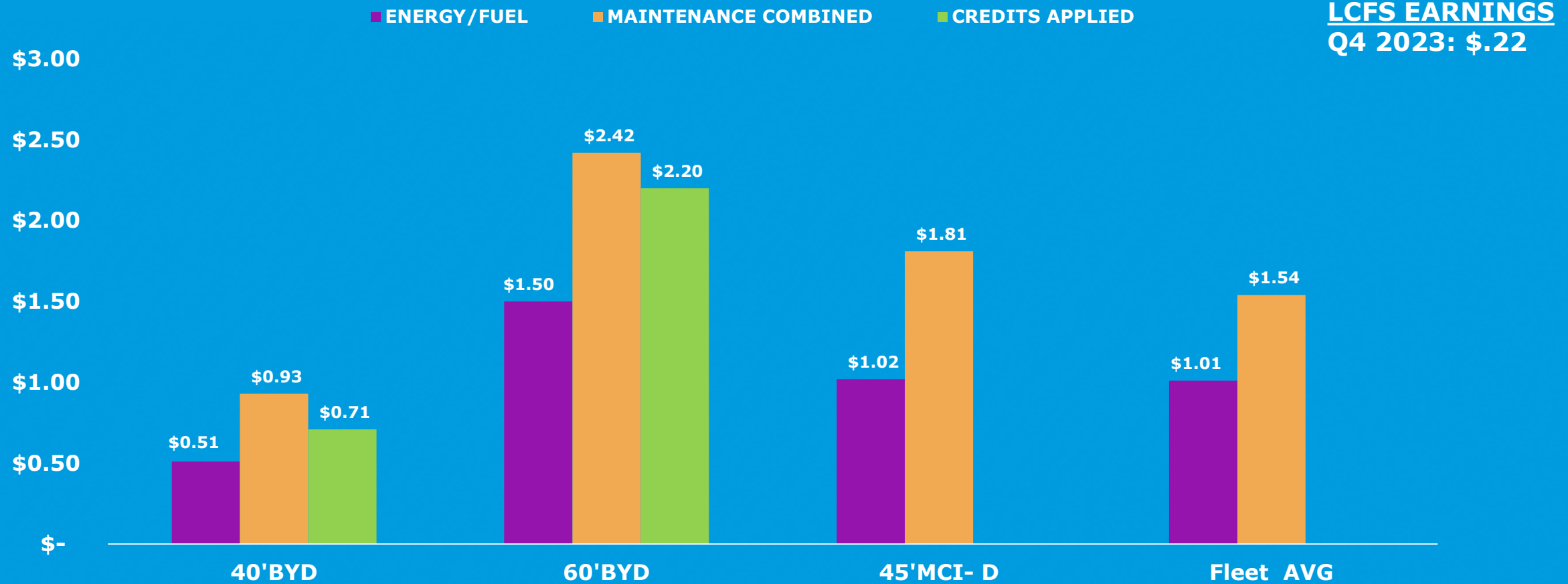


# kWh EFFICIENCY PER MILE



# FLEET COSTS PER MILE

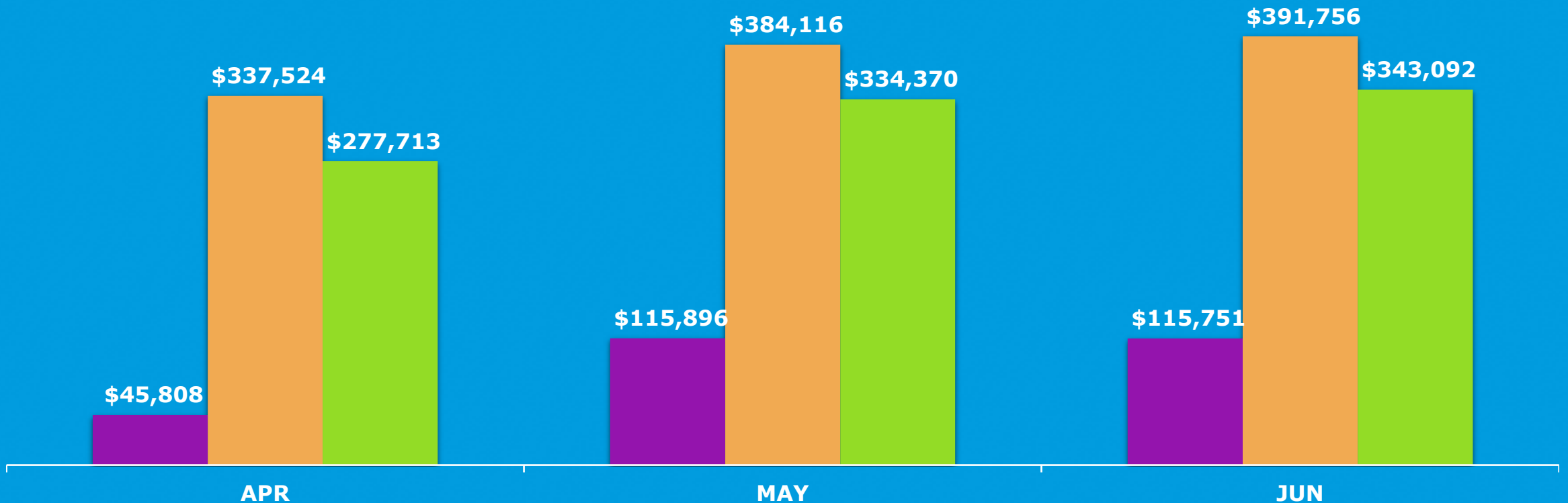
## JUNE



# FLEET OPERATING COSTS

## ENERGY/FUEL AND MAINTENANCE

■ DIESEL ■ COMBINED COSTS ■ CREDITS APPLIED



**Thank you!**

**Questions?**





SRP 9

# FY 2024 Monthly Operations Key Performance Indicators

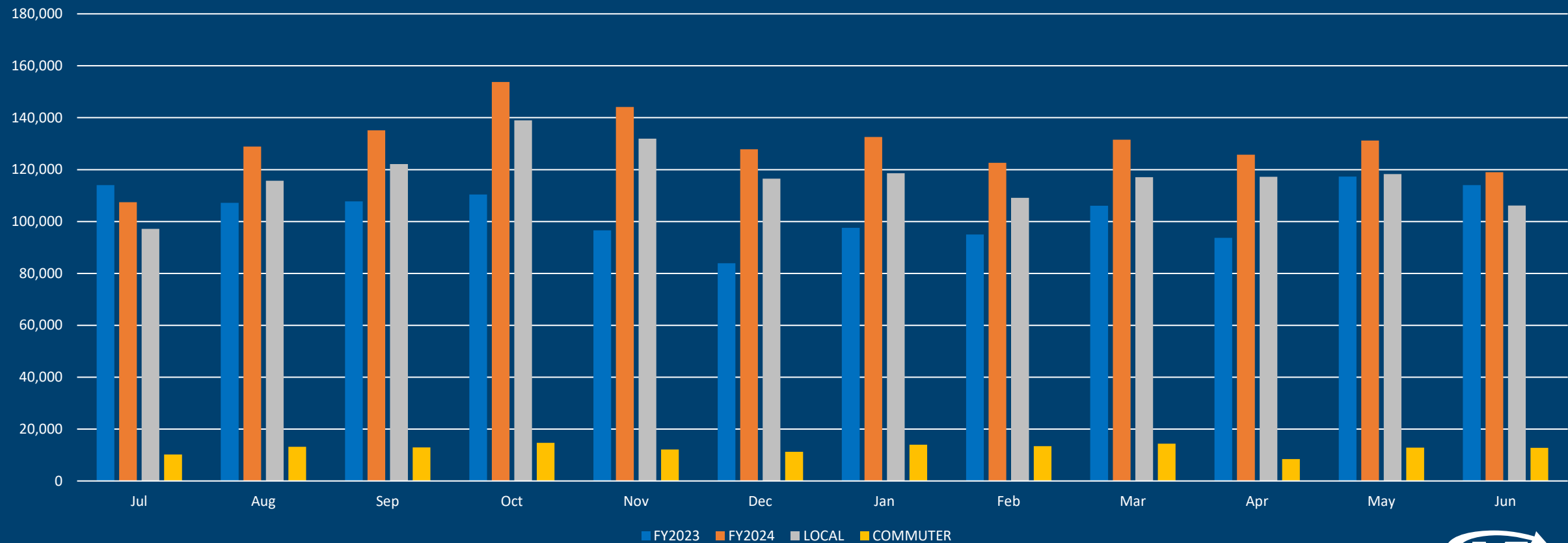
Presentation to the Board of Directors

June 2024

Genie Maxie

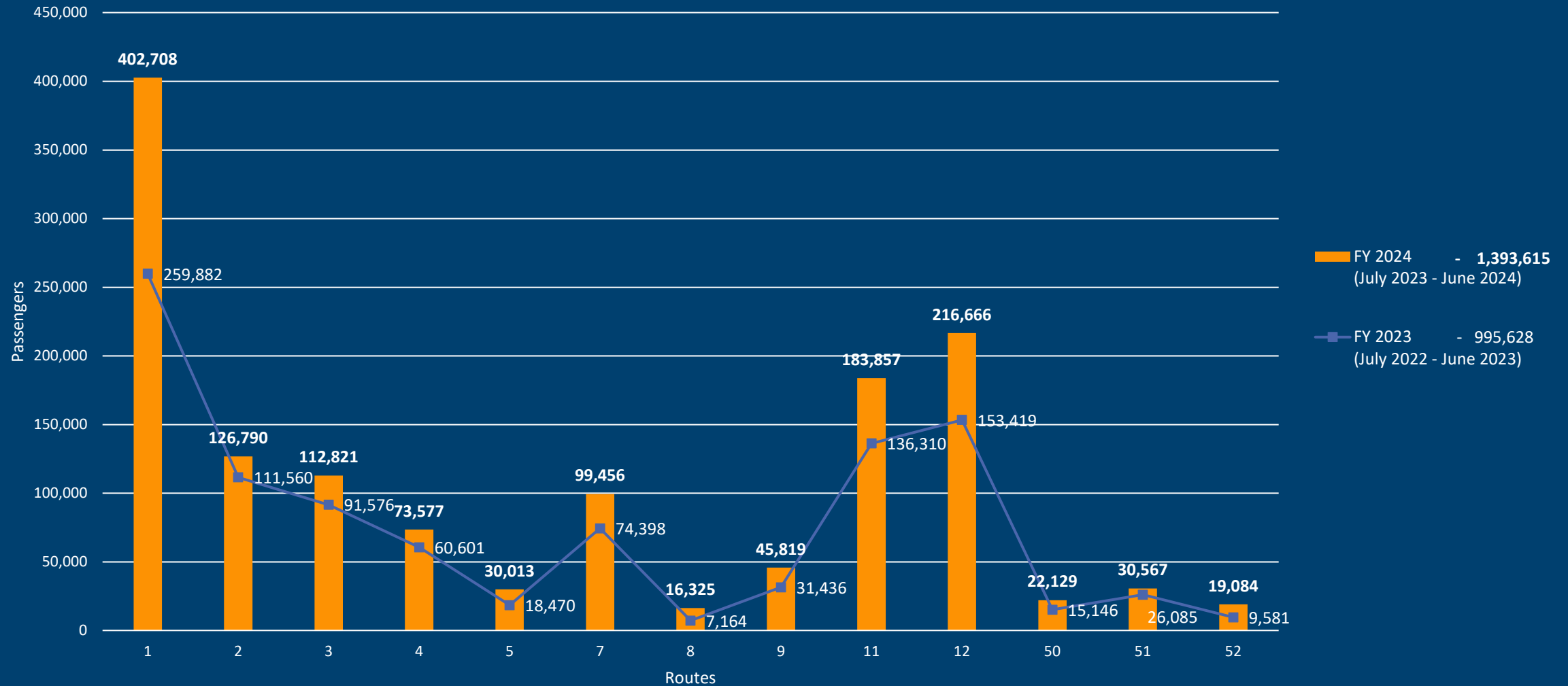
# MONTHLY BOARDING ACTIVITY

	June 2024 FY 2024	May 2024 FY 2024
System	118,970	131,175
Local	106,178	118,278
Commuter	12,792	12,897

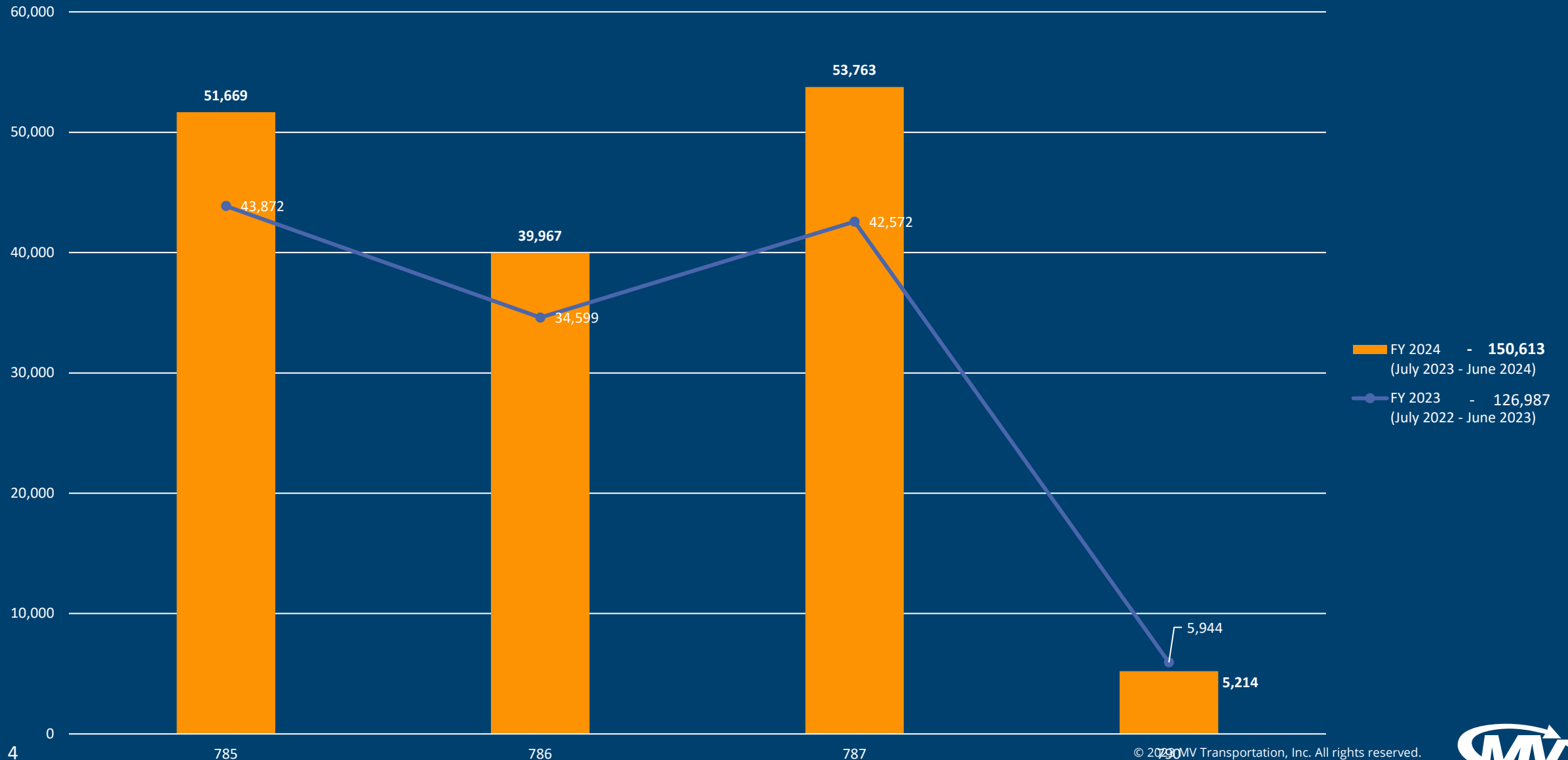




# ANNUAL RIDERSHIP – LOCAL ROUTES

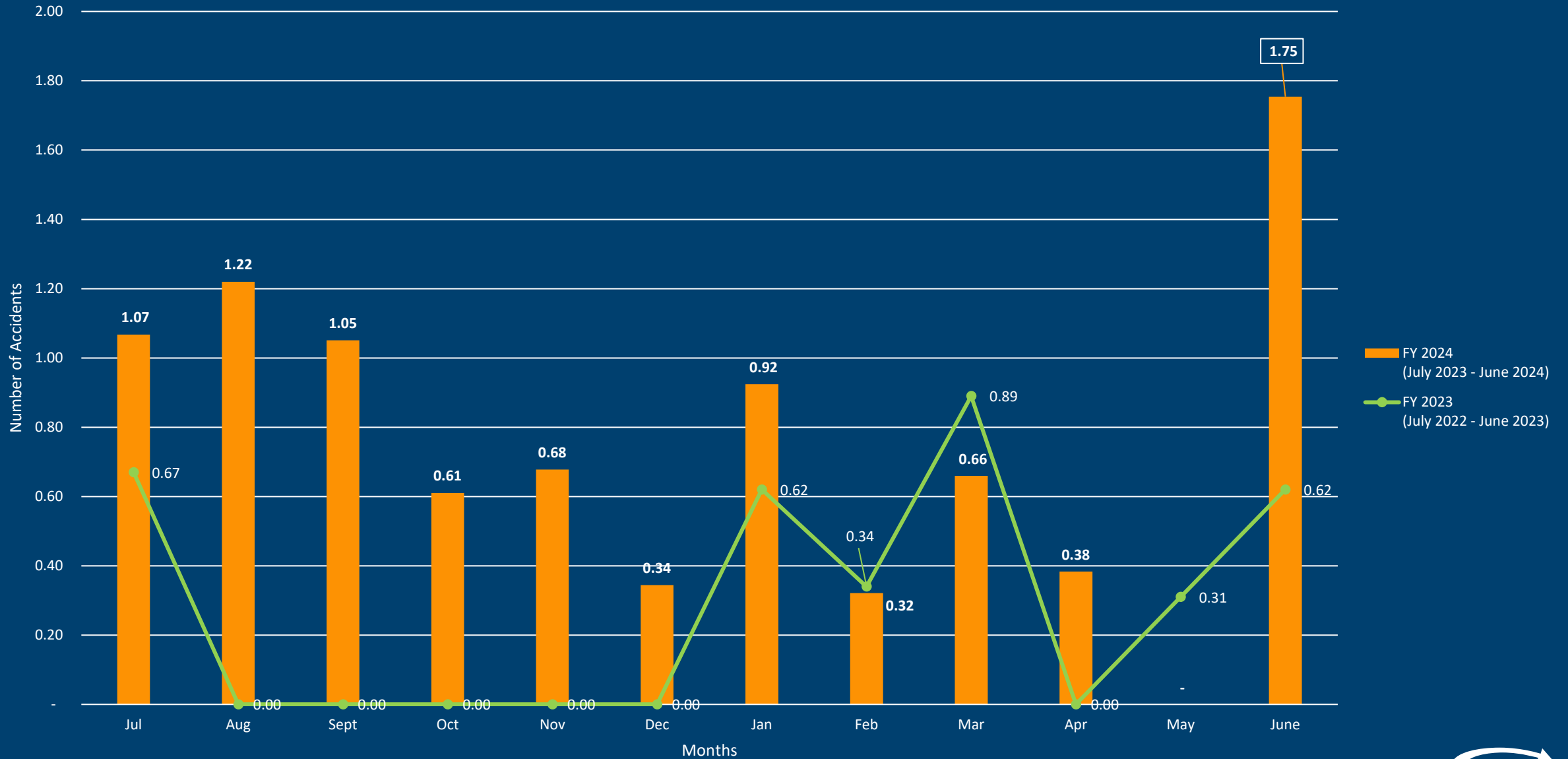


# ANNUAL RIDERSHIP - COMMUTER ROUTES



# PREVENTABLE ACCIDENTS /100,000 MILES

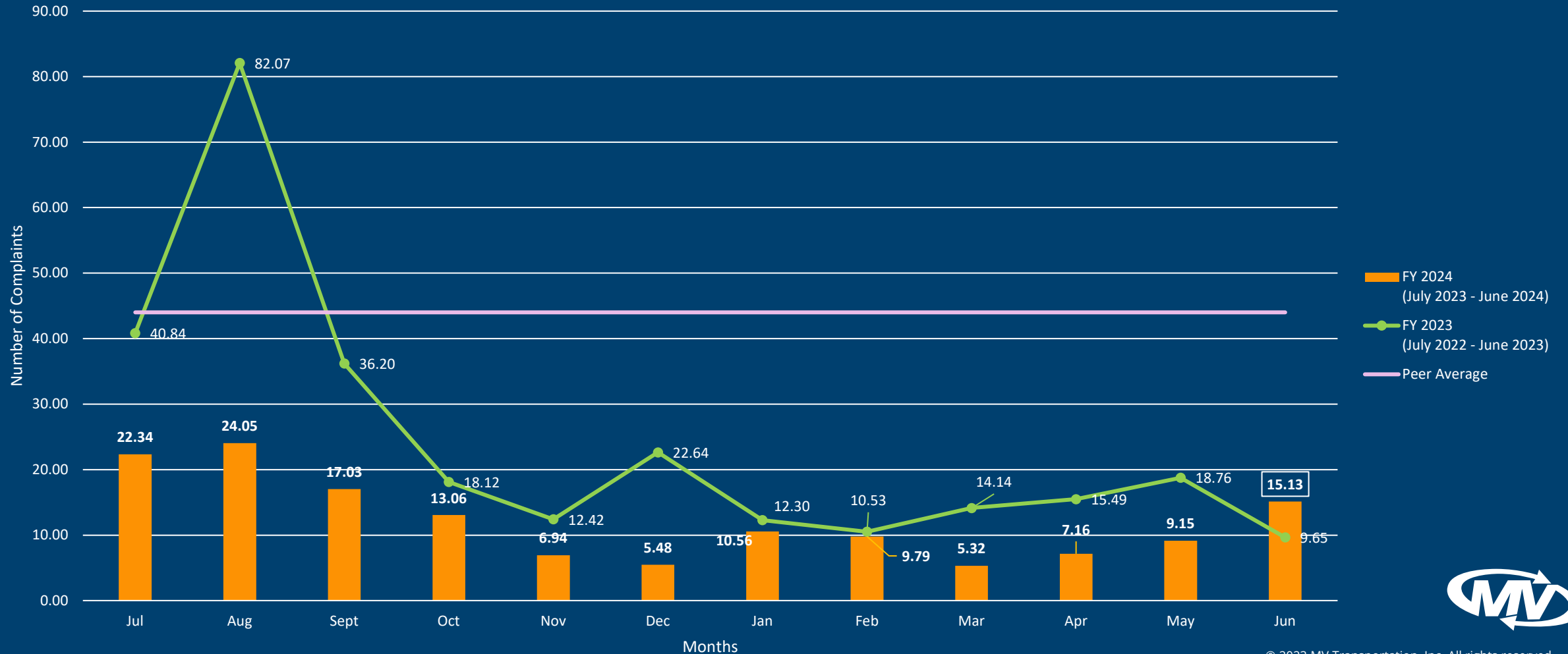
## JUNE – SYSTEM-WIDE AVERAGE: 1.75



# COMPLAINTS / 100,000 BOARDINGS

## JUNE –SYSTEM WIDE AVERAGE:15.13

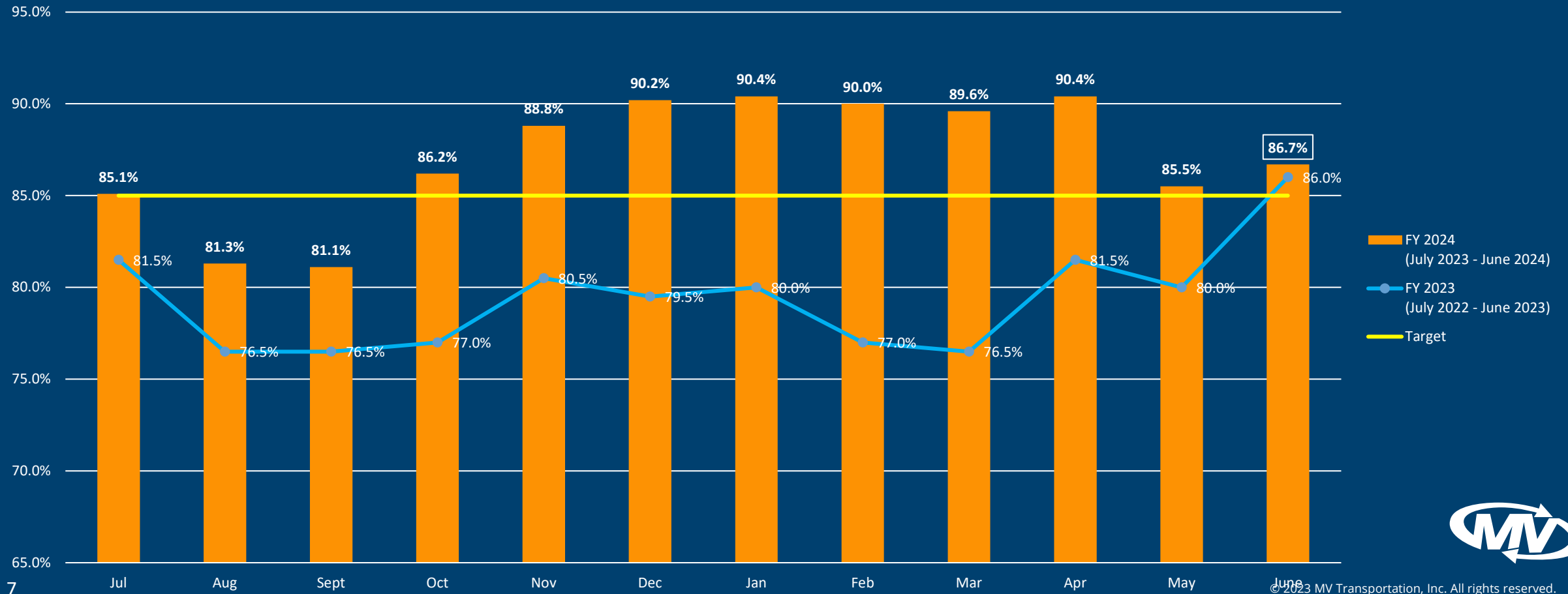
## PEER AVERAGE: 44.00



# ON-TIME PERFORMANCE

## JUNE – LOCAL 86.7%

### TARGET: 85%



# AVERAGE MILES BETWEEN ROADCALLS

## JUNE – SYSTEM WIDE AVERAGE: 8,909

### TARGET: 15,500



# KEY PERFORMANCE INDICATORS

	June 2024 FY 2024	May 2024 FY 2024	June 2023 FY 2023
Boarding Activity	118,970	131,175	98,668
Complaints / 100,000 Boardings	15.13	9.15	10.93
Preventable Accidents / 100,000 Miles	1.75	0.0	.22
On Time Performance	86.7%	85.5%	86.0%
Average Miles Between Roadcalls	8,909	10,140	15,053







**WE ARE MVMNT**

THANK  
YOU

Questions?



**DATE: July 23, 2024**

**TO: BOARD OF DIRECTORS**

**SUBJECT: Public Hearing and Adoption of the Disadvantaged Business Enterprise (DBE) Program and Goal-Setting Methodology for Federal Fiscal Years (FFY's) 2025 through 2027 (October 1, 2024 through September 30, 2027)**

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## **RECOMMENDATION**

1. Consider any public comments received;
2. Close the public comment period;
3. Approve the new DBE Program (Attachment A), Overall Goal-Setting Methodology, and DBE Participation Goal of 8% (Attachment B); and
4. Adopt Resolution No. 2024-006 (Attachment C), a Resolution of the Board of Directors of the Antelope Valley Transit Authority approving the revised Federal Transit Administration required DBE Program and Overall Goal-Setting Methodology for FFY's 2025 through 2027.

## **FISCAL IMPACT**

There is no direct fiscal impact.

## **BACKGROUND**

AVTA receives federal financial assistance from the Department of Transportation (DOT) and, as a condition of receiving this assistance, AVTA has signed an assurance that it will comply with Title 49 CFR, Part 26. This updated program is required to ensure non-discrimination in the award and administration of DOT-assisted contracts, create a level playing field on which DBE's can fairly compete for the Authority's DOT-assisted contracts, and ensure that only firms that fully meet Title 49 CFR, Part 26 eligibility standards are permitted to participate as DBE's in the Authority's DBE Program.

The Authority's proposed program and goal of 8% was posted on the AVTA website and in accordance with Public Participation Regulatory Requirements of Title 49 CFR Part 26, minority, women, local business associations, and community organizations

within the AVTA market area were contacted and provided an opportunity to review the triennial goal analysis and provide input.

- AVTA publicized that the program, goal methodology, and proposed annual overall goal for DBE participation in AVTA's DOT-assisted contracts would be available for public inspection for a period of 30 days from the date of publication.
- AVTA also publicized that the agency would accept public comments on the proposed program, goal methodology and new annual overall goal of 8% for a period of 30 days from the date of publication and provided instructions for the submission of comments.

**PUBLIC CONSULTATION AND COMMENTS:**

<b>ORGANIZATION</b>	<b>DATE(S)</b>
AV Press General Circulation Media	June 13, 2024, and July 11, 2024 – no response
Our Weekly Minority Media	June 14, 2024, June 28, 2024, and July 12, 2024 – no response
AVTA Website	June 10, 2024 thru July 23, 2024 – no response

During the public hearing period, AVTA received no comments on the DBE Program Goal Methodology and/or the proposed 8% DBE participation goal.

Prepared by:

Submitted by:

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Francynn R. Tobar  
Contract Administrator

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Martin J. Tompkins  
Executive Director/CEO

Attachments:    A – DBE Program FFY's 2025 – 2027  
                          B – DBE Goal-Setting Methodology for FFY's 2025 – 2027  
                          C – Resolution No. 2024-006

**NOTE: Item is not subject to the Levine Act.**



## **DISADVANTAGED BUSINESS ENTERPRISE PROGRAM**

**August 1, 2024**

Submitted in fulfillment of:  
Title 49 Code of Federal Regulations Part 26

**ANTELOPE VALLEY TRANSIT AUTHORITY  
DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM**

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## **I. POLICY STATEMENT AND PROGRAM OBJECTIVES**

### **A. Policy Statement (§26.3)**

ANTELOPE VALLEY TRANSIT AUTHORITY (AVTA) has continued its Disadvantaged Business Enterprise (DBE) program and DBE Goal Methodology for the three-year Federal Fiscal Year (FFY) goal period of 2025-2027 (October 1, 2024 through September 30, 2027), pursuant to Title 49 Code of Federal Regulations (CFR) Part 26, "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs." AVTA receives Federal financial assistance from the U.S. Department of Transportation (U.S. DOT) and as a condition of receiving this assistance AVTA has provided an assurance that it will comply with Title 49 CFR Part 26. The DBE Program applies to all AVTA's U.S. DOT-assisted projects.

It is the policy of AVTA to ensure that DBEs, as defined in Part 26, have equitable opportunities to compete for and participate in the performance of all AVTA's U.S. DOT-assisted contracts and subcontracts.

### **B. Objectives (§26.1)**

Pursuant to the intent of these Regulations, the AVTA policy objectives are to:

- 1) Ensure non-discrimination in the award and administration of U.S. DOT assisted contracts;
- 2) Create a level playing field on which DBEs can fairly compete for AVTA's U.S. DOT-assisted contracts;
- 3) Ensure the program is tailored in accordance with applicable laws;
- 4) Ensure that only firms that fully meet Title 49 CFR, Part 26 eligibility standards are permitted to participate as DBEs in the AVTA DBE Program;
- 5) Help remove barriers which impede the participation of DBEs in AVTA's U.S. DOT-assisted contracts; and
- 6) Assist in the development of DBE firms that can compete successfully in the market place outside the DBE Program.

The Procurement and Contracts Officer has been designated as the DBE Liaison Officer (DBELO). In this capacity, the Procurement and Contracts Officer is responsible for implementing all aspects of the DBE Program. 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 U.S. DOT. It is the expectation of the Executive Director/CEO that all AVTA personnel shall adhere to the full spirit and the intent of the DBE Program and carry out all DBE requirements accordingly. AVTA has disseminated this policy statement to AVTA's Board of Directors and all components of our organization. AVTA will also distribute this policy statement to DBE and non-DBE business communities that perform work on AVTA's U.S. DOT-assisted contracts through AVTA's contracts and procurement solicitation process.

### **C. Non-Discrimination (§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 Title 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.

Through such efforts, AVTA will ensure contracting and procurement related processes that promote equity in access, consideration and opportunity for DBE's in response to requirements set forth under Title 49 CFR, Part 26: Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs.

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Martin Tompkins  
Executive Director/CEO

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Date

## II. **APPLICABILITY (§26.3)**

AVTA is a recipient of federal funds from the U.S. Department of Transportation (U.S. DOT), and Federal Transportation Administration (FTA), and as a condition of funding assistance, and in accordance with federal regulations published at 49 CFR Part 26 (refer to a link shown on Attachment 2 –Code of Federal Regulations: 49 CFR, Subtitle A, Part 26), AVTA is required to submit for approval a Disadvantaged Business Enterprise Program, to which it agrees to adhere. This Program sets forth the policies and procedures to be implemented by AVTA to ensure that DBEs have equitable opportunity to participate in AVTA DOT-assisted contracting opportunities.

In direct response to legislative requirements, AVTA hereby establishes a DBE Program that will:

- 1) Comply with federal regulations and financial assistance agreements;
- 2) Meet legal standards for unique and narrow program tailoring;
- 3) Ensure non-discrimination in the awarding of DOT-assisted contracts; and
- 4) Reaffirm commitment to fairness and the principles of equal opportunity.

In the event of any conflicts or inconsistencies between the Federal Regulations and AVTA's DBE Program with respect to DOT-assisted contracts, the Federal Regulations shall prevail.

### A. **DBE Program Updates (§26.21)**

AVTA will continue to carry out this program until all funds from U.S. DOT financial assistance have been expended. AVTA will provide to DOT updates representing significant changes in the program. AVTA will also submit an overall triennial goal and corresponding goal setting methodology to each DOT Operating Administration, in accordance with regulatory requirements.

### B. **Design Build Contracts (§26.53)**

AVTA recognizes that certain modifications are necessary to adapt its DBE Program for use in connection with Design-Build contracts and will, therefore, follow and implement all changes, updates and prescribed requirements set forth in the Federal Register, 49 CFR, Part 26 and specifically 49 CFR Part 26.53.

## III. **DEFINITION OF TERMS (§26.5)**

Any terms used in this Program that are defined in 49 CFR, Part 26 or elsewhere in the Regulations shall have the meaning set forth in the Regulations. Some of the most common terms are defined below, for additional and more in depth detail, refer to Title 49 CFR, Part 26.5.

**Bidders List:** A list of all contractors, DBE and Non-DBE, which have expressed an interest in bidding on prime contracts and subcontracts on the AVTA's DOT assisted projects.

**Commercially Useful Function:** Work performed by a DBE firm in a particular transaction that, in light of industry practices and other relevant considerations, has a necessary and useful role in the transaction, i.e., the firm's role is not a superfluous step added in an attempt to obtain credit toward goals. If, in AVTA's judgment, the firm (even though an eligible DBE) does not perform a commercially useful function in the transaction, no credit toward the goal may be awarded.

**Compliance:** A contractor has correctly implemented the requirements of the DBE Program.

**Contract:** 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:** One who participates, through a contract or subcontract (at any tier), in a DOT-assisted program.

**DBE Directory:** List of certified firms, which is used by AVTA and its contractors to identify DBE potential prime contractors and subcontractors and suppliers.

**DBELO:** Disadvantaged Business Enterprise Liaison Officer. The DBELO shall be responsible for implementing all aspects of AVTA's DBE program.

**Department or DOT:** 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:** A for-profit small business concern:

- 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;
- whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it; and,
- has been certified as Disadvantaged in accordance with Title 49, CFR 26.

**DBE Certification:** A certification issued to a firm by a certifying member agency of the California Unified Certification Program (CUCP), which has been determined to meet all the requirements in accordance with Title 49 CFR, Part 26. All certification determinations are evidenced by a letter of DBE certification issued by the certifying CUCP member.

**DOT-Assisted Contract:** A 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 or improved real property.

**Goal:** A numerically expressed objective, which AVTA or its contractors are required to make Good Faith Efforts to achieve.

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

**Joint Venture:** An association between a DBE firm and one or more other firms to carry out a single, for profit business enterprise, for which the parties combine 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.

**Manufacturer:** A firm that operates or maintains a factory or establishment that produces, on the premises, the material, supplies, articles, or equipment required under the contract and of the general character described by specifications.

**North American Industry Classification System (NAICS):** The five to six-digit classification number which best describes the primary business of a firm. The basis for industry classification changed from the 1987 Standard Industrial Classification System (SIC) to the 2002 NAICS.

**Noncompliance:** A contractor has not correctly implemented the requirements of the DBE program.

**Personal Net Worth:** The net values 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 participative DBE firm or the individual's equity in their primary place of residence. An individual's personal net worth includes only their own share of assets held jointly as a community property with the individual's spouse.

**Program:** Any undertaking on AVTA's part to use DOT financial assistance authorized by laws to which the DBE Program applies.

**Race-Conscious Measure or Program:** A program or portion thereof that focuses specifically on assisting only DBEs, including women-owned DBEs, by the development and inclusion of participation goals or best effort activities.

**Race-Neutral Measure or Program:** A program or portion thereof that assists all small businesses regardless of ownership through community outreach and awareness programs to participate successfully in AVTA's procurement program. For the purposes of the DBE Program, "race neutral" includes gender neutrality.

**Regular Dealer:** A firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. To be a regular dealer, the firm must be an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question. Any supplementing of regular dealers own distribution equipment shall be by a long-term lease agreement and not on an ad-hoc or contract-by-contract basis.

**Set-Aside:** A contracting practice restricting eligibility for the competitive award of a contract solely to DBE firms or on some other basis not related to qualifications or pricing.

**Small Business Administration or SBA:** The federal United States Small Business Administration.

**Small Business Concern:** With respect to firms seeking to participate as DBEs in DOT- assisted contracts, a business that meets the definition contained in 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 Part 26.65 (b).

**Socially and Economically Disadvantaged Individual:** Any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who is:

- 1) Found by AVTA to be socially and economically disadvantaged on a case by case basis by a certifying agency pursuant to the standards of the U.S. DOT Title 49 CFR, Part 26.
- 2) A member of any one or more of the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged:
  - i. "Black Americans" which includes persons having origins in any of the Black racial groups of Africa;
  - ii. "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;

- iii. “Native Americans” which includes persons who are American Indians, Eskimos, Aleuts or Native Hawaiians;
- iv. “Asian Pacific Americans” which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, 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;
- v. “Subcontinent Asians Americans” which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka;
- vi. Women; and
- vii. Any additional group whose members are designated as socially and economically disadvantaged by the SBA, at such time as the SBA designation becomes effective.

**Subrecipients:** Any entity that receives DOT financial assistance through a primary recipient.

**Transit Vehicle:** A vehicle used by AVTA, e.g. bus or van, for the primary program purpose of public mass transportation; this definition does not include locomotives or ferry boats.

**Transit Vehicle Manufacturer or TVM:** A manufacturer of vehicles used by AVTA for the primary program purpose of public mass transportations (e.g. railcars, buses, and vans). The term does not apply to firms, which rehabilitate old vehicles, or to manufacturers or dealers in transit vehicles with respect to the requirements of Part 26.49 of the Regulation.

**Unified Certification Program (UCP):** One-stop certification clearinghouse, enabling applicants to apply once for DBE certification, which will be honored by all DOT recipients in the state.

#### IV. RESPONSIBILITIES FOR DBE PROGRAM IMPLEMENTATION

##### A. DBE Liaison Officer (§26.25)

AVTA has designated the following individual as the Disadvantaged Business Enterprise Liaison Officer (DBELO):

Francynn Tobar, Contract Administrator DBE Liaison Officer  
 ANTELOPE VALLEY TRANSIT AUTHORITY  
 42210 6<sup>th</sup> Street West  
 Lancaster, CA 93534  
 Phone (661) 729-2208 Fax (661) 726-2615  
 Email: [ftobar@avta.com](mailto:ftobar@avta.com)

In this capacity, the DBELO is responsible for implementing all aspects of the DBE Program and ensuring that AVTA complies with all provisions of Title 49 CFR, Part 26. The DBELO will have direct, independent access to AVTA’s Executive Director/CEO concerning program matters (refer to Attachment 1 - Organization Chart). The DBELO has sufficient support personnel who devote a portion of their time to administer the Program. The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials.

The DBELOs and/or designee’s duties include, but are not limited to the following activities:

- 1) Gathers and reports statistical data and other information as required.

- 2) Reviews third party contracts and purchase requisitions for compliance with this program.
- 3) Works with all departments to set triennial goals.
- 4) Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
- 5) Identifies contracts and procurements 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 or pre-proposal meetings.
- 8) Advises the Executive Director/CEO and governing body on DBE matters and achievements.
- 9) Determines contractor compliance with Good Faith Efforts provisions and conducts contract DBE goal responsiveness reviews.
- 10) Provides DBEs with information and assistance in preparing bids or proposals, obtaining bonding and insurance.
- 11) Plans and participates in DBE training seminars.
- 12) Provides outreach to DBEs and community organizations to advise them of AVTA's DOT-assisted contracting opportunities.

**B. Reconsideration Official (§26.53 (d) (2))**

In instances where contract DBE goals are established and the Bidder/Proposer fails to satisfy the requirements for meeting the contract goal, or documenting sufficient Good Faith Efforts to do so, in accordance with section VI. G. (2), AVTA will provide the Bidder/Proposer prior to award of the contract, an opportunity for administrative reconsideration of AVTA's determination of non-responsiveness. The administrative reconsideration process will be facilitated by AVTA's Reconsideration Official (RO), Judy Fry, Director of Finance and Administration.

To ensure integrity in the process, the RO will not have played any role in the original determination that the Bidder/Proposer did not meet the established DBE goal, or document sufficient Good Faith Efforts of the subject procurement to be deemed non-responsive.

Within five (5) days of being informed by AVTA that the Bidder/Proposer is deemed non-responsive due to its failure to document and provide sufficient and adequate Good Faith Efforts of subject procurement, a Bidder/Proposer may request administrative reconsideration. Bidder/ Proposers should make this request in writing to the following RO:

Judy Fry, Chief Financial Officer  
ANTELOPE VALLEY TRANSIT AUTHORITY  
42210 6<sup>th</sup> Street West  
Lancaster, CA 93534  
E-mail: [JFry@avta.com](mailto:JFry@avta.com)

As part of this reconsideration process, the Bidder/Proposer 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/Proposer will have the opportunity to meet in person with the RO to discuss the issue of whether it met the goal or made adequate Good Faith Efforts to do so. AVTA will send the Bidder/ Proposer a written decision on reconsideration, explaining the basis for finding that the Bidder/Proposer did or did not meet the goal or made

adequate Good Faith Efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

Oversight of this process shall be performed by AVTA's Director of Administrative Services, who has been designated as the Reconsideration Official, and shall:

- Ensure that all DBE administrative reconsideration procedural actions are consistent with Title 49 CFR, Parts 26.53 and 26.87 requirements and standards, and that program integrity is maintained at all times.
- Review Bidder/Proposer written documentation or argument concerning the issue of whether it met the goal or made adequate Good Faith Efforts to do so.
- Upon review by AVTA's RO, send the Bidder/Proposer 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.
- Maintain verbatim records of hearings conducted.
- Provide determinations in writing to AVTA's DBELO and Executive Director/CEO.

## **V. ADMINISTRATIVE REQUIREMENTS**

### **A. Federal Financial Assistance Agreement Assurance (§26.13 (a))**

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 non-discrimination in the award and administration of DOT-assisted contracts. AVTA's DBE Program, as required by 49 CFR, Part 26 and as approved by FTA, 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 under 49 CFR, 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.).

### **B. DBE Financial Institutions (§26.27)**

It is the policy of AVTA to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to utilize these institutions and to encourage prime contractors on AVTA DOT-assisted contracts to make use of these institutions.

Information on the availability of such institutions can be obtained from AVTA's DBELO.

### **C. DBE Directory (§26.31)**

AVTA will refer interested persons to the DBE Directory available from the Caltrans Disadvantaged Business Enterprise Program California Unified Certification Program (CUCP) website at [www.dot.ca.gov/hq/bep/](http://www.dot.ca.gov/hq/bep/) to assist in identifying certified DBEs.

### **D. Over Concentration (§ 26.33)**

AVTA has developed policies and procedures to address over concentration of DBE utilization in certain types of work. This is to be accomplished through regular tracking of contract awards and compliance monitoring. AVTA will identify and directly respond to identified over concentration



within specific trades or specialty areas, by modifying contract goals until such time as DBE availability exceeds utilization. Currently, AVTA has not identified any types of work that have a burdensome over concentration of DBE participation.

**E. Business Development Programs (§26.35; Appendix C & Appendix D)**

AVTA acknowledges the role of Business Development and Mentor-Protégé Programs in its DBE Program designed to facilitate meeting the objectives of the U.S. DOT DBE Program. AVTA may consider enacting such programs in the future to assist DBEs in enhancing their firms' skills and abilities within their respective industries and to successfully compete for service provider contracts.

**VI. DETERMINING, MEETING AND COUNTING OVERALL DBE GOAL (§26.45; §26.51)**

**A. Methodology (§26.45)**

The DBELO shall establish an overall goal on a triennial basis for the participation of DBEs in all budgeted contracts utilizing U.S. DOT federal financial assistance. Overall goals shall be expressed as a percentage of the total amount of U.S. DOT funds AVTA anticipates expending in the triennial period. AVTA's triennial goals represent the amount of ready, willing and able DBEs that are available to participate in contracting opportunities and are reflective of the number of DBEs that are available to participate in contracting opportunities and are reflective of the amount of DBE participation. The market area shall include: Los Angeles and San Bernardino counties. Previously Kern was included in the market area, but they have since been eliminated from being included due to lack of participation in those regions. AVTA's goal reflects the agency's determination to meet the level of DBE participation one would expect, absent any effects of discrimination. AVTA intends to meet those goals to the maximum extent feasible through the race-neutral measures described herein. Where race-neutral measures are inadequate to meet the overall goals, AVTA will establish specific contract goals with prior approval from US DOT for particular projects with subcontracting opportunities.

In conjunction with the preparation and adoption of the budget for each fiscal year, the DBELO, in consultation with the appropriate departments responsible for contracting activities, will conduct a thorough analysis of the projected number, types of work and dollar amounts of contracting opportunities that will be funded, in whole or in part, by U.S. DOT federal financial assistance for that year.

AVTA's triennial DBE goals will be submitted to each DOT Operating Administration. AVTA anticipates receiving federal financial assistance in excess of the established threshold requirements as follows:

- U.S. DOT FTA – The DBELO will submit its overall goal to FTA by August 1 based on the approved three (3) year schedule.

**Step 1: Base Figure**

Once AVTA defines its DOT-assisted contracting programs for the triennial period, AVTA will establish a Base Figure of ready, willing, and able DBEs to participate on AVTA's DOT-assisted contracts, following one of the federally prescribed goal setting methodologies, in accordance with Title 49 CFR, Part 26.45.

AVTA may survey the relative availability of DBEs by:

- Utilizing the most current data available from DBE directories, the California UCP Database and the U.S. Census Bureau's County Business Pattern database to determine the number of ready, willing and able DBEs in the designated market area and the number of ready willing and able businesses that perform work in the same NAICS work codes.
- Dividing the number of ready, willing and able DBEs by the number of all ready, willing and able businesses to derive a base figure for the relative availability of DBEs in AVTA designated market area.
- Weighting the resultant figure based on the amount of federal funds AVTA is projected to award and/ or expend on various industries.
- Utilizing a Bidders List.
- Utilizing data from a disparity study, if available.
- Utilizing another U.S. DOT-recipient's DBE Goal in the same, or substantially similar market.
- Utilizing methodologies that are based on demonstrable evidence of local market conditions and that are designed to ultimately attain a goal that is rationally related to the relative availability of DBEs in AVTA's market area.

### **Step 2: Adjusting the Base Figure**

As a mandatory second step, AVTA will examine all of the evidence available in AVTA's jurisdiction to determine what adjustment, if any, is needed to the base figure in order to arrive at AVTA's overall goal, which may include, but not limited to:

- demonstrated evidence of DBE capacity to perform work in AVTA's DOT-assisted contracting program;
- real market conditions;
- disparity studies conducted within the jurisdiction; and
- other relevant factors, including:
  1. The number, types and dollar value of contracting opportunities projected to be financed with federal funds and to be awarded during the fiscal year.
  2. The number of ready, willing and able DBEs available to compete for such contracts.
  3. Other recipients' goal results in similar contracting opportunities and markets, and the reasons for the level of those results.
  4. The methods used by AVTA to increase DBE participation in federally assisted contracts.
  5. The demographics and business activity of the market area in which AVTA will solicit bids or proposals.
  6. The data from statistical disparities in the ability of DBE's to obtain financing, bonding and insurance requirements to participate in AVTA's DBE program.
  7. The data on employment and self-employment, education and training programs, to the extent AVTA can relate it to the opportunities for DBEs to perform in AVTA's DBE program.

AVTA's breakout of estimated race-neutral and race-conscious participation can be found in Attachment 5 to this program.

### **Step 3. Public Participation & Outreach Efforts (\$26.45; \$26.51)**

#### **1) Publication of Proposed Overall Triennial Goals**

Prior to submission to U.S. Department of Transportation Operating Administration(s), AVTA will publish the proposed triennial goal on AVTA's website. Said publication shall include:

- A statement that the methodology and proposed triennial goal for DBE participation in AVTA's DOT-assisted contracts are available for public inspection for a period of 30 days from the date of publication.
- Notification that AVTA will accept public comments on the proposed goal and rationale for a period of 30 days from the date of publication and provide instructions for the submission of comments.
- The address of AVTA to which comments may be sent.

Upon receipt, AVTA's DBELO will analyze the public comments, summarize the results and formulate modifications to the proposed overall DBE goal or methodology as deemed necessary and forward suggested changes to the Executive Director/CEO.

#### **2) Outreach and DBE Program Consultation**

In addition to the provision of public notice regarding the triennial DBE goal, AVTA will undertake specific efforts to foster public participation, to consult with, and solicit input from a variety of constituent groups representing minorities, women, general contractors, community groups, officials and other organizations reasonably expected to possess information regarding the availability of disadvantaged and non-disadvantaged businesses, the impacts and effects of discrimination on opportunities for DBE, and AVTA's efforts to promote fair competition for DBEs.

#### **3) Small Business Element**

AVTA has established a Small Business Element as a supplement to the existing DBE Program, to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors in direct response to regulatory requirements, 49 CFR Part 26.39 "Fostering Small Business Participation" (Federal Register/ Vol. 76, No. 19/ Friday, January 28, 2011/ Rules and Regulations).

The AVTA has incorporated the following race neutral nondiscriminatory element into its DBE Program, in order to facilitate competition on DOT-assisted public works projects for small business concerns (both DBEs and non-DBE small businesses). The AVTA's Small Business Enterprise Elements are an integral part of our DBE Program for federally-assisted contracts.

To meet the requirements of §26.39, the following elements are designed to increase the participation of small business concerns in the AVTA contracting activities:

##### **i. Acquisition of Supplies or Services**

On an annual basis at least 10% of acquisition of supplies or services that has an anticipated dollar value exceeding \$10,000 but not over \$75,000 shall automatically be reserved exclusively for small business concerns and shall be set aside for small

business unless the Procurement and Contracts Officer and/or Project Manager determines there is not a reasonable expectation of obtaining offers from two or more responsible small business concerns that are competitive in terms of market prices, quality, and delivery.

- Unrestricted Acquisition Documentation Requirement

If the Procurement and Contracts Officer and/or Project Manager do not proceed with the small business set-aside and purchases on an unrestricted basis, the Procurement and Contracts Officer and/or Project Manager shall include in the contract file the reason for this unrestricted purchase.

- Response to Set-aside Solicitation

If the Procurement and Contracts Officer and/or Project Manager receives only one acceptable offer from a responsible small business concern in response to a set-aside, the Procurement and Contracts Officer and/or Project Manager should make an award to that firm using Sole Source/Respondent Justification Procurement.

If the Procurement and Contracts Officer and/or Project Manager receives no acceptable offers from responsible small business concerns, the set-aside shall be withdrawn and if the requirements are still valid, shall be re-solicited on an unrestricted basis.

- ii. Small Business Concern Eligibility Requirements

In accordance with 49 CFR, Part 26.5, the AVTA will utilize the definition as defined for a small business concern 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).

- iii. Provide Small Business Development Training for SBEs

To further foster the growth and development of SBEs that AVTA will provide following race-neutral activities:

- Conduct Outreach to SBEs: AVTA will publicize its current and new SBE Elements through the use of its website; press contacts; social media; networking events and small business groups;
- Quarterly: “How to Do Business with AVTA” Workshops, designed to help SBE firms understand how to do business with AVTA. The orientation covers the requirements a business must meet in order to do business with the AVTA; the certifications that are required for certain programs or types of projects; the types of contracts the AVTA typically performs; where to find solicitations; and how to obtain other information about AVTA;
- Attendance at Vendor Fairs/Business Networking Events: AVTA representatives attend vendor fairs of other agencies to provide information on how to do business with AVTA and information on upcoming contracting opportunities;
- Host Annual AVTA Vendor Outreach Event: On an annual basis, the AVTA host a Vendor Fair, provides an orientation on how to do business with the AVTA and shares upcoming contracting opportunities.

- Memberships in Contracting Organizations: The AVTA is a member of various contracting organizations and attends membership meetings and membership events to provide information on how to register as an AVTA vendor; and
- Provide training for AVTA personnel and contractors on the SBE Elements.

iv. Small Business Verification

In order to be considered for participation in the AVTA's Small Business Set-Aside Element, a small business must be certified by another entity such as the State of California's Office of Small Business & DVBE Services [OSDS]. The AVTA is a "Local Government Reciprocity Partner with the OSDS. AVTA also participates as a "Non-certifying Unified Certification Program (UCP) Member Agency." For listing of certifying member agencies, see page 35 of the AVTA's DBE Program. Proof of eligibility must be provided to the AVTA along with "Statement of Penalty of Perjury Declaration."

v. Small Business Tracking Requirements

The AVTA will collect data on the firms participating in the Small Business Set-Aside Element to facilitate evaluation of whether the new element is helping achieve the objectives of the circular.

vi. Sub-Recipient Requirements

The AVTA's Small Business Set-Aside Element shall be applicable to sub-recipients unless the sub-recipient has its own DBE program.

**B. Transit Vehicle Manufacturers (TVM) Certifications (26.49)**

AVTA shall require Transit Vehicle Manufacturers to certify that they have fully complied with this section and have established an Overall Triennial Goal by identifying general dollar volume of work; by designated category, (i.e. construction, professional services, maintenance and supplies and equipment).

**C. Race-Neutral Measures**

AVTA will consider the following factors to project levels of DBE participation to be met through race-conscious measures in order to determine its Triennial Goal by identifying general dollar volume of work; by designated category, (i.e. construction, professional services, maintenance and supplies and equipment).

AVTA intends to use race and gender neutral methods to the maximum extent feasible to achieve its triennial DBE goal. DBE participation that is obtained on contracts that have no specific DBE goal, or where prime contractors use a strictly competitive bidding process or do not consider the DBE's status as a DBE in awarding a subcontract shall be considered race-neutral and gender-neutral DBE participation. In addition, AVTA will use the following measures as appropriate:

- 1) Configuring large contracts into smaller contracts when feasible, which would make contracts more accessible to small business, and would not impose significant additional cost, delay or risk to AVTA;
- 2) Identifying components of the work, which represents subcontracting opportunities and identifying the availability of DBE subcontractors to participate in proportion to total available subcontractors. Contractors will be encouraged to consider subcontractors for

components of the work for which there is a known supply of ready, willing, and able subcontractors, including DBE subcontractors, in preparing their bids;

- 3) Assisting in overcoming limitations in bonding and financing;
- 4) Providing technical assistance in orienting small businesses to public contracting procedures, use of the Internet, and facilitating introductions to AVTA and other U.S. DOT recipients' contracting activities;
- 5) Providing outreach and communications programs on contract procedures and contract opportunities to ensure the inclusion of DBEs;
- 6) Ensuring the distribution of the DBE Directory to the widest feasible universe of potential prime contractors; and
- 7) Providing business development assistance.

#### **D. Race-Conscious Measures**

AVTA will consider the following factors to project levels of DBE participation to be met through race-conscious measures in order to determine its Triennial Goal by identifying general dollar volume of work; by designated category, (i.e. construction, professional services, maintenance and supplies and equipment).

In accordance with Title 49 CFR, Part 26, AVTA will project how much of the overall goal can be achieved through race and gender-neutral measures, and, will use race-conscious measures such as contract-specific goals, only to meet that portion of the overall goal which is not likely to be met utilizing race-neutral and race-conscious methods as required in accordance with 49 CFR, Part 26.51 (f).

#### **E. Methodology for Setting Contract- Specific Goals (§26.51)**

The DBELO shall establish contract-specific DBE participation goals to meet any portion of the overall goal that AVTA does not project being able to meet using race-neutral means with prior approval from US DOT.

AVTA will establish contract-specific goals only on those DOT-assisted contracts for which subcontracting opportunities have been identified. AVTA will not establish a contract goal on every DOT-assisted contract, and the number of contract goals will be adapted to the individual circumstances of each contract (e.g. type and location of work, subcontracting opportunities, and availability of DBEs to perform).

The DBELO will receive an advance notification form for all project/contract needs with cost estimates and detailed scope of work from the department managing the project.

#### **F. Procedures to Evaluate Award of Contract**

Where applicable, AVTA shall award contracts to the apparent successful Bidder/Proposer as required by the California Public Contract Code. However, for such contracts, as well as for contracts awarded pursuant to a competitive negotiation (RFP or RFQ) procedure, a Bidder/Proposer that fails to demonstrate that it made adequate Good Faith Efforts to do so, in accordance with Section VI.G.2, shall be deemed "non-responsive" and shall be ineligible for award of the contract.



**1) Evaluation of Bids or Proposals**

After the bid opening, or submission deadline for proposals, the DBELO shall review all information for completeness, accuracy and evaluate all bids/proposals to determine whether the Bidders/Proposers submitted all of the information required by 49 CFR, Part 26.53 (b). The apparent successful Bidder/Proposer with the lowest apparent bid price, or the most highly ranked Bidder/ Proposer, who also meets the contract-specific DBE goal or demonstrates adequate good faith efforts, shall be recommended for contract award. In the event the Bidder/Proposer with the lowest monetary bid price fails to meet the contract-specific goal or fails to demonstrate adequate good faith efforts, or is otherwise unresponsive or not responsible, the DBELO shall then evaluate the Bidder/Proposer with the next lowest bid price.

Should the DBELO determine that additional information is needed to evaluate a Bidder's/Proposer's submission with regard to the DBE requirements, the DBELO shall request the Bidder/Proposer to submit the required information, or may contact the listed DBE(s) directly.

**2) Evaluation of DBE Certification Status**

The DBELO shall require that the DBEs listed by bidder/proposers for participation in contracts with goals, be certified as eligible DBEs at time of bid/proposal submission, in order for their participation to be counted towards meeting the established contract-specific DBE goal.

While AVTA is not a certifying agency, it will accept certification from the California Unified Certification Program, which certifies eligibility of DBEs in accordance with 49 CFR, Part 26, Sub-part E: Certification Procedures. (See Section VIII: DBE Certification Standards, for a list of certifying agencies within the State of California).

**3) Recommendation for Award**

Following the determination of the Bidders/Proposer's responsiveness and responsibility to DBE requirements set forth in the solicitation, the DBELO shall prepare a report relative to contract-specific DBE requirements, to be submitted for presentation to the Board of Directors at the time the contract award is considered. The decision of the Board of Directors on the award of contract shall be final and binding on all parties, subject to compliance with AVTA's bid protest procedures.

**4) Bidder's/Proposer's Right to Administrative Reconsideration**

In the event that the DBELO determines that an apparently successful Bidder/Proposer has not met the contract-specific goal and has not demonstrated adequate good faith efforts, the DBELO will notify the Bidder/Proposer in writing. The notification shall include the reasons for the determination and the Bidder / Proposer has the right to submit written documentation and/or appear before the RO for reconsideration prior to the time that a recommendation for award of contract is presented to the Board of Directors. The RO shall provide the Bidder/Proposer with a written decision on reconsideration, explaining the basis for its determination.

In the event that the RO finds that the Bidder/Proposer has not met the contract-specific goal or demonstrated adequate and substantive good faith efforts, the DBELO will deem said bidder non-responsive and evaluate the Bidder/Proposer submitting the next most qualified bid/proposal.

The result of the reconsideration process is not administratively appealable to the Department of Transportation. (Refer to IV.B: Reconsideration Official)

## **G. Meeting Established Goals and Evidence of Good Faith Efforts (§26.53)**

The DBELO shall review the Good Faith Effort documentation submitted by the Bidder/Proposer to determine responsiveness. The DBELO shall determine whether the Bidder/Proposer has performed the quality, quantity, and intensity of efforts that demonstrates a reasonably active and aggressive attempt to meet the contract-specific goals as outlined herein.

The following sections outline the requirements of firms competing for Agency contracts to comply with documenting adequate Good Faith Efforts to do so. Failure for a Bidder/Proposer to demonstrate that sufficient Good Faith Efforts were made, will be deemed as non-responsive.

### **1) Meeting Established Goals**

For each solicitation that a DBE goal has been established, AVTA will require bidder/proposers to submit the following information to AVTA at the time of proposal or bid submission:

- The names and addresses of DBE firms that will participate in the contract;
- A description of the work that each DBE will perform;
- The dollar amount of the participation of each DBE firm participating;
- Written and signed documentation of the Bidder's/Proposer's commitment to use DBE subcontractors whose participation meets a contract goal, utilizing AVTA's Proposed DBE Responsive Requirement-List of Proposed DBE Subcontractors, Joint Venture/Partner, and Suppliers Form (Appendix C)
- Written and signed confirmation from the DBE firm that it is participating in the contract as provided in the prime contractor's commitment.

### **2) Demonstration of Good Faith Efforts (§26.53)**

AVTA will require (Bidder/Proposer) to comply with Good Faith Effort requirements as a matter of responsiveness. The obligation of the Bidder/Proposer is to make Good Faith Efforts towards meeting the established contract specific DBE goals. The Bidder/Proposer can demonstrate that it has done so either by meeting the contract goal or documenting corresponding Good Faith Efforts undertaken prior to submitting its bid/proposal.

If the Bidder/Proposer's Good Faith Efforts to meet the established goal result in partial or no DBE participation, all Bidders/Proposers must document and submit adequate Good Faith Efforts documentation with the bid/proposal or within 48 hours of AVTA's request, unless otherwise specified in the solicitation document. In this instance, the Bidder/Proposer must demonstrate that it took all necessary and reasonable steps to achieve the established DBE goal, which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation, even if the Bidder/Proposer was not fully successful. Mere pro forma efforts are not Good Faith Efforts to meet the DBE requirements.

The DBELO will be responsible for determining whether a Bidder/Proposer who has not met the established contract DBE goal has documented sufficient Good Faith Efforts to be regarded as responsive.

The standards delineated below represent the level of effort necessary to demonstrate Bidder/Proposer's compliance with the Good Faith Effort requirements. It is not intended



to be an all-inclusive or exhaustive list of all Good Faith Efforts that can be taken to meet the objectives of this part. Each factor will be evaluated on a “pass or fail” basis (for example, literal compliance in meeting factor 1 will result in 5 attainable points or zero (0) points for non-literal compliance). For Bidder/Proposer to attain the maximum allocated points within each standard, Bidder/Proposer must literally comply with documenting the full level of effort prescribed. **Bidder/Proposer’s must achieve a minimum of seventy-five (75) points out of a total of one hundred points (100) for the bid/proposal to be considered responsive.**

**I. ATTENDANCE AT PRE-BID OR PRE-PROPOSAL CONFERENCE/ JOB WALK THROUGH** **15 POINTS**

**Effort:** Attendance at pre-bid or pre-proposal conference and job walk through, if held by Agency, to solicit the interest of certified DBEs who have the capability to perform the work of the contract.

**Evidence:** Name, title and date of person(s) attending, to be verified by conference attendance sign-in sheet.

**II. IDENTIFICATION OF SCOPE OF WORK FOR SUBCONTRACTING** **5 POINTS**

**Effort:** Selecting portions of the work that can be subcontracted to DBEs in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation, even when the Prime contractor might otherwise prefer to perform these work items with its own forces.

**Evidence:** Identifying scope of work the Bidder/Proposer intends to perform with its own workforce and for subcontracting to DBE sufficient to meet the established DBE goal.

**III. ADVERTISEMENT OF SUBCONTRACTING OPPORTUNITIES** **15 POINTS**

**Effort:** Advertisement in one general circulation publication and one or more trade and /or disadvantaged/minority and women’s business focus media outlets. Advertisements must identify specific subcontracting opportunities being solicited, project name and location, Bidder/Proposer’s contact information, including name, address, phone, fax, e-mail and bid solicitation submittal due date. Advertisements should appear a minimum of 10-14 days prior to Bid due date.

**Evidence:** As verification of publication, Bidder/Proposer must provide a listing of all advertisements placed including copies of advertisement tear sheets and/or proof of publication.

**IV. WRITTEN REQUESTS FOR PROPOSALS** **10 POINTS**

**Effort:** Provision of written notice to a number of DBEs soliciting interest in the identified subcontracting areas. There should be sufficient numbers of written invitations to DBE firms for each subcontracting opportunity identified. Notices should be issued at least 10 days prior to submittal due date

**Evidence:** Copy of the solicitation letters, a list of recipients grouped by each identified subcontracting area, including name, address, and phone number, and date contacted for all DBE firms for each subcontracting area identified, and identification of mode of communication (letter or fax), including corresponding copies of letters and/or fax confirmations.

## **V. SOLICITATION FOLLOW-UP**

**15 POINTS**

**Effort:** Subsequent efforts to solicit DBEs within all available subcontracting areas.

**Evidence:** Bidders/Proposers must determine with certainty if the DBEs are interested by taking appropriate steps to follow up on initial solicitations. Documentation should include:

- (a) Names, addresses and telephone numbers of DBEs contacted by each subcontracting area identified/solicited;
- (b) Description of information timely provided to DBEs regarding plans and specifications for portions of the scope of work to assist DBEs in responding to the solicitation; and
- (c) Statement of justification re: unsuccessful solicitation of DBEs.

## **VI. NEGOTIATION IN GOOD FAITH**

**30 POINTS**

**Effort:** Negotiating in good faith with interested DBEs, to facilitate DBE participation. Utilization of a sound basis of selection and/or rejection of DBEs bids/proposals.

**Evidence:** Evidence of such negotiation includes the names, addresses, and phone numbers of all subcontractors (DBEs and non-DBEs) who submitted bids; copies of bids for each portion of work solicited; and stated reasons for choice of subcontractor. Barring lack of qualifications to perform work, only significant price differences of 10% (an applicable regulatory guideline) between the selected firm and rejected DBE firms' proposed costs would be considered as valid cause for rejecting bids.

## **VII. PROVISION OF ASSISTANCE TO DBES TO OBTAIN BONDING LINES OF CREDIT AND/OR INSURANCE**

**5 POINTS**

**Effort:** Provision of assistance to interested DBEs in obtaining bonding, lines of credit, and/or insurance required by the Contractor.

**Evidence:** Brief description of the type of assistance provided by the Bidder/Proposer to interested DBEs in obtaining bonding, lines of credit and/or insurance.

## **VIII. UTILIZATION OF COMMUNITY OUTREACH SERVICES**

**5 POINTS**

**Effort:** Utilization of outreach services available within the DBE community, including Contractor groups, local, state and federal DBE offices and other organizations that provide assistance in the recruitment and placement of DBEs.

**Evidence:** Copies of emails, faxes, letters, telephone logs, etc., used to contact organizations, which include the names of organizations/groups, dates, names of contacts, email addresses and telephone numbers; and copies of correspondence received from these entities acknowledging contact. The Bidder/Proposer must document outreach to a minimum of five (5) organizations/groups.

As a matter of responsiveness, **only** those with Good Faith Efforts made prior to bid or proposal submission will be considered in the Good Faith Efforts evaluation. Failure to submit the required Good Faith Effort documentation by the time specified will be grounds for finding the bid/proposal non-responsive.

#### **H. Termination of Subcontractor (26.53 (f)(1)(2))**

AVTA will require that the prime contractor may not:

- 1) Terminate for convenience an approved DBE subcontractor (or an approved substituted DBE firm).
- 2) Terminate a subcontractor and perform the work of the terminated subcontract with its own resources or those of an affiliate without AVTA's prior written consent.
- 3) If the DBE subcontractor is terminated, or fails to complete the work specified in the contract for any reason, the prime contractor must make Good Faith Efforts to find another DBE subcontractor to substitute for the original DBE. These Good Faith Efforts shall be directed at finding another DBE to perform at least the same amount of work under the contract as the DBE that was terminated, to the extent needed to meet the contract goal established for the procurement.

#### **I. Use of Set Asides or Quotas (26.43)**

AVTA **shall not permit** the use of quotas for DBEs on DOT-assisted contracts, in accordance with 49 CFR, Part 26.43. Further, AVTA shall not set aside contracts for DBEs, except in limited and extreme circumstances, where no other method could reasonably be expected to redress egregious instances of discrimination.

#### **J. Counting DBE Participation (§26.55)**

AVTA will count DBE participation toward overall and contract specific goals as provided in the solicitation and contract specifications for the prime contractor, subcontractor, and joint venture partner with prime or subcontractor, vendor of material or supplies.

This section will address how DBE participation is counted toward AVTA's DBE goals, once a DBE is determined to be certified and eligible to participate in AVTA's Program. The following guidelines apply in calculating DBE participation toward meeting established goals in accordance with Title 49CFR, Part 26.55:

- 1) Only work proposed to be performed by a DBE's own work forces (including cost of supplies, materials and equipment leases) obtained by the DBE for the work of the contract, except supplies and equipment the subcontractor purchases and/or leases from the prime contractor or its affiliate.
- 2) When a DBE subcontracts part of its work of its contract to another firm, the value of the subcontracted work may be counted toward DBE goals only if the DBE subcontractor is itself a certified DBE. Work that a DBE subcontracts to a non-DBE firm does not count toward DBE goals. A DBE should perform at least thirty percent (30%) of the total cost of its contract with its own workforce.
- 3) In instances of joint venture, a Bidder/Proposer may only count toward its DBE goal, which meets certification, ownership and control standards.

- 4) A Bidder/Proposer may count toward its DBE goal, only expenditures to firms that are proposed to perform a commercially useful function on that contract. A DBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing and supervising the work involved.
- 5) A Bidder/Proposer may count toward its DBE goal sixty percent (60%) of its expenditures for materials and supplies required under the contract and obtained from a DBE regular dealer, and, one hundred (100%) percent of such expenditures to a DBE manufacturer. For purposes of this section, a manufacturer is a firm that operates or maintains a factory or establishment that produces on the premises the materials and supplies obtained by the contractor. A regular dealer is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials or supplies required for performance of the contract are bought, kept in stock, and regularly sold to the public in the usual course of business.
- 6) A Bidder/Proposer may count towards its DBE goal, fees and commissions paid to DBE firms that are not manufacturers or regular dealers, provided that the fees or commissions are determined to be reasonable and not excessive, as compared with fees customarily allowed for similar services.
- 7) Special Provisions for Trucking – A Bidder/Proposer may count towards its goal, all transportation services provided by DBE trucking firms, who can demonstrate control of trucking operations for which it seeks credit and it owns, insures, and operates, using drivers it employs in the performance of the contract. The DBE must itself own and operate at least one fully-licensed, insured truck for use on the contract. The DBE who leases trucks from another DBE receives credit for the total value of the transportation services the lessee DBE provides on the contract. The DBE may also lease trucks from a non-DBE firm, including an owner-operator. The DBE who leases trucks from a non-DBE is entitled to credit only for the fee or commission it receives as a result of the lease arrangement. The DBE does not receive credit for the total value of the transportation services provided by the lessee, since these services are not provided by a DBE.
- 8) In cases where DBE certification has ceased during the performance period of the contract, although the prime contractor will continue to report to AVTA the dollar value of the work performed on the monthly form - Disadvantaged Business Enterprise (DBE) Good Faith Efforts Documentation (GFE) Form. AVTA will not count the participation towards its overall agency goal.
- 9) Do not count the participation of DBE subcontractors toward a contractor's final compliance with its DBE obligations on a contract until the amount being counted has actually been paid to the DBE subcontractors.

## **VII. REQUIRED CONTRACT PROVISIONS**

### **A. Contractor's Assurance Clause Regarding Non-Discrimination (§26.13)**

AVTA will include the following clause in all U.S. DOT assisted contracts and subcontracts:

*"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 U.S. 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."*

**B. Prompt Payment Provisions (§26.29)**

The AVTA has, by a contract clause pursuant to 49 CFR Part 26, 26.29, "Prompt Payment Mechanisms for Recipients," included a prompt payment provision on all DOT-assisted contracts, to facilitate timely payment to all subcontractors. This provision, governing the payment to subcontractors (DBEs and non-DBEs), requires a prime contractor to issue payment to all subcontractors for satisfactory work performed, no later than ten (10) days from the prime contractor's receipt of payment from AVTA. A provision shall also apply to the disbursement of retention proceeds withheld by the prime, requiring the prompt return of retainage payments from the prime contractor to the subcontractor within 30 days of subcontractor's satisfactory completion of the accepted work. These prompt payment provisions are required to be incorporated in all subcontract agreements issued by the prime contractor.

The prime contractor shall also incorporate in all subcontract agreements, "a contract clause providing that the prime contractor will not be reimbursed for work performed by subcontractors unless and until the prime contractor ensures that the subcontractors are promptly paid for the work they have performed."

Failure to comply with this provision or delay in payment without prior written approval from AVTA will constitute noncompliance, which will result in appropriate administrative sanctions including, but not limited to, a penalty of 2% of the amount due per month for every month that payment is not made.

Prior to AVTA's issuance of progress payments, commencing with the second invoice, the prime Contractor shall provide AVTA with evidence that the Prime Contractor has paid all subcontractors all amounts due for work that the subcontractor has performed.

**C. Contractor Reporting Requirements and Agency's Compliance Monitoring and Enforcement (§26.55)**

**1) Notification of Reporting Responsibilities**

Prior to execution of all contracts containing DBE goals, the prime contractor shall be directed to the contract specification for AVTA's specific DBE reporting and record keeping requirements.

**2) DBE Activity Reporting Forms**

All prime contractors shall submit monthly progress reports on DBE utilization to AVTA on **Attachment 3 – Monthly Disadvantage Subcontractors Paid Report Summary**. Failure to submit these reports in a timely manner may result in a penalty of \$10 per day, per report. The last DBE Utilization Report Form report shall be clearly marked "Final."

**3) Contractor Good Faith Efforts and Reporting Obligations**

During the term of the contract, the contractor shall continue to make good faith efforts to ensure that DBEs have an opportunity to successfully perform in the contract, and that the contractor meets its DBE goal. These efforts shall include, but not be limited to the following:

- i. Negotiating in good faith to attempt to finalize and execute a subcontract agreement with the DBEs committed to in the proposal.
- ii. Efforts that can be documented to seek out and utilize additional DBE suppliers and DBE subcontractors when necessary and authorized by AVTA.
- iii. Continuing to provide assistance to DBE subcontractors or suppliers in obtaining bonding, lines of credit, etc., if required by the contractor.
- iv. Notifying a DBE in writing of any potential problem and attempting to resolve the problem prior to formally requesting AVTA's approval to substitute the DBE.
- v. As with all subcontractors, ensuring the timely payment of all monies due and owing to DBE subcontractors and suppliers.
- vi. The prime contractor/consultant is advised not to count the participation of DBE subcontractors towards the prime contractor/consultant's DBE achievements until the amount being counted toward the goal has been paid to the DBE.
- vii. Alerting AVTA in a timely manner of any problems anticipated in attaining the DBE participation goal committed to in the proposal.
- viii. The prime contractor may not terminate an approved DBE subcontractor for convenience and perform the work of the terminated DBE subcontractor with its own resources or those of an affiliate without the prior written consent from AVTA.
- ix. When a DBE subcontractor is terminated, or fails to complete its designated scope of work on the contract for any reason, the prime contract must make good faith efforts to find another DBE subcontractor to substitute for the original DBE.
- x. Substitutions or additions of an approved DBE subcontractor or change in any scope of work to be performed by the approved DBE subcontractor must be requested in writing by the prime contractor and approved by AVTA.
- xi. Contract Compliance Reporting Requirements – The contractor shall submit monthly progress reports to AVTA, in conformance with the currently approved contract performance schedule reflecting its DBE participation. Failure to submit this report in a timely manner shall result in the imposition of administrative remedies pursuant to AVTA's DBE Policy and U.S. Department of Transportation regulations (49 CFR 26).
- xii. Change in Contract Amount - The dollar amount of Change Orders or another contract modifications that increase or decrease the work area in which DBE's participation has been committed to in the proposal, shall be commensurately added to or subtracted from the total contract base figure used to compute actual dollars paid to DBEs. Revised total contract dollar values shall be reflected in the monthly progress report submitted to AVTA.
- xiii. A review of the contractor's monthly progress reports to determine whether the utilization of DBE firms is consistent with the commitment of the contractor as stated in its bid or proposal.

**D. Administrative Remedies for Non-Compliance by Contractors**

All contractors deemed to be in non-compliance shall be informed in writing, by certified mail, by the DBELO or Designee, that administrative remedies shall be imposed for failure to meet DBE utilization goals and/or submit documentation of good faith efforts. The contractor shall be given five (5) working days from the date of the notice to file a written appeal to the Executive Director/CEO. Failure to respond within the five (5) day period shall constitute a waiver of appeal. The notice shall state the specific administrative remedy to be imposed.

The Executive Director/CEO, at their sole discretion, may schedule a hearing to gather additional facts and evidence and shall issue a final determination on the matter within five (5) working days of receipt of the written appeal. The written decision of the Executive Director/CEO or designee is final and there is no further appeal.

In the event that the Contractor is unable to meet the DBE goal, AVTA reserves the right to initiate Administrative Remedies, which shall include but are not limited to:

- 1) Withholding of payments due equivalent to the difference between the actual DBE attainment and the contract DBE goal;
- 2) Suspension of payment to the Contractor of any other monies held by the Agency;
- 3) Termination of the contract in part or in whole.

The Administrative Remedies shall not apply if the Contractor is able to demonstrate to the satisfaction of AVTA that it exercised good faith efforts in an attempt to meet the Contract DBE goal.

AVTA will bring to the attention of the FTA through the Civil Rights Officer, any false, fraudulent, or dishonest conduct in connection with the program, so that the FTA can take the steps (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) provided in Part 26.109. AVTA will also consider similar action under its own legal authority, including responsibility determinations in future contracts.

Complaints relative to AVTA's "DBE" Program protests, questions or other individual complaints may be forwarded to AVTA's DBELO at:

Francynn Tobar, Contract Administrator  
ANTELOPE VALLEY TRANSIT AUTHORITY  
42210 6<sup>th</sup> Street West  
Lancaster, CA 93534  
E-mail: ftobar@avta.com

Or the U.S. DOT at:

U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, DC 20590  
Attn: Office of Civil Rights



## VIII. CERTIFICATION STANDARDS

### **Unified Certification Program (UCP) (§26.81)**

AVTA requires all DBEs listed by Bidder/Proposers for participation to be certified as eligible DBEs at the time of bid/proposal submission. Only participation by DBEs certified under 49 CFR, Part 26 may be counted toward meeting the established contract-specific DBE goal. It is the responsibility of the Bidder/Proposers to verify DBE certification status of all listed DBEs.

AVTA is participating as a Non-Certifying Unified Certification Program (UCP) Member Agency. AVTA will accept DBE Certifications from Certifying Member Agencies, which certify the eligibility of DBEs in accordance with 49 CFR Part 26, under the State of California UCP.

## IX. RECORDKEEPING AND MONITORING (§26.11 and 26.37)

AVTA has developed a recordkeeping system as a mechanism for monitoring and tracking DBE contract awards and prime contractors' progress in attaining DBE goals by verifying actual payments made to committed DBEs throughout the performance of the contract.

Areas of identified non-compliance will be subject to administrative sanctions outlined in Section VII C.

Altogether, these records will document the following:

- 1) Procedures adopted by AVTA to comply with the U.S. DOT regulations.
- 2) Background documentation used to compile U.S. DOT reports, which includes the following data for each contract and subcontract award to a DBE:
  - i. Type of contract;
  - ii. Name and address of each DBE;
  - iii. The dollar amount of each contract and subcontract; and
  - iv. Reports from prime contractors and supplier with an accounting of actual expenditures to DBEs and the progress to date in meeting their DBE participation commitment.
- 3) Efforts made by AVTA to locate and make available contracting opportunities to DBEs and demonstrate good faith efforts to ensure fair participation of DBEs in all Agency contract opportunities, including the following:
  - i. Technical Assistance efforts and referrals made by the Agency on behalf of the DBE firms attempting to do business with AVTA.
  - ii. Outreach program efforts, including seminars, for DBEs.
  - iii. A file for each contract in which AVTA established DBE goals, outreached to DBEs, evaluated the successful competitor's compliance with the DBE goal, and monitored the contractor's performance to meet the DBE goal.

The standards of counting both race neutral and race conscious DBE participation toward a DBE goal imposed on competitors will also apply to AVTA when compiling the DBE reports for U.S. DOT and the Board of Directors.

A DBE may enter into subcontracts whose value may be counted towards its DBE goal. Where, however, a DBE subcontracts a significantly greater portion of the work than is usual according to industry practices, it is presumed not to be performing a commercially useful function and neither the value of



the DBE contract nor lower tier subcontracts may be counted. The DBE may present evidence to AVTA to rebut this presumption.

**A. Bidders List (§26.11)**

AVTA has developed a mechanism to establish and maintain a bidders list consisting of all firms bidding on prime contracts, and bidding or quoting subcontracts on DOT assisted projects. The following information will be included in the bidders list:

- 1) Firm Name;
- 2) Address;
- 3) Years in Business;
- 4) Status as a DBE or non-DBE;
- 5) Type of Work; and
- 6) Annual Range of Gross Receipts

**B. Monitoring Payments to DBEs (§26.37)**

AVTA shall monitor and enforce the prime contractor's compliance with the prompt payment provisions to ensure all contract terms and conditions are fully adhered to. Evidence of payment made to subcontractors must be provided at AVTA's request to verify compliance. Credit toward overall or contract goals will only be given upon satisfactory evidence that payments were actually made to DBEs. Failure to comply with these provisions or delay in payment without prior written approval from AVTA will constitute noncompliance, which will result in appropriate administrative sanctions, up to and including withholding of payment to the prime contractor.

It is the contractor's responsibility to maintain records and documents upon completion of the contract. These records will be made available for inspection upon request by any authorized representative of AVTA or U.S. DOT Operating Administration. This reporting requirement is also extended to any certified DBE subcontractor.

AVTA may 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 report of proposed DBE participation.

**C. Reporting to DOT (§26.11)**

AVTA will submit to the applicable DOT Operating Administration the "Uniform Report of DBE Awards or Commitments and Payments" (Appendix B) semi-annually on June 1 and December 1 of each year. The June 1 report will include DBE activity from April 1 through September 30. This report presents a summary of DOT-assisted Prime Contracts and Subcontracts awarded or committed to as well as actual payments for contracts completed and the associated dollar value during this reporting period.

Upon request, AVTA will compile and submit ad hoc DBE contract award and progress reports for DOT-assisted projects. AVTA shall also periodically submit DBE progress reports to the Board of Directors.

Furthermore, AVTA will continue to provide reports about AVTA's DBE Program, as directed. These reports will provide DBE participation information on AVTA's race-neutral and gender-neutral

contracts; race-conscious contracts; and the combined DBE participation on all DOT-assisted procurement activities.

**D. On-Site Performance Monitoring**

During the course of the contract containing a DBE goal, AVTA will conduct on-site monitoring to ensure that work committed to DBEs is actually being performed by the DBEs. This monitoring effort is fully incorporated into AVTA' DBE On-site Labor Compliance Program provider field observation process. This observed work will be reconciled against the DBE subcontractor agreement(s) and Prime Contractor Monthly DBE Reporting Form.

**E. Written Certification**

To further ensure the integrity of the DBE Program's intent, AVTA will monitor every contract with a DBE goal, on paper and in the field and will include a written certification that this compliance monitoring effort took place in accordance with AVTA' DBE Compliance Close-Out Report Process

**XI. ATTACHMENTS**

**Attachments:**

Attachment 1: Organizational Chart

Attachment 2: 49 CFR, Part 26

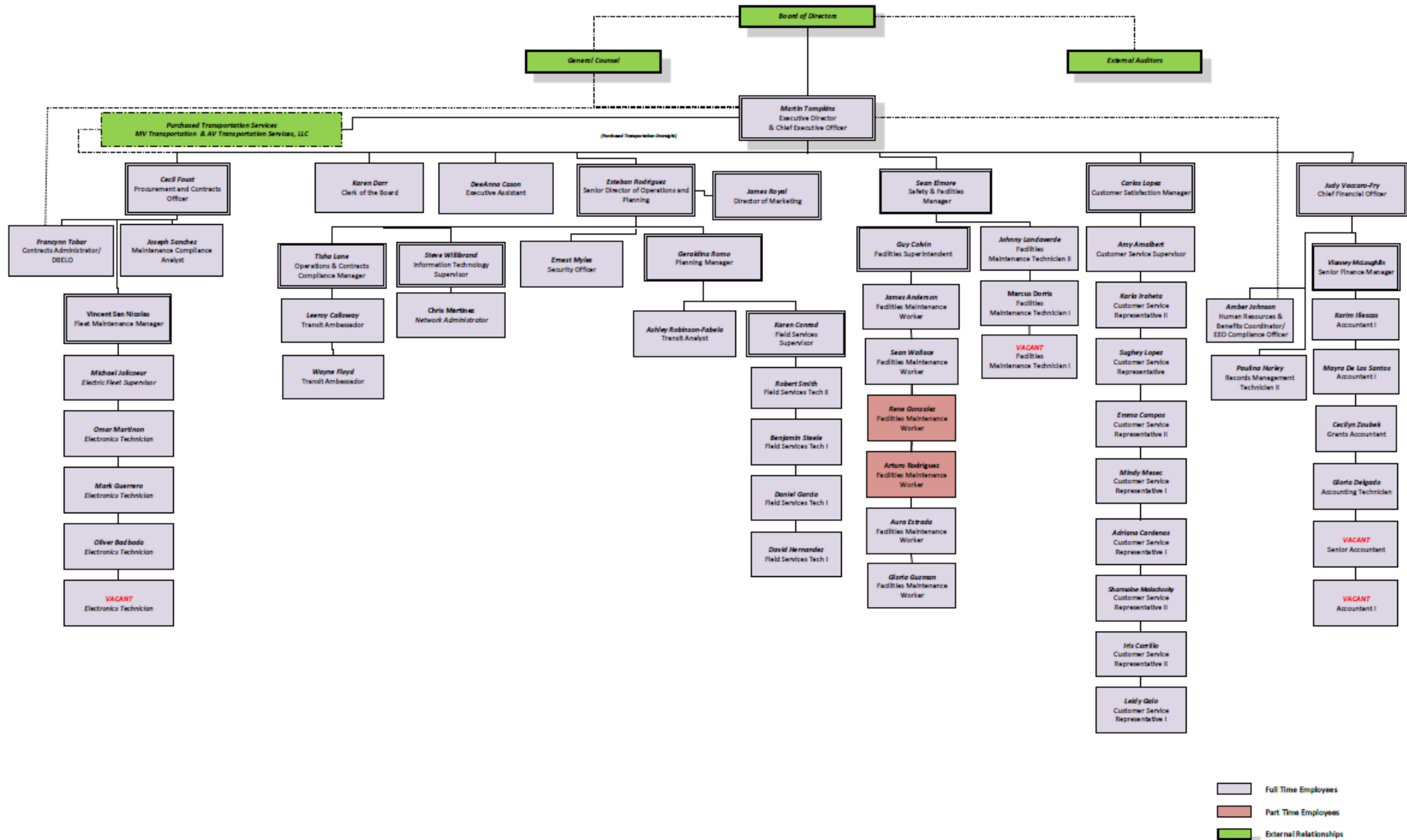
Attachment 3: Monthly DBE Subcontractors Paid Report Summary

Attachment 4: DBE Final Utilization Report

Attachment 5: Overall Goal Calculation and Race-Neutral / Race-Conscious Projections

## Attachment 1: Organizational Chart

Attachment 1: Organizational Chart



## **Attachment 2: Code of Federal Regulations: 49 CFR, Subtitle A, Part 26**

See the complete federal regulations through the following link:

[http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr26\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr26_main_02.tpl)

### Attachment 3: Monthly DBE Subcontractors Paid Report Summary



Reporting Period (Month/Year)	Report Number	Date Prepared
-------------------------------	---------------	---------------

1) Project Name		2) Project Location				
3) Contract Number	4) Original Contract Award Amount	5) Contract Award Date				
6) Current Contract Value	7) AVTA Payment to Prime This Month	8) Total Amount Paid to Prime to Date				
9) Date of Last Payment Received from AVTA	10) Percent of Project Complete	11) DBE Goal % (committed)				
12) Prime Contractor		13) Contact Person				
14) Street Address		15) City/State/Zip				
16) Area Code/Phone No.		17) Email Address				
18) SUBCONTRACTOR/SUPPLIER	Dollars Paid This Month	Dollar Amount Paid to Date	Schedule Activity ID (Construction only)	Type of Work Performed	Original Dollar Amount Committed	Dollar +/- resulting from Change Order Activity
<b>Subcontractor/Supplier #1</b>	↓	↓	↓	↓	↓	↓
Name						
Address						
Area Code/Phone						
Contact Person						
<b>Subcontractor/Supplier #2</b>	↓	↓	↓	↓	↓	↓
Name						
Address						
Area Code/Phone						
Contact Person						
<b>Subcontractor/Supplier #3</b>	↓	↓	↓	↓	↓	↓
Name						
Address						
Area Code/Phone						
Contact Person						



Reporting Period (Month/Year)	Report Number	Date Prepared
-------------------------------	---------------	---------------

<b>Subcontractor/Supplier #4</b>							
Name							
Address							
Area Code/Phone							
Contact Person							
<b>Subcontractor/Supplier #5</b>							
Name							
Address							
Area Code/Phone							
Contact Person							
<b>Subcontractor/Supplier #6</b>							
Name							
Address							
Area Code/Phone							
Contact Person							
<b>INSTRUCTIONS</b> The Prime shall make prompt payment of all monies due and owed to DBE and non-DBE firms within 10 business days upon receipt of payment from Riverside County Transportation Commission (RCTC) as per Contract Agreement. Payment of retention shall be made to all DBE and non-DBE subcontractors within 10 days after satisfactory completion of the subcontracted work.  This form is due to RCTC by the 15 <sup>th</sup> of each month and should reflect all payments made to subs through the last day of the previous month.  The Prime must report monthly, even if the sub(s) did not perform any work for the previous month. Please forward signed original documents by email and/or fax.							

Completed By:

--	--	--

Name

Signature

Date



Reporting Period (Month/Year)	Report Number	Date Prepared
-------------------------------	---------------	---------------

## Invoice Payment History

DBE Subcontractors/Suppliers		Sub/Supplier #1	Sub/Supplier #2	Sub/Supplier #3	Sub/Supplier #4	Sub/Supplier #5	Sub/Supplier #6	DBE Sub/Supplier Total
Invoice Numbers	Invoice Date and Date Paid	Amount Paid \$	Amount Paid \$	Amount Paid \$	Amount Paid \$	Amount Paid \$	Amount Paid \$	Amount Paid \$
GRAND TOTAL (Paid to Date)								

## Instructions – Summary of Monthly DBE Payments Information

### SUCCESSFUL BIDDER:

This form requires specific information regarding the disadvantaged business enterprise subcontractors paid on this construction contract.

The form must be completed for all DBEs. The form requires that the Reporting Period (month/year) be included. A Report Number should also be completed. This field should include a sequential number with the first form having number “1”. The date prepared should also be included.

**IMPORTANT:** Identify **all** DBE firms that were paid during the reporting period for the project, regardless of tier. Names of the First Tier DBE Subcontractors and their respective item(s) of work listed should be consistent, where applicable, with the names and items of work in the "List of Subcontractors" submitted with your bid.

There is a column for the “Dollars Paid This Month”. Enter the Total amount paid for each DBE firm for the reporting period. Also include the total amount paid to date, which shall include the amount paid for the current reporting period.

Include the Schedule Activity ID for construction contracts. Include a brief description for the type of work performed. The original dollar amount committed to the DBE firm should be included in the appropriate Column and any increase or decrease in the subcontract amount resulting from a change order shall be included in the “Dollar +/- resulting from Change Order Activity” column.

This form must be signed and dated by the prime contractor’s representative that is responsible for reporting DBE compliance matters. The form must be submitted no later than the 15<sup>th</sup> day of each month.



## ATTACHMENT 4: DBE FINAL UTILIZATION REPORT FORM

CONTRACT NUMBER:		Invoice Number:	Task Order Number: (if applicable)		Administering Department:		Start Date:		Completion Date:	
Prime Contractor's Name (print)  Prime Contractor's Authorized Representative Name (print)					Business Address:		Total Contract Amount: \$			
							<b>Contract and Procurement and Contracts Officer Completes Section:</b> Total Federal Share Amount: \$ or %			
Item No.	Description of Work Performed and Material Provided	Company Name and Business Address	DBE/CUCP Certification Number	Gender	Ownership Code(s)	Contract Payments		Date Work Complete	Payment Date	
						DBE	Non-DBE			
						\$	\$			
						\$	\$			
						\$	\$			
						\$	\$			
						\$	\$			
						\$	\$			
						\$	\$			
						\$	\$			
Original Commitment		Ownership Codes: 1 = Black American 2 = Hispanic American 3 = Native American 4 = Asian Pacific American 5 = Subcontinent Asian American 6 = Caucasian 7 = Woman 8 = Other 9 = Not Applicable				TOTAL	\$	\$		
\$ or %						Comments				
DBE										
\$ or %										
Non-DBE										
List all Disadvantaged Business Enterprises (DBEs) and Subcontractors regardless of tier, whether or not the firms were originally listed for DBE goal credit. If actual DBE utilization (or item of work) was different than that approved at the time of award, provide comments. List actual amount paid to each firm/entity.										
<b>I CERTIFY THAT THE ABOVE INFORMATION IS COMPLETE AND CORRECT</b>										
Contractor Authorized Representative's Signature					Business Phone Number			Date		
<b>TO THE BEST OF MY INFORMATION AND BELIEF, THE ABOVE INFORMATION IS COMPLETE AND CORRECT</b>										
AVTA's Project Manager's Signature					Business Phone Number			Date		

Copy Distribution (Required): (1) Original: Procurement and Contracts Officer  
(2) Copy: Prime Contractor.

ATTACHMENT 4 - DISADVANTAGED BUSINESS ENTERPRISES (DBE) UTILIZATION REPORT FORM

(Page 2 of 2)

**Contractor Instructions:**

The Disadvantaged Business Enterprises Utilization Report must be completed and submitted to the AVTA's Procurement and Contracts Officer with each invoice. Enter the Contract Number, Invoice Number, Task Order Number (if applicable), Start Date, Completion Date (Expiration Date), Prime Contractor Name, Prime Contractor Business Address, Total Contract Amount (as written on the Contract/Task Work Order).

This form has two columns for entering the dollar value for the item(s) of work performed or provided by the firm. The DBE column is used to enter the dollar value of work performed by subcontracting firms who are Certified DBE. The Non-DBE column is used to enter the dollar value of work performed only by Non-DBE firms.

DBE Prime Contractors are required to show the corresponding dollar value of work performed by their own forces.

To confirm the certification status of a DBE, access CalTrans DBE / California Unified Certification Program (CUCP) website at [http://www.dot.ca.gov/hq/bep/find\\_certified.htm](http://www.dot.ca.gov/hq/bep/find_certified.htm) or call them at 916-324-1700.

If a Contractor performing work as a DBE and becomes decertified and still performs work after the decertification date, enter the total value performed by this Contractor in the DBE column for the certification period and the remaining work or services (after decertification) in the Non-DBE column. If a Subcontractor performing work as a non-DBE on the project becomes certified as a DBE, enter the dollar value of all work performed after certification as a DBE in the appropriate column.

**Date work complete** column: Enter the date the Work and/or Task Order was completed for the respective pay period.

**Date of Payment** column: Enter the date when the Prime Contractor made the payment to the firm for the portion of work listed as being completed. DBE Prime Contractors are required to show the date of work performed by their own forces.

**Contractor's signature:** Contractor certifies that the information on the form is complete and correct.

**Contract and Procurement and Contracts Officer's Instructions:**

Review the form as submitted by the Contractor to ensure the form is complete and accurate. Once you receive the form from the Contractor, enter the total (or percent) of **Federal (only) dollars** (being used in the Agreement) on the form, then sign, date and report the totals to FTA twice a year, mid-April for October 1 through March 30 or each year and mid-October for April 1 through September 30 of each year.

## **Attachment 5: Overall Triennial Goal Calculation Methodology**

**Attachment 5: Overall Triennial Goal Calculation Methodology**



42210 6<sup>TH</sup> STREET WEST  
LANCASTER, CA 93534

**Federal Transit Administration (FTA)**  
**Overall Disadvantage Business Enterprise (DBE)**  
**Goal-Setting Methodology**

**Fiscal Federal Years (FFY) 2025-2027**  
**Goal Period**

August 1, 2024

Submitted in fulfillment of:

Title 49 Code of Federal Regulations Part 26

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# DBE Goal Methodology

## I. Introduction

Antelope Valley Transit Authority (AVTA) herein sets forth its Overall Disadvantaged Business Enterprise (DBE) Goal and corresponding federally prescribed goal-setting methodology for the three-year Federal Fiscal Year (FFY) goal period of 2025 – 2027 (October 1, 2024 through September 30, 2027), pursuant to Title 49 Code of Federal Regulations CFR) Part 26 "Participation by Disadvantaged Business Enterprises in U.S. Department of Transportation Programs." The purpose of the DBE goal-setting process is to level the playing field so that DBEs can compete fairly for Department of Transportation-assisted contracts, however, the program must be narrowly tailored in accordance with applicable law.

## II. Background

AVTA is a recipient of U.S. Department of Transportation (USDOT), Federal Transit Administration (FTA), funding. As a condition of receiving this assistance, AVTA signed an assurance that it will comply with FTA's DBE requirements. In accordance with Title 49 CFR Part 26 provisions: Participation by DBEs in USDOT Programs, AVTA is required to develop and submit a Triennial Overall DBE Goal for its FTA-assisted projects.

AVTA herein presents its Overall DBE Goal Methodology for FFY 2025-2027.

## III. FTA Assisted Contracting Program for FFY 2025-2027

Table 1 represents AVTA's FTA-assisted contracting program, which consists of projects considered in preparing this goal methodology. The projects, which include Construction, Professional Services and Materials/Supplies contracting opportunities, are anticipated to be awarded during the triennial period:

**Table 1**

Project	Amount	Federal share
Architectural & Engineering- North Lot	\$50,000.00	\$40,000.00
Construction- North Lot	\$2,500,000.00	\$2,000,000.00
Generator- 2 units -North Lot	\$1,300,000.00	\$1,040,000.00
DC Chargers + Installation-5 units-North Lot	\$651,125.00	\$520,900.00
Land- North Lot	\$500,000.00	\$100,000.00
Level III Chargers-11 units-North Lot	\$363,825.00	\$291,060.00
Project management- North Lot	\$24,000.00	\$19,200.00
Security Lighting- North Lot	\$100,000.00	\$80,000.00
Security Perimeter Fencing- North Lot	\$25,000.00	\$20,000.00

Security Perimeter Block Wall- North Lot	\$50,000.00	\$40,000.00
Switch Gear - North Lot	\$170,000.00	\$136,000.00
Land - Solar Farm	\$4,000,000.00	\$3,200,000.00
Communication & Server Room Upgrade- Facility Headquarters	\$100,000.00	\$80,000.00
Concrete Replacement- Maintenance Yard- Facility Headquarters	\$250,000.00	\$2,000,000.00
Courtyard Patio Cover- Facility Headquarters	\$150,000.00	\$120,000.00
Facility Access Upgrade- Facility Headquarters	\$50,000.00	\$40,000.00
Gate motors & Controls - Facility Headquarters	\$175,000.00	\$140,000.00
Maintenance Hillside & Renovation- Facility Headquarters	\$55,000.00	\$44,000.00
Pressure Wash Bay Renovation- Facility Headquarters	\$500,000.00	\$400,000.00
Restroom (admin) renovation	\$ 75,000.00	\$ 60,000.00
Resurface / restripe Asphalt -Parking Area- Facility Headquarters	\$300,000.00	\$240,000.00
Conduit Installation for Message Board & Lighting -South Valley Transit Center	\$300,000.00	\$240,000.00
Transit Center Amenities /Upgrade- Regional Partnership projects	\$200,000.00	\$160,000.00
Annual Communications Replacement Program (41)-Data and communications	\$71,000.00	\$56,800.00
Communications Equipment- Data and communications	\$25,000.00	\$20,000.00
Firewall Software Upgrade- Data and communications	\$25,000.00	\$20,000.00
Point of Sales Terminals (2) =Data and communications	\$1,000.00	\$800.00
Server Upgrade- Data and communications	\$195,000.00	\$156,000.00
Web Help Desk Upgrade- Data and communications	\$5,000.00	\$4,000.00
Website Redesign -Data and communications	\$50,000.00	\$40,000.00

Wi-Fi in Bus Yard- Data and communications	\$50,000.00	\$40,000.00
3D printer -Maintenance Equipment	\$10,000.00	\$8,000.00
Body Shop Shelving- Maintenance Equipment	\$30,000.00	\$24,000.00
DVIR Tablets and Software- Maintenance Equipment	\$31,000.00	\$24,800.00
Floor Scrubber- Maintenance Equipment	\$120,000.00	\$96,000.00
Key Café (2)- Maintenance Equipment	\$10,000.00	\$8,000.00
Radio Equipment- Maintenance Equipment	\$15,000.00	\$12,000.00
Shop Tools & Equipment- Maintenance Equipment	\$20,000.00	\$16,000.00
Tire Balancer- Maintenance Equipment	\$20,000.00	\$16,000.00
Tire Machine Replacement- Maintenance Equipment	\$30,000.00	\$20,000.00
Major Bus Components-OOW-Local Transit& Commuter	\$750,000.00	\$600,000.00
Charging Equipment-spare parts (WAVE, Heliox, ABB, BYD)- Local Transit& Commuter	\$400,000.00	\$320,000.00
Wraps & Logos- Local Transit& Commuter	\$100,000.00	\$80,000.00
Shop Truck Equipment-Support Fleet	\$30,000.00	\$24,000.00
transformers	\$200,000.00	\$160,000.00
<b>2026</b>		
Support Vehicles (3) -support vehicles	\$144,000.00	\$115,200.00
Transit Center Amenities/Upgrade-reginal partnership projects	\$250,000.00	\$200,000.00
Annual communications Replacement Program-Data and communications	\$75,000.00	\$60,000.00
Communications Equipment- Data and Communications	\$25,000.00	\$20,000.00
Radio equipment-Maintenance equipment	\$15,000.00	\$12,000.00
Shop tools Equipment- Maintenance equipment	\$20,000.00	\$16,000.00
Major Bus Components-OOW-Local Transit Commuter	\$750,000.00	\$600,000.00



Charging Equipment-spare parts (WAVE, Heliox, ABB, BYD)- Local Transit Commuter	\$200,000.00	\$160,000.00
Wraps & Logos- Local Transit Commuter	\$100,000.00	\$80,000.00
<b>2027</b>		
Support Vehicles (1) Vehicles	\$65,000.00	\$52,000.00
Transit Center Amenities /Upgrade-Regional Partnerships Program	\$250,000.00	\$200,000.00
Annual Communications Replacement Program- Data and communication	\$75,000.00	\$60,000.00
Communication Equipment-Data Communications	\$45,000.00	\$36,000.00
Radio Equipment-Maintenance Equipment	\$10,000.00	\$8,000.00
Shop Tools & Equipment- Maintenance Equipment	\$25,000.00	\$20,000.00
Major Bus Components -OOW-Local Transit Commuter	\$1,000,000.00	\$800,000.00
Charging Equipment-Spare parts (WAVE, Heliox, ABB, BYD) - Transit Commuter	\$300,000.00	\$240,000.00
Wraps &Logos - Transit Commuter	\$125,000.00	\$100,000.00
	\$17,550,950.00	\$15,536,760.00

AVTA does not pass any FTA funds to any subrecipients.

Table 2 provides a summary of the categories of work with estimated cost breakdown for each. Categories of work are groups utilizing comparable North American Industry Classification System (NAICS) codes for purposes of weighting the categories of work based on the staff estimates.

**Table 2**

<b>Work Category</b>	<b>Amount</b>	<b>Federal share</b>	<b>NAICS Code</b>	<b>Commodity weight</b>
Architectural & Engineering-North Lot	\$50,000.00	\$40,000.00	541300	0.3%
Construction	\$3,275,000.00	\$2,620,000.00	236220	17.0%
Generator- 2 units -North Lot	\$1,300,000.00	\$1,040,000.00	335312	6.8%
DC Chargers + Installation-5 units-North Lot	\$651,125.00	\$520,900.00	335999	3.4%
Land	\$4,500,000.00	\$3,300,000.00	237200	21.4%
Level III Chargers-11 units-North Lot	\$1,263,825.00	\$1,011,060.00	336320	6.6%
Project management- North Lot	\$24,000.00	\$19,200.00	541611	0.1%
Security Lighting- North Lot	\$100,000.00	\$80,000.00	335132	0.5%
Security Perimeter Fencing-North Lot	\$25,000.00	\$20,000.00	561621	0.1%
Security Perimeter Block Wall-North Lot	\$50,000.00	\$40,000.00	238190	0.3%
Switch Gear - North Lot	\$170,000.00	\$136,000.00	335313	0.9%

Communication & Server Room Upgrade- Facility Headquarters	\$100,000.00	\$80,000.00	237130	0.5%
Concrete Replacement- Maintenance Yard- Facility Headquarters	\$250,000.00	\$2,000,000.00	238110	13.0%
Courtyard Patio Cover- Facility Headquarters	\$150,000.00	\$120,000.00	327331	0.8%
Facility Access Upgrade- Facility Headquarters	\$50,000.00	\$40,000.00	561200	0.3%
Gate motors & Controls - Facility Headquarters	\$175,000.00	\$140,000.00	238290	0.9%
Maintenance Hillside & Renovation- Facility Headquarters	\$55,000.00	\$44,000.00	236118	0.3%
Pressure Wash Bay Renovation- Facility Headquarters	\$500,000.00	\$400,000.00	561790	2.6%
Resurface / restripe Asphalt - Parking Area- Facility Headquarters	\$300,000.00	\$240,000.00	324121	1.6%
2 units- transformers	\$200,000.00	\$20,000.00	335311	0.1%

Conduit Installation for Message Board & Lighting -South Valley Transit Center	\$300,000.00	\$240,000.00	238210	1.6%
Annual Communications Replacement Program (41)-Data and communications	\$96,000.00	\$76,800.00	334200	0.5%
Firewall Software Upgrade- Data and communications	\$75,000.00	\$60,000.00	541511	0.4%
Data and communications	\$1,000.00	\$800.00	423420	0.0%
Server Upgrade- Data and communications	\$195,000.00	\$156,000.00	541519	1.0%
Web Help Desk Upgrade- Data and communications	\$5,000.00	\$4,000.00	519290	0.0%
Wi-Fi in Bus Yard- Data and communications	\$50,000.00	\$40,000.00	485113	0.3%
3D printer -Maintenance Equipment	\$10,000.00	\$8,000.00	811212	0.1%

Body Shop Shelving-Maintenance Equipment	\$30,000.00	\$24,000.00	811121	0.2%
DVIR Tablets and Software-Maintenance Equipment	\$31,000.00	\$24,800.00	423430	0.2%
Floor Scrubber- Maintenance Equipment	\$120,000.00	\$96,000.00	339994	0.6%
Key Café (2)- Maintenance Equipment	\$10,000.00	\$8,000.00	811310	0.1%
Maintenance Equipment	\$375,000.00	\$292,000.00	334220	1.9%
Major Bus Components-OOW-Local Transit& Commuter	\$2,500,000.00	\$2,004,000.00	336211	13.0%
Wraps & Logos- Local Transit& Commuter	\$325,000.00	\$260,000.00	541430	1.7%
Shop Truck Equipment-Support Fleet	\$30,000.00	\$24,000.00	333924	0.2%
Support Vehicles (3) -support vehicles	\$209,000.00	\$167,200.00	423110	1.1%

#### IV. Goal Methodology

##### a. Step 1: Determination of Base Figure (26.45)<sup>1</sup>

To establish AVTA's Base Figure of the relative availability of DBEs relative to all comparable firms (DBE and Non-DBE) available to bid or submit proposals on AVTA's FTA-assisted contracting opportunities projected to be solicited during the triennial goal period, AVTA followed the prescribed federal methodology to determine relative availability. This was accomplished by assessing the California Unified Certification Program (CUCP) DBE Database of Certified Firms and the 2019 U.S. Census Bureau County Business Patterns Database within AVTA's market area, defined as Los Angeles and San Bernadino counties for each of the categories of work defined in Table 2.

<sup>1</sup> 26.45 represents Title 49 CFR Part 26 regulatory goal setting methodology reference.

The Federal DBE program requires agencies to implement the DBE program based on information from the relevant geographic market area-the area in which the agency spends the substantial majority of its contracting dollars.

AVTA's local market for contracts consists of a geographic area that:

- is where a large majority of contracting dollars is expended, and
- is where a substantial number of contractors and subcontractors are located and available to submit bids or quotes.

The AVTA's bidder's list was reviewed and it confirms this market area.

In accordance with the formula listed below, the Base Figure is derived by:

- dividing the number of ready, willing and able DBE firms identified for each NAICS work category by the number of all firms identified within AVTA's market area for each corresponding work category (relative availability),
- weighting the relative availability for each work category by the corresponding work category weight from Table 2 (weighted ratio), and
- adding the weighted ratio figures together.

$$\text{Base Figure} = \sum \frac{(\text{Number of Ready, willing and Able DBEs})}{(\text{Number of All Ready, willing and Able Firms})} \times \text{Weighted Ratio}$$

For the Numerator: CUPC Database of Certified Firms

For the denominator: 2019 U.S. Census Bureau County Business Patterns Database

A concerted effort was made to ensure that the scope of businesses included in the numerator were as close as possible to the scope included in the denominator.

The result of the Base Figure calculation is shown in Table 3 as follows:

Work Category	NAICS Code	Commodity weight	All Firms	DBEs	Relative availability	Weighted Ratio
Architectural & Engineering-North Lot	541300	0.3%	23	0	0%	0.0%
Construction	236220	17.0%	1127	203	18%	3.1%
Generator manufacture	335312	6.8%	8	0	0%	0.0%
DC Chargers + Installation-5 units-North Lot	335999	3.4%	34	10	29%	1.0%
Land	237200	21.4%	10	0	0%	0.0%
Level III Chargers-11 units-North Lot	336320	6.6%	19	3	16%	1.0%
Project management- North Lot	541611	0.1%	4079	825	20%	0.0%
Security Lighting- North Lot	335132	0.5%	210	20	10%	0.0%
Security Perimeter Fencing- North Lot	561621	0.1%	210	20	10%	0.0%
Security Perimeter Block Wall-North Lot	238190	0.3%	160	26	16%	0.0%

Switch Gear - North Lot	335313	0.9%	11	4	36%	0.3%
Communication & Server Room Upgrade- Facility Headquarters	237130	0.5%	56	36	64%	0.3%
Concrete Replacement- Maintenance Yard- Facility Headquarters	238110	13.0%	270	118	44%	5.7%
Courtyard Patio Cover- Facility Headquarters	327331	0.8%	7	3	43%	0.3%
Facility Access Upgrade- Facility Headquarters	561200	0.3%	179	16	9%	0.0%
Gate motors & Controls - Facility Headquarters	238290	0.9%	179	16	9%	0.1%
Maintenance Hillside & Renovation- Facility Headquarters	236118	0.3%	3500	61	2%	0.0%
Pressure Wash Bay Renovation- Facility Headquarters	561790	2.6%	333	35	11%	0.3%
Resurface / restripe Asphalt - Parking Area- Facility Headquarters	324121	1.6%	23	2	9%	0.1%
2 units- transformers	335311	0.1%	6	1	17%	0.0%
Conduit Installation for Message Board & Lighting -South Valley Transit Center	238210	1.6%	2178	141	6%	0.1%
Computer programming services	334200	0.5%	2346	242	10%	0.1%
Firewall Software Upgrade- Data and communications	541511	0.4%	2346	242	10%	0.0%
Data and communications	423420	0.01%	441	2	0%	0.0%
Server Upgrade- Data and communications	541519	1.0%	260	24	9%	0.1%
Web Help Desk Upgrade- Data and communications	519290	0.03%	2346	242	10%	0.0%
Wi-Fi in Bus Yard- Data and communications	485113	0.3%	42	6	14%	0.0%
3D printer -Maintenance Equipment	811212	0.1%	175	0	0%	0.0%
Body Shop Shelving- Maintenance Equipment	811121	0.2%	1129	7	1%	0.0%
DVIR Tablets and Software- Maintenance Equipment	423430	0.2%	356	26	7%	0.0%
Floor Scrubber- Maintenance Equipment	339994	0.6%	5	0	0%	0.0%
Key Café (2)- Maintenance Equipment	811310	0.1%	421	12	3%	0.0%
Maintenance Equipment	334220	1.9%	32	2	6%	0.1%
Major Bus Components-OOW- Local Transit& Commuter	336211	13.0%	18	0	0%	0.0%

Wraps & Logos- Local Transit& Commuter	541430	1.7%	1181	22	2%	0.0%
Shop Truck Equipment-Support Fleet	333924	0.2%	9	0	0%	0.0%
Support Vehicles (3) -support vehicles	423110	1.1%	232	1	0%	0.0%
Base Figure						12.9%

b. Step 2: Adjusting the Base Figure

Upon establishing the Base Figure, AVTA reviewed and assessed other known evidence potentially impacting the relative availability of DBEs within the market area, in accordance with prescribed narrow tailoring provisions as set forth under 49 CFR Part 26.45: Step 2, DBE Goal Adjustment Guidelines.

Evidence considered in making adjustments to the Base Figure included Past DBE Goal Attainments and Other Evidence, as follows:

1) Past DBE Goal Attainments

Historical DBE participation attainments provide demonstrable evidence of DBE availability and capacity to perform on AVTA projects. The projects anticipated to be awarded during the triennial period are substantially similar to those awarded in the recent past. AVTA proceeded to calculate past DBE participation attainments for the three (3) federal fiscal years, for which DBE attainment data is available. The table below reflects the demonstrated capacity of DBEs (measured by actual historical DBE participation attainments) on FTA- assisted contracts awarded by AVTA within the last three (3) federal fiscal years.

**Table 4**

Federal Fiscal Year (FFY)	FTA DBE Goal Attainment %
2021	.87%
2022	3.0%
2023-2024	24%
<b>Median DBE Attainment Within the Last Three (3) Years</b>	<b>3.0%</b>

The median established for the past three years was derived from limited participation of DBEs in the market area, it is significantly lower than the Base Figure derived from Step 1. Therefore, an adjustment to the Base Figure based on AVTA's past DBE goal attainments has been made. The adjustment is calculated by averaging the Base Figure with the median DBE Past Attainment, as shown below.

Base Figure (A)	12.9%
Median DBE Attainment (B)	3.0%
<b>Adjusted Base Figure [(A+B)/2]</b>	<b>7.95%</b>



## 2) AVTA's Bidder's List

AVTA will continue to capture Bidders List information for the identification and potential use in meeting future DBE goal determinations.

## 3) Disparity Study

AVTA has reviewed the recent Los Angeles Metro disparity study. After careful consideration, AVTA has determined that the scope of work was substantially different than what AVTA provides. Therefore, AVTA has not adjusted the based figure due to a local disparity study.

AVTA uses a strictly race-neutral DBE program since the Western States decision. If AVTA fails to reach its goal for one more complete federal fiscal year, AVTA will we re-evaluate its DBE program to determine whether contract goals are necessary to achieve the overall goal. If after re-evaluation AVTA believes a race-conscious program is necessary, as required by Western States, AVTA will gather evidence to determine if discrimination in the transportation contracting industry is present. AVTA will make a determination at that time what type of evidence gathering is appropriate, based on DOT regulations and case law.

## 4) Other Available Evidence

AVTA is not in possession of other information that would have an impact on the DBE goal assessment.

## V. Proposed Overall DBE Goal

The Final Proposed Overall DBE Goal for FFY 2025-2027 for AVTA's FTA-assisted contracts is 9%<sup>2</sup>. The DBE Goal based on the federal share is a Race Neutral goal and AVTA will implement race neutral measures to achieve this goal, as generally described in the following section. As a part of the prescribed goal-setting methodology, AVTA must project the percentage of its Proposed Overall DBE Goal that can be met utilizing race-neutral and race-conscious measures.

### **Race-Conscious & Race-Neutral Projection**

AVTA intends to continue to use race-neutral methods to meet the overall DBE goal of 9% for FFY 2025-2027 in accordance with Title 49 CFR Part 26.51.

<b>Race/Gender-Conscious &amp; Race/Gender-Neutral Projections</b>	
Overall DBE Goal	8%
Race/Gender-Conscious Component	0%
Race/Gender-Neutral Component	8%

## VI. Race-Neutral Implementation Measures

AVTA is currently implementing a number of race- and gender-neutral remedies to outreach and promote the participation of DBEs and small businesses in AVTA' FTA-assisted contracting program. AVTA plans to continue or implement the following race-neutral measures for FFY 2025-2027 and will continue to explore

<sup>2</sup> Rounded to a whole number

other options for consideration based on AVTA' success in meeting its overall DBE goals based on these efforts:

- AVTA will encourage DBE and other small business contracting community to register and receive solicitation notices through its on-line procurement website:  
<https://www.planetbids.com/portal/portal.cfm?CompanyID=25014s> .
- AVTA will host and participate in workshops for the DBE and small business contracting community. AVTA will attend and participate in vendor fairs hosted by unrepresented groups and other public agencies.
- AVTA will unbundle solicitations, provide pre-bid/pre-proposal conferences to afford networking opportunities for primes and subcontractors. AVTA will promote and encourage teaming opportunities between prospective prime contractors and the DBE and small business contracting community. Arrange solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE and other small business participation.
- Structure solicitations to remove barriers such as the 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).
- AVTA will solicit DBEs and other small businesses participation by carrying out information programs through use of advertisement and other communication methods on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists of bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate).
- As a supportive service to help develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses, AVTA will actively promote the small business conferences, programs, and support services offered by other agencies that have established DBE and other small business programs. AVTA will also begin conducting "How to do Business with AVTA" and DBE workshops.
- AVTA will advise its contracting community of the online directory of certified DBEs, found at the California Unified Certification Program website:  
[http://www.dot.ca.gov/hq/bep/find\\_certified.htm](http://www.dot.ca.gov/hq/bep/find_certified.htm).
- AVTA will also advise the contracting community of the available small businesses certified by the California Department of General Services (DGS) and found at:  
<http://www.dgs.ca.gov/pd/Programs/eprocure.aspx> .
- AVTA will advise the DBE and small business community to participate in Caltrans' related bidding/proposal opportunities at <http://www.dot.ca.gov/hq/esc/oe/>. AVTA will also encourage DBEs and small businesses to seek the assistance and training through the U.S. Small Business Administration at [www.sba.gov](http://www.sba.gov) .

### **Fostering Small Business Participation<sup>3</sup>**

AVTA has implemented several strategies to foster small business participation in its contracting process. These include the following:

- Advertise and push out solicitation notifications thru AVTA's new procurement system website.
- Conducting "How to do Business with AVTA" and DBE workshops.
- On larger prime contracts requiring the prime contractor to consider subcontracting opportunities of a size that small businesses, including DBEs, can reasonably perform, rather than self-performing all the work involved.
- Identifying alternative acquisition strategies and structuring procurements to facilitate the ability of consortia or joint ventures consisting of small businesses, including DBEs, to compete for and perform prime contracts.
- Ensuring that a reasonable number of prime contracts are of a size that small businesses, including DBEs, can reasonably perform.
- Provide outreach to current AVTA contractors or past AVTA contractors who may qualify for DBE-certification by encouraging them to seek and obtain DBE-certification.

#### **VII. Public Participation and Facilitation**

In accordance with Public Participation Regulatory Requirements of Title 49 CFR Part 26, minority, women, local business associations, and community organizations within the AVTA market area were consulted and provided an opportunity to review the triennial goal analysis and provide input.

AVTA issued a Public Notice on AVTA's website (Attachment 1) publishing the AVTA Draft Proposed FTA Overall DBE Goal-Setting Methodology for FFY 2025-FFY 2027. The notice informed the public that the proposed goal and rationale were available for inspection at AVTA's principal office during normal business hours and that AVTA would accept comments on the goal analysis for 45 days from the date of the Public Notice.

AVTA reached out to a total of 12 local minority, women, and community business organizations to provide them information on the AVTA DBE program and specifically the Draft Proposed FTA Overall DBE Goal-Setting Methodology for FFY 2025-2027. Each organization was contacted multiple times by telephone and email. A summary of all contact made in an attempt to receive input as a part of this process can be found in Attachment 2.

AVTA placed notices in the Antelope Valley Press and Our Weekly publications (Attachment 3) and conducted outreach meetings to provide opportunities for public comment.

No comments were received.

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<sup>3</sup> See Title 49 CFR Part 26 Section 26.39 "Fostering Small Business Participation"

## **Attachment 1: Website Notification**

## **Attachment 2: Consultative Process Summary**

### **Attachment 3: Publication/Outreach Meeting**

RESOLUTION NO. 2024-006

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ANTELOPE VALLEY  
TRANSIT AUTHORITY APPROVING THE REVISED FEDERAL TRANSIT  
ADMINISTRATION (FTA) REQUIRED DISADVANTAGED BUSINESS  
ENTERPRISE (DBE) PROGRAM AND OVERALL GOAL-SETTING  
METHODOLOGY FOR FEDERAL FISCAL YEARS 2025 THROUGH 2027**

THE BOARD OF DIRECTORS OF THE ANTELOPE VALLEY TRANSIT AUTHORITY  
RESOLVES AS FOLLOWS:

Section 1. Following a noticed public hearing process and the Board's consideration of comments, the Board authorizes and approves the Federal Transit Administration's required Disadvantaged Business Enterprise (DBE) Program, Goal-Setting Methodology, and annual goal of 8%.

Section 2. The Secretary of the Board shall certify to the adoption of this resolution.

PASSED, APPROVED, and ADOPTED this 23<sup>rd</sup> day of JULY, 2024 by the following vote:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_ ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Marvin Crist, Chairman

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Karen S. Darr, Clerk of the Board

\_\_\_\_\_  
Allison E. Burns, General Counsel

I, Karen S. Darr, Clerk of the Board for Antelope Valley Transit Authority, Lancaster, CA, do hereby certify that Resolution No. 2024-006 was duly passed, approved, and adopted by the Board of Directors of the Antelope Valley Transit Authority on the 23<sup>rd</sup> day of July, 2024, for which the original is on file in my office.

Date: \_\_\_\_\_

\_\_\_\_\_  
Karen S. Darr, Clerk of the Board



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**Regular Meeting of the Board of Directors**

**Tuesday, June 25, 2024**

**10:00 a.m.**

Antelope Valley Transit Authority Community Room  
42210 6<sup>th</sup> Street West, Lancaster, California  
[www.avta.com](http://www.avta.com)

**UNOFFICIAL MINUTES**

General Counsel Allison Burns administered the Oath of Office to Alternate Director Lauren Hughes-Leslie before the start of the meeting.

**CALL TO ORDER**

Chairman Crist called the meeting to order at 10:00 a.m.

**PLEDGE OF ALLEGIANCE**

Director Ohlsen led the Pledge of Allegiance.

**ROLL CALL:**

Present

Chairman Marvin Crist, Vice Chair Dianne Knippel, Director Richard Loa, Director Eric Ohlsen, Director Michelle Flanagan, Alternate Director Lauren Hughes-Leslie

**APPROVAL OF AGENDA**

Director Flanagan requested that New Business (NB) Item #2—Proposed Service Changes be removed from the agenda. Executive Director/CEO Martin Tompkins added that Los Angeles County reached an agreement with AVTA regarding their jurisdictional contributions.

On a motion by Director Flanagan, seconded by Vice Chair Knippel, the Board of Directors pulled NB Item #2—Proposed Service Changes.

Vote: Motion carried (6-0-0-0)

Yeas: Chairman Crist, Vice Chair Knippel, Directors Loa, Ohlsen, Flanagan, Alternate Director Hughes-Leslie

Nays: None

Abstain: None

Absent: None



On a motion by Vice Chair Knippel and seconded by Alternate Director Hughes-Leslie, the Board of Directors approved the agenda, pulling NB Item #2—Proposed Service Changes.

Vote: Motion carried (6-0-0-0)

Yeas: Chairman Crist, Vice Chair Knippel, Directors Loa, Ohlsen, Flanagan, Alternate Director Hughes-Leslie

Nays: None

Abstain: None

Absent: None

**PUBLIC BUSINESS– AGENDIZED AND NON-AGENDIZED ITEMS:**

Fran Sereseres spoke about monitoring elderly citizens during the summer heat.

Jackie Livingstone opposed eliminating bus service to Lake Los Angeles.

Chairman Crist clarified that LA County and AVTA staff have agreed on a jurisdictional share amount for the service in the unincorporated portions of northern Los Angeles County; therefore, the service will not be canceled. The proposal was that Los Angeles County must pay for the service they are receiving. The JPA includes the jurisdictions of Lancaster, Palmdale, and Los Angeles County, each responsible for the citizens within their jurisdiction.

Chairman Crist stated that there has not been a rate increase in 14 years. AVTA and Los Angeles County staff have discussed increasing their jurisdictional share for five years without success. If the County does not pay for the service within their jurisdiction, service will have to be reduced. The cities of Lancaster and Palmdale are paying their fair share. More funds are spent in the unincorporated areas of Los Angeles County than in the other two jurisdictions of AVTA's service area. Vice Chair Knippel added she is pleased with Los Angeles County's decision and that service will continue to be provided to the citizens.

Citlali Schwerdt opposed eliminating service in Lake Los Angeles.

Erika Schwerdt opposed removing or reducing service (Routes 50, 51, and 52) in the unincorporated rural areas of the Antelope Valley and spoke about potential Title VI violations. She suggested establishing a community group to participate in bus service discussions.

Sgt. Chuck Tedeschi opposed eliminating service in Lake Los Angeles and the other rural communities in the unincorporated area.

Wendy Cabil spoke about her experience connecting to Metrolink's Antelope Valley Line at Union Station. She suggested providing additional support services to assist disabled passengers with their connections.

Coach Milcah thanked the Board for addressing the concerns of the citizens residing in the unincorporated Los Angeles County area. She also spoke about the unpleasant treatment she received from the staff at the Lancaster Senior Center and believes the Dial-A-Ride app is unsuitable for many passengers.

Nicholus Doren discussed the significant impact on residents if service is eliminated in the unincorporated areas of Los Angeles County.

Edwin Momeny opposed the service changes and suggested reducing the number of annual trash dumps and using those funds for bus service in the unincorporated areas of Los Angeles County.

### **SPECIAL REPORTS, PRESENTATIONS, AND REQUESTS FOR DIRECTION (SRP):**

#### **SRP 1 LEGISLATIVE REPORT FROM SENATOR SCOTT WILK’S OFFICE**

Thomas Moreno, District Representative for State Senator Scott Wilk, provided updates on Senate Bill (SB) 1004 Income taxes: exclusions: wildfires, SB-1233 University of California: Western University of Health Sciences: veterinary medicine: spay and neuter techniques, and SB-1359 Illegal dumping.

#### **SRP 2 LEGISLATIVE REPORT FROM ASSEMBLYMEMBER TOM LACKEY’S OFFICE**

Anna Zarley, District Director for Assemblymember Tom Lackey, could not attend the meeting.

#### **SRP 3 PRESENTATION TO AVTA EMPLOYEE OF THE MONTH FOR MAY 2024**

Procurement and Contracts Officer Cecil Foust presented Maintenance Compliance Analyst Joseph Sanchez with the Employee of the Month award for May 2024.

#### **SRP 4 PRESENTATION TO AV TRANSPORTATION SERVICES (AVTS) EMPLOYEE OF THE MONTH FOR APRIL AND MAY 2024**

AV Transportation Services Operations Manager Henry Beausejour presented awards to Chaz Morrow, Employee of the Month for April 2024, and Symiria Claiborne for May 2024.

#### **SRP 5 AVTS MICROTRANSIT AND DIAL-A-RIDE KEY PERFORMANCE INDICATORS (KPI) REPORT FOR MAY 2024**

Mr. Beausejour presented the report. The Board briefly discussed the late arrival complaints.

**SRP 6 LEGISLATIVE REPORT AND FINANCE UPDATE FOR JUNE 2024**

Chief Financial Officer Judy Vaccaro-Fry presented an update regarding various assembly and senate bills, the state and federal budgets for Fiscal Year 2025, the Transit Transformation Task Force, House Subcommittee Allocations for FFY 2025, and the Transportation, Housing & Urban Development bill.

**SRP 7 MAINTENANCE KPI REPORT FOR MAY 2024**

Maintenance Compliance Analyst Joseph Sanchez presented the report. The Board thanked the staff for quickly getting the commuter service operational.

**SRP 8 PRESENTATION TO MV TRANSPORTATION EMPLOYEE AND OPERATOR OF THE MONTH FOR MAY 2024**

MV Transportation Assistant General Manager Genie Maxie presented Melvin Lopez with the Operator of the Month award.

**SRP 9 OPERATIONS KPI REPORT FOR MAY 2024**

Ms. Maxie presented the report.

**CONSENT CALENDAR (CC):**

**CC 1 BOARD OF DIRECTORS MEETING MINUTES OF MAY 28, 2024**

Approve the Board of Directors Regular Meeting Minutes of May 28, 2024.

**CC 2 FINANCIAL REPORT FOR MAY 2024**

Receive and file the Financial Report for May 2024.

**CC 3 RENEWAL OF AGREEMENT WITH LOS ANGELES COUNTY SHERIFF'S DEPARTMENT (LASD) FOR TRANSIT LAW ENFORCEMENT SERVICES – RESERVE UNIT**

Authorize the Executive Director/CEO to renew the Letter of Understanding with the LASD for transit law enforcement services covering the term July 1, 2024 through June 30, 2025, as outlined in the letter to Sheriff Robert Luna.

**CC 4 ANNUAL REVIEW AND UPDATE OF THE PUBLIC TRANSPORTATION AGENCY SAFETY PLAN**

1. Readopt the updated Public Transportation Agency Safety Plan (PTASP) to comply with the Federal Transit Administration (FTA) bus transit safety plan requirements for Fiscal Year 2024/2025 (FY 2025).
2. Adopt Resolution No. 2024-005, adopting the updated PTASP for FY 2025.

**CC 5      DESTRUCTION OF AVTA RECORDS**

In accordance with AVTA's Record Retention Policy, authorize the destruction of the on-site records (paper, electronic, audio, photographic, etc.) detailed on the Records Destruction list.

**CC 6      AMENDMENT NO. 5 TO CONTRACT #2019-64 WITH BROWN ARMSTRONG ACCOUNTANCY CORPORATION FOR CPA FINANCIAL AUDITING SERVICES**

1. Extend the maximum term of this contract from five to seven years.
2. Authorize the Executive Director/CEO to execute Amendment No. 5 to Contract #2019-64 with Brown Armstrong Accountancy Corporation, Bakersfield, CA for CPA financial auditing services for a one-year period not to exceed \$53,000 with one additional period remaining.

**CC 7      SET PUBLIC HEARING FOR CONSIDERATION OF THE DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM AND GOAL-SETTING METHODOLOGY FOR FEDERAL FISCAL YEARS (FFY) 2025 - 2027 (OCTOBER 1, 2024 THROUGH SEPTEMBER 30, 2027)**

Set a Public Hearing for consideration of the DBE Program Update and Goal for FFY 2025 through 2027.

On a motion by Vice Chair Knippel and seconded by Director Loa, the Board of Directors approved the Consent Calendar, pulling item number CC 1.

Vote:      Motion carried (6-0-0-0)

Yeas:      Chairman Crist, Vice Chair Knippel, Directors Loa, Ohlsen, Flanagan, Alternate Director Hughes-Leslie

Nays:      None

Abstain: None

Absent: None

On a motion by Vice Chair Knippel and seconded by Director Loa, the Board of Directors approved item number CC 1.

Vote:      Motion carried (5-0-1-0)

Yeas:      Chairman Crist, Vice Chair Knippel, Directors Loa, Ohlsen, Flanagan

Nays:      None

Abstain: Alternate Director Hughes-Leslie

Absent: None

**NEW BUSINESS (NB):**

**NB 1 FISCAL YEAR (FY) 2024/2025 PROPOSED BUDGET**

Ms. Vaccaro-Fry presented the staff report. The Board requested that Ms. Vaccaro-Fry provide an analysis of the On-Request Microtransit, Dial-A-Ride (DAR), and Non-Emergency Medical Transportation (NEMT) services.

On a motion by Vice Chair Knippel and seconded by Director Loa, the Board of Directors approved the FY 2025 Budget.

Vote: Motion carried (6-0-0-0)

Yeas: Chairman Crist, Vice Chair Knippel, Directors Loa, Ohlsen, Flanagan, Alternate Director Hughes-Leslie

Nays: None

Abstain: None

Absent: None

**NB 2 PROPOSED SERVICE CHANGES**

Item pulled from the agenda.

**CLOSED SESSION (CS):**

**PRESENTATION BY LEGAL COUNSEL OF ITEM(S) TO BE DISCUSSED IN CLOSED SESSION:**

CS 1 Conference with Legal Counsel – Pursuant to Government Code Section 54956.9(d)(2)  
Significant exposure to litigation (two potential cases)

CS 2 Conference with Legal Counsel – Pursuant to Government Code Section 54956.9(d)(4)  
Consideration of whether to initiate litigation (one potential case)

CS 3 Conference with Legal Counsel – Anticipated Litigation: Consideration of Initiation of Litigation Pursuant to Government Code Section 54956.9(D)(4) (one potential case)

**RECESS TO CLOSED SESSION**

The Board recessed to Closed Session at 11:11 a.m.

**RECONVENE TO PUBLIC SESSION**

The Board reconvened to Public Session at 11:25 a.m.

**REPORT BY LEGAL COUNSEL OF ACTION TAKEN IN CLOSED SESSION**

General Counsel Allison Burns stated that the Board discussed CS 2 and gave direction to staff and legal counsel. There was no reportable action.

**REPORTS AND ANNOUNCEMENTS (RA):**

**RA 1 REPORT BY THE EXECUTIVE DIRECTOR/CEO MARTIN TOMPKINS**

Mr. Tompkins stated that Los Angeles County agreed to increase its jurisdictional share to 31%. He will continue to review efficiencies across all local transit routes in the cities of Lancaster and Palmdale, and the unincorporated Los Angeles County areas. He thanked Ms. Vaccaro-Fry and the staff for their assistance.

**ADJOURNMENT:**

Chairman Crist adjourned the meeting at 11:28 a.m. to the Regular Meeting of the Board of Directors on July 23, 2024, at 10:00 a.m. in the Antelope Valley Transit Authority Community Room, 42210 6<sup>th</sup> Street West, Lancaster, CA.

PASSED, APPROVED, and ADOPTED this 23<sup>rd</sup> day of JULY 2024.

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Marvin Crist, Chairman of the Board

ATTEST:

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Karen S. Darr, Clerk of the Board

Audio recordings of the Board of Directors Meetings are maintained in accordance with state law and AVTA's Records Retention Policy. Please contact Karen Darr, Clerk of the Board at (661) 729-2206 to arrange to review a recording.



**DATE:** July 23, 2024  
**TO:** BOARD OF DIRECTORS  
**SUBJECT:** Financial Report for June 2024

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### **RECOMMENDATION**

Receive and file the Financial Report for June 2024.

### **FISCAL IMPACT**

	<b>June 2024</b>
PAYROLL	\$350,253.77
CASH DISBURSEMENTS	\$4,683,344.43

### **BACKGROUND**

To comply with the provisions required by Sections 37202, 37208, and 6505.5 of the Government Code, the Chief Financial Officer, in conjunction with the Senior Finance Manager, provides a monthly payroll total and cash disbursements. The Executive Director/CEO appointed as the Authority's Treasurer certifies the availability of funds.

**I, Martin Tompkins, Executive Director/CEO of AVTA, declare that the above information is accurate.**

Prepared by:

Submitted by:

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Vianney McLaughlin  
Senior Finance Manager

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Martin J. Tompkins  
Executive Director/CEO

**NOTE: Item is not subject to the Levine Act.**



**DATE: July 23, 2024**

**TO: BOARD OF DIRECTORS**

**SUBJECT: FY 2023/2024 (FY 2024) Fourth Quarter Los Angeles County Sheriff's Department Report (April 1 through June 30, 2024)**

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**RECOMMENDATION:**

Receive and file the FY 2023/2024 Fourth Quarter Los Angeles County Sheriff's Department Report for the period covering April 1 through June 30, 2024.

**FISCAL IMPACT:**

No fiscal impact currently.

**DISCUSSION:**

Deputy Maselli and his K-9 partner "Doc Holliday" worked a total of 620 hours during the fourth quarter of FY 2024.

At the beginning of each shift, Deputy Maselli contacted bus operators to ascertain any concerns or problems to report, as well as anything reported from the previous day. On average, Deputy Maselli contacted an estimated 25-30 buses/bus operators daily.

Deputy Maselli monitored various locations that had reported problems. These locations included: Sgt. Steven Owen Memorial Park (OMP), the Lancaster Senior Center, 10<sup>th</sup> Street East & Palmdale Boulevard, the Palmdale Transportation Center (PTC), and the Lancaster Metrolink Station

Deputy Maselli and Doc conducted high visibility K-9 terrorism and explosives deterrence sweeps at the Antelope Valley Transit Authority (AVTA) office, AVTA transfer centers, on AVTA buses, and at random bus stop locations throughout the Antelope Valley.



The following Incident Report(s) is from April 1 through June 2024.

Incident Report(s), Transit Safety, Service Delay(s)/Interruption(s)	APR 24	MAY 24	JUN 24
Arson Investigation	0	0	1
Assault With a Deadly Weapon	2	0	0
AVTA Bus Stops and Bus Bays (High Visibility W/K-9)	75	75	75
Back-up Request	0	0	1
Battery	1	0	1
Disturbance - Fight	0	1	0
Found Narcotics – AVTA bus	0	0	1
Indecent Exposure	1	0	0
K-9 Search	0	1	0
Person with a Gun	1	1	1
Person Down	1	0	0
Robbery	0	1	0
Traffic Collision (AVTA Bus - Involved)	2	0	1
Traffic Collision	17	9	1
Traffic Hazard – AVTA bus 4749	1	0	0
Vandalism Follow-Up AVTA bus 30304, 40865	0	0	1
Warnings (Drinking in Public, No Smoking, Failure to Obey Posted Signs, Loitering)	1	1	1

Prepared by:

Submitted by:

DeeAnna Cason  
Executive Assistant

Martin J. Tompkins  
Executive Director/CEO

**NOTE: Item is not subject to the Levine Act.**



**DATE: July 23, 2024**

**TO: BOARD OF DIRECTORS**

**SUBJECT: Travel Policy and Guidelines for Expense Reimbursement**

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**RECOMMENDATION**

Approve the revised Draft Travel Policy and Guidelines for Expense Reimbursement (Attachment A).

**FISCAL IMPACT**

The revisions do not result in any financial impact to the Authority.

**BACKGROUND**

The existing Travel Policy was last updated in 2019. The attached Draft Travel Policy and Guidelines for Expense Reimbursement, as highlighted, was revised to update reimbursement for expenses

Each employee will be required to sign and acknowledge receipt of the revised Travel Policy and Guidelines for Expense Reimbursement.

Prepared by:

Submitted by:

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Judy Vaccaro-Fry  
Chief Financial Officer

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Martin J. Tompkins  
Executive Director/CEO

Attachment: A – Revised DRAFT Travel Policy and Guidelines for Expense Reimbursement

**NOTE: Item is not subject to the Levine Act.**

	<b>Travel Policy and Guidelines for Expense Reimbursement</b>
	<b>Original Approval Date: June 28, 2011</b>
	<b>Policy Effective Date: July 1, 2011</b>
	<b>Revision Approved by Board of Directors: July 23, 2024</b>

## PURPOSE

To document Antelope Valley Transit Authority's (AVTA) policy on the authorization and reimbursement of expenses for meals, travel, training and conferences.

## POLICY

This policy describes the circumstances in which travel, and training is required on behalf of the Authority and the reimbursement of associated and authorized. Additionally, this policy provides guidelines for reasonable and acceptable travel-related expenses that may be incurred by staff on behalf of AVTA.

While it is not practical to provide specific guidance for every allowable expense, employees are expected to exercise good judgment when incurring expenses in general, and while traveling on the Authority's behalf in particular. These guidelines are intended to create a fair balance between the employees' personal preferences and the adherence to best business practices.

## DEFINITIONS

**For purposes of this policy, the following definitions will apply:**

**Local Travel** – travel occurs within 100 miles of the AVTA offices.

**Out of-Area Travel** – travel beyond 100 miles of the AVTA offices, or at the discretion of the Executive Director.

**Reimbursable Business Expense:** Authorized expenses incurred in the course of official business on behalf of the Authority.

**Non-reimbursable Expense:** Any expenditure not authorized by this policy, Authority practice or the Executive Director; any expenditure not properly supported with adequate detail or fails to include the business purpose of the expense; any expenditure listed on an expense report that is not accompanied by authorized receipts.

**Business Purpose:** Specific business reason or business benefit derived or expected to be derived by the expense. General descriptions such as "goodwill," "general business," or "customer relations" are not acceptable explanations for a business purpose. Specific descriptions such as "training for new routes/equipment" or "collaboration with LA County for updated safety procedures" are acceptable.

**Business Guest:** An individual representing a company with whom AVTA has a contract, consulting agreement or other official business relationship, an individual from another transit authority, or representatives from Authority's Jurisdictional Members (the Cities of Lancaster and Palmdale, and the County of Los Angeles).

## **GUIDELINES**

Employees of AVTA may be required to travel for training seminars, conferences, or business meetings. Prior approval from the employees' department manager and the Executive Director must be obtained before the expenses are incurred. AVTA will arrange and pay conference/seminar fees, airfare and lodging in advance; all other expenses will be reimbursed to the employee within two weeks of submitting an approved Travel Reimbursement Request with supporting documentation and itemized description to Finance.

### **Conferences, Seminars, and Business Meetings**

Expenses relating to conferences, seminars, and business meetings must support the Authority's business objectives and/or support the professional growth of the employee in their current (or future) position.

### **Local Travel**

Travel within 100 miles of the AVTA offices is considered local travel. It is accomplished using an Authority vehicle or the employee's personal car and does not require an overnight stay, unless otherwise approved by the Executive Director.

1. Use of an Authority vehicle: Employee's may use an Authority vehicle to attend business meetings, seminars, training or other business-related activity. Employees must possess a valid California Driver's License and current Proof of Insurance before using the Authority's vehicle. Copies of these documents may be requested prior to being authorized to drive an Authority vehicle.
2. Mileage reimbursement: Employees may drive their own vehicle to attend business meetings, seminars, training, or other business-related activity with the approval of the Executive Director. Mileage (less normal commute mileage where applicable) will be reimbursed for business purposes at the current IRS mileage reimbursement rate. Mileage rates are determined by the IRS standard rate for the current year.

### **Overnight Travel**

Travel plans should be booked as far in advance as possible to take advantage of savings on transportation fares, lodging rates and car rental reservations. Overnight travel may be required when travel is beyond 100 miles of the Authority's office and the conference or meeting is more than one full day. Employees have the option to

stay overnight on the day prior to the meeting or conference depending on the start time of the event.

### **Airfare**

Travel is to be accomplished by the most cost-effective and direct mode(s) available; all airfare and lodging will be arranged and paid for by the Executive Assistant unless pre-approved by the Executive Director. Pre-payment of expenses will be used to take advantage of applicable discounts. Exceptions for emergency situations must be pre-approved by the Executive Director. Employees are encouraged to request travel arrangements as early as possible to obtain the lowest fares possible. Employees are required to accept the most appropriate and economical airfare on reputable, major carriers and to fly economy/discount/coach whenever possible.

1. **Upgrades:** First class or business class travel/upgrade charges on airline fares for domestic flights are not reimbursable by the Authority. Business class travel/upgrades must be approved by the Executive Director and are generally restricted to international flights only.
2. **Frequent Flyer Miles:** Frequent Flyer Miles obtained during business travel are to be used at the discretion of the employee. An employee is allowed to request travel with a preferred carrier if the carrier of choice offers the lowest fare. Higher fares will not be paid just to receive mileage credit with a particular carrier.
3. **Weekend/Saturday Night Stay:** Many airlines offer a substantial fare reduction for travel that includes a Saturday night stay. If an employee agrees to travel and obtain lodging for a Saturday night to obtain the lower fare, the employee may be reimbursed for hotel, meals and other acceptable expenses incurred in the city where the business is being conducted. Expenses related to an extension of a trip will only be reimbursed if it results in a lower total trip cost to the Authority. Documentation such as a ticket quote for a Friday return flight or a Sunday departure is to be included with the employee's Travel Reimbursement Request form.
4. **Travel Extensions:** Employees can extend their travel plans for personal reasons at no additional cost to AVTA. The Executive Director must approve all extensions prior to the date of travel.

### **Meals & Entertainment**

1. **Employee Meals and Expenses, Per Diem:** expenses should be reasonable and sensible. The preferred method of providing expenses is on a per-diem basis. For travel as defined by the U.S. Government Services Administration (GSA), AVTA uses the reimbursement information regarding Per-Diem rates. The Executive Director must approve the use of non-standard per-diem rates prior to travel.

**Per-Diem Adjustments** – It is common for annual conferences to serve meals provided by the meeting sponsor and show vendors, sometimes throughout the entire agenda. In these situations, employees are to factor these accommodations into their travel reimbursement requests in the interest of public fairness. The Executive Director or Chief Financial Officer may approve exemptions (i.e. employees cannot eat the provided meals).

*Examples:* A lunch provided by the conference replaces the \$15 standard per-diem provided for reimbursement. A provided dinner replaces the \$30 standard per diem.

Bottled water is not included in the total day's per-diem reimbursable amount. Employees will be reimbursed for up to three (3) bottles of water/day.

Per-diem amounts can be requested prior to travel and will be paid through the standard payables process the week prior to travel. Should travel not occur for any reason once per-diem has been paid in advance, the employee would be responsible for returning funds no later than the originally scheduled day of travel.

Please direct questions or clarification to the Executive Director or Chief Financial Officer.

2. **Business Guests:** The cost of a bona fide business meeting with key subordinates for business discussions will be reimbursed. Generally, expenses associated with meetings of this kind should be reimbursed. In accordance with IRS requirements and Authority procedure, expense receipts must indicate the names of attendees and their business affiliation, the business purpose for the receipt, the name of the establishment where the expense occurred, and the dollar amount. The tip should be shown clearly and should not exceed the 20% maximum per transaction as shown in the Tipping Guidelines chart, unless there is a good business reason. Further, the receipt should include details of all items ordered, including food and drink. In cases where more than one employee attends a business meal or entertainment event, the most senior management employee should assume responsibility for payment at their discretion. Sound judgment is expected when incurring costs for AVTA-paid meals and entertainment that include business guests.
3. **Non-Reimbursable Expenses:** The following is a list of non-reimbursable expenses. This list is representative of non-reimbursable expenses and cannot list every expense that may occur. If you have any doubt as to whether an expense will be reimbursable, contact your manager, the Director of Finance or the Executive Director for clarification prior to incurring the expense.
  - All personal use or personal care items including books, toiletries, medication, cigarettes, etc.
  - Personal grooming (haircuts, shoeshines, etc.)
  - Clothing, dry cleaning & laundry. If an employee is traveling for more than five business days, dry cleaning and laundry charges will be reimbursed.

- In-room movies, whether during stays in hotel accommodations or otherwise.
- Miscellaneous entertainment for personal purposes.
- Alcoholic beverages.
- Meals for travel companion(s) who are not AVTA employee(s).
- Additional costs for meals incurred when personal travel is combined with a business trip, unless personal travel includes a stay that results in net savings to the Authority. For example, an additional Saturday night stay costs \$200 (including hotel, and rental car,) but the resulting airfare savings totals \$300. In such cases, the savings must be demonstrated and quantified by the employee in the travel request and approved by the Executive Director in advance of travel. In such cases, the proof of savings to the Authority must also be submitted with the employees' Travel Reimbursement Request.
- Loss of personal property (including clothing), unless such loss occurs beyond the employee's control.
- Personal luggage-related expenses (luggage tags and locks).
- Parking fines, speeding tickets, and other such penalties incurred while conducting AVTA business.
- Self-purchased travel insurance.
- Airline club membership fees.
- Hotel "no show" charges unless caused by legitimate business circumstances, or circumstances beyond the employee's control.
- Business guest gifts. All business guest gifts should be pre-approved by the Executive Director (or designee).

### **Lodging**

In general, the Executive Assistant will book travel and lodging. When attending a conference, convention, seminar, etc., and a discounted rate is offered at a hotel in connection with the event, employees are expected to use the discounted rate. If possible, employees should stay in the same hotel that is hosting the conference venue to reduce travel time and maximize the educational and networking benefits afforded. Where questions arise, the GSA website is a guideline to be consulted to determine appropriate lodging costs for the destination.

### **Internet Connectivity**

When planning business travel, the Executive Assistant will provide AVTA's hotspot for the employee to use to provide internet connectivity during travel. If the hotspot is not available, the Executive Assistant will determine the availability and cost of internet at the hotel and include the figure in the original travel cost estimate.

### **Rental Car**

The Executive Director must approve the use of rental cars for business travel in advance of travel.

Employees must determine the most cost-effective rental time and rate (e.g. it may be more cost effective to obtain a weekly rental versus a daily rental rate). If it is more cost effective to rent a car versus utilizing public transportation (e.g. airport shuttle), employees must further comply with the following guidance:

1. **Car Size:** It is the Authority's policy for employees to request the most sensible and economical mid-size car rental rate (or larger car class depending on the number of people occupying the vehicle).
2. **Insurance Coverage:** **Employees should decline any additional liability insurance coverage offered by the rental company** and accept the Loss Damage Waiver, as liability insurance coverage is provided both by the Authority and by the employee's own insurance. If the employee elects to purchase additional automobile insurance beyond that specified above, the costs shall be the employee's responsibility.

### **Parking**

The safety of our employees is paramount. Please coordinate with the Executive Assistant for parking arrangements.

1. **Airport Parking:** Parking will be reimbursed for employees using airport parking during business trips. Employees taking trips requiring long-term parking stays should use FlyAway service.
2. **Monitored Parking Areas:** The cost of parking in garages or other monitored parking areas is reimbursable while conducting Authority business. Validations for parking are required for reimbursement purposes. Parking fees associated with a hotel stay are reimbursable.

### **Tipping**

Gratuities are a necessary part of business travel, and travelers should observe local customs when tipping. General tipping guidelines are as follows:

Restaurants	15-20% of the bill (pre-tax amount).
Sky Cap/Bellhop	\$1-\$3 per bag
Hotel Airport Shuttle	\$1-\$3
Doorman	\$1-\$3 for hailing a cab, if alternative methods of obtaining transportation are unavailable.
Valet Parking	\$1-\$3
Housekeeping	\$1-\$3 per night for stays over 3 nights
Shuttle/Taxi/TNC	10% of fare



### **Expense Reporting**

AVTA will reimburse employees for legitimate expenses incurred while conducting authorized business on its behalf. All business expenses must be properly documented on a Travel Reimbursement Request form. The reimbursement form must document the business purpose of the expenses incurred, include an itemized listing of each expense and the relevant business purpose justifying that expense, and be reviewed and approved by the employee's manager. The Accounts Payable clerk also reviews all reimbursement request forms to ensure compliance with this policy prior to preparing a reimbursement check; missing documentation, receipts or inadequate justifications may delay reimbursement. Exceptions to policy and final payment of expense reimbursement requests occur at the discretion of the Executive Director.

The following supporting documentation is required to be submitted with Travel Reimbursement Request:

Item	Required Documentation
	Note: Whenever possible, all airfare and lodging will be prepaid by AVTA. Coordinate all travel through the Executive Assistant well in advance of proposed travel dates; the Executive Director must approve all trips prior to the dates of travel.
Narrative	A narrative of the trip must accompany all Travel Reimbursement Requests. The narrative is to include a summary of the trip, and a description of the key takeaways, knowledge and benefits provided to the employee and the Authority in general.
Airfare	Original receipts (or credit card statement if purchased online) and boarding passes. If submitting a Travel Reimbursement Request form prior to your trip, and a boarding pass is not available, an original credit card statement and itinerary/invoice with the price clearly shown must be submitted; boarding passes must be submitted to the Finance Department upon completion of trip.
Meals	Original receipts. Restaurant "tear stubs" are not acceptable. See item 2, "Meals and Entertainment" for a detailed description of the information required to be on restaurant receipts. A summary description should be provided on the Reimbursement Report.
Lodging	Original receipts. Items included on the hotel bill such as room service, parking and telephone charges need to be summarized by category on the Travel Reimbursement Request form.
Car Rental	Original rental receipts.
Parking	Original parking receipts.
Mileage	Printout of route with calculation of total mileage (e.g., Google Maps or MapQuest printouts).
Cash Tips	Tips customarily included for items such as meals should be clearly visible on receipts. Where a tip is not clearly shown by a vendor, such as is common with cab rides, the tip should be written on the receipt provided so that the cost, tip and total are clearly shown on the receipt. The portion of any tips exceeding the Tipping guidelines on the previous page will not be reimbursed.

## **PROCEDURE:**

### **Conferences, Seminars, Business Meetings, and Travel Requests**

1. In general, trips should be included in the current-year, Board approved travel budget.
2. Requests to attend conferences, seminars and business meetings must be submitted to the employee's manager for preliminary review and approval using the *Travel Authorization Form* (Travel Requests) [a minimum of 15 business days](#)

in advance of travel, or as appropriate to take advantage of the lowest possible rates.

Travel associated with annual conferences and meetings such as APTA or CTA, should be arranged at least 60 to 90 days ahead of the event to take advantage of available conference, lodging and other discounts. The Executive Assistant will coordinate the arrangements for all participants.

3. The manager determines if the requested training or meeting will support the employee's job performance and career growth, whether the trip will benefit the Authority's objectives, and verify that the proposed trip expenses to be incurred are reasonable.
4. The manager signs the form for approval and forwards it to the Executive Director for approval. If the request is not approved, the manager will meet with the requesting employee and discuss the reason(s) why the request was denied.
5. The Executive Director signs the request form for approval and returns it to the manager; or meets with the manager to explain why the request is denied. The manager will inform the requesting employee of the trip's approval or discuss the reason(s) why the request was denied.
6. Travel by the Executive Director must be approved by the Board Chair or the Vice Chair in the Chair's absence.
7. Approved Travel Authorization Forms are returned to the employee; the employee is responsible for providing a copy to the Executive Assistant so that the Travel Tracking Log can be updated.

### **Reimbursement Requests**

Under this policy, AVTA will reimburse employees for reasonable and necessary expenses incurred during travel on approved Authority business. Requests for reimbursements are to be submitted as follows:

- After incurring authorized travel expenses, employees must complete the *Travel Reimbursement Workbook* (an Excel workbook) form for reimbursement of actual expenses incurred and to account for travel advances received. This form must include an itemized listing of each expense, and the reasons in support of obtaining reimbursement for each of those expenses.
1. Supporting documents as outlined in the Expense Reporting section must be attached to the reimbursement request.
  2. Attach the approved *Travel Authorization Form* to the printed *Reimbursement Workbook* request.

3. Employees are to submit the *Reimbursement Workbook* form printout and all attachments to their manager for review and pre-approval signature. The manager is responsible for ensuring the expenses incurred are in compliance with this policy.
4. The manager forwards the reimbursement request and attachments to the Executive Director for final review and approval. The travel and expenses of the Executive Director shall be submitted to the Board Chair for approval.
5. The fully approved reimbursement request and attachments are submitted to the Finance Department for payment processing.

**Forms File Names**

- Travel Authorization Form (Training, Meeting and Travel Expense Authorization)
- Travel Expense Workbook

Forms are available at:  
\K-drive\Cafe\Finance\Travel

### EMPLOYEE ACKNOWLEDGEMENT

1. I hereby acknowledge that I have received, read, and understand the **Travel Policy** covering business expense reimbursement for travel, training seminars & conferences, business meetings and the use of Authority vehicle or personal car. I have received this policy in its entirety and in its unmodified form as presented herein and will abide by this Policy.
2. I have had an opportunity to ask questions about and received an explanation on this policy.
3. I understand and accept that violations of any part or portions of this Policy may result in disciplinary action up to and including my termination of my employment.
4. I understand and agree that neither the Policy nor my signing of this Acknowledgement has created an employment contract between Antelope Valley Transit Authority and me.

\_\_\_\_\_  
*Employee Name (Print)*

\_\_\_\_\_  
*Employee Signature*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Witness Signature*

*This signed acknowledgement is placed in your personnel file.*

**EMPLOYEES ARE TO RETAIN A COPY OF THE POLICY FOR THEIR RECORDS  
AND FOR FUTURE REFERENCE.**



**DATE: July 23, 2024**

**TO: BOARD OF DIRECTORS**

**SUBJECT: Methodology for Calculating Jurisdictional Contributions**

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**RECOMMENDATIONS**

1. Approve updated Jurisdictional Contributions methodology.
2. Approve the proposed annual calculation timeline.
3. Approve increased OPERATING contributions for inclusion in FY25 AVTA Midyear Budget Adjustment.
4. Authorize the Executive Director/CEO to coordinate with legal counsel to incorporate the updated methodology for jurisdictional shares into the Joint Exercise of Powers Agreement (JPA)/Bylaws.

**FISCAL IMPACT**

The fiscal impact will be a difference of \$524,575 for the City of Lancaster, \$556,541 for the City of Palmdale, and \$973,890 for the County of Los Angeles, totaling \$2,055,006 for FY 2025. Each year moving forward, the fiscal impact will vary by jurisdiction and will be calculated based on the agreed-upon methodology.

**BACKGROUND**

AVTA was formed in 1992 as a JPA consisting of three jurisdictions, each with an equal one-third share and number of Board votes. The JPA includes Appendix "C," which describes the contribution methodology; however, its current format creates an imbalanced contribution schedule. AVTA staff has worked with County of Los Angeles representatives and examined the best way to define an equitable method to calculate jurisdictional contributions. They have agreed to the methodology moving forward.

Prepared by:

Submitted by:

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Judy Vaccaro-Fry  
Chief Financial Officer

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Martin J. Tompkins  
Executive Director/CEO

# Jurisdictional Contributions Update

July 23, 2024



# TIMELINE

JURISDICTIONAL CALCULATIONS / BUDGET TIMELINE					
<b>AVTA Audit <u>Complete</u></b>	<b>JC Calculations <u>Complete</u></b>	<b>JC Calculations <u>Presented</u></b>	<b>AVTA Proposed <u>Ops/Cap</u></b>	<b>AVTA Budget <u>Adopted</u></b>	<b>Jurisdictions Budgets <u>Adopted</u></b>
<b>NOVEMBER</b>	<b>JANUARY</b>	<b>FEBRUARY</b>	<b>MARCH</b>	<b>APRIL</b>	<b>JUNE</b>

ANNUAL JURISDICTIONAL CALCULATIONS / BUDGET TIMELINE					
<b>Name</b>	<b>FY25</b>	<b>FY26</b>	<b>FY27</b>	<b>FY28</b>	<b>FY29</b>
FY23 Audited					
FY24 Audited					
FY25 Audited					
FY26 Audited					
FY27 Audited					



# EXPENSE METHODOLOGY

## **LOCAL TRANSIT**

Based on Jurisdictional Route Miles

## **COMMUTER**

(785, 786, 787)

Based on Census Data for  
Unincorporated CA

## **COMMUTER**

(Route 790)

100% LA County

## **DIAL-A-RIDE / NON-EMERGENCY**

## **MEDICAL TRANSPORTATION (NEMT)**

1/3 EACH Jurisdiction

## **MICROTRANSIT**

100% LA County



# Based on FY23 Audited Data

**FY23 Deficit AFTER            \$11,252,169**

**Formula Allocation Process**

**AVTA's Federal Appropriation \$ 6,000,000**  
**REMAINING \$ 5,200,697**

<b>City of Lancaster</b>	<b>\$1,831,726</b>
<b>City of Palmdale</b>	<b>\$1,741,373</b>
<b>County of Los Angeles</b>	<b>\$1,627,598</b>



# CONTRIBUTIONS: OLD v. NEW

JURISDICTIONAL CONTRIBUTIONS - OPERATING			
<u>FY23 AUDITED</u>	<u>OLD</u>	<u>NEW</u>	<u>DIFFERENCE</u>
City of Lancaster	\$ 1,307,151	<b>\$1,831,726</b>	<b>\$ 524,575</b>
City of Palmdale	\$ 1,184,832	<b>\$1,741,373</b>	<b>\$ 556,541</b>
County of Los Angeles	\$ 653,708	<b>\$1,627,598</b>	<b>\$ 973,890</b>

# CALCULATIONS

1. Use audited fiscal year financials for annual calculations.
2. Contributions for the current fiscal year will be calculated based on audited data two years in arrears.
3. Capital contributions to be calculated at the same percentage as mode of service.



# RECOMMENDATIONS

1. Approve updated Jurisdictional Contributions methodology.
2. Approve proposed annual calculation timeline.
3. Approve increased OPERATING contributions for inclusion in FY25 AVTA Midyear Budget Adjustment.
4. Authorize the Executive Director/CEO to coordinate with legal counsel to incorporate the updated methodology for jurisdictional shares into the Joint Exercise of Powers Agreement (JPA)/Bylaws.

