

Policy, Legislative and Administration Committee  
Disadvantaged Business Enterprise (DBE) Program  
2007 Federal Fiscal Year Annual Goal Approval

Executive Summary

**EXECUTIVE SUMMARY**

- The FTA mandates that each recipient that receives greater than \$250,000 in DOT funds in a federal fiscal year (FFY) have a Disadvantaged Business Enterprise Program (DBE). Federal regulations require that recipients follow the Federal Code of Regulations 49 CFR Part 26 and its amendments to administer the program. WMATA established its DBE program on February 24, 1984.
- WMATA used, as a methodology for setting its goal, a document entitled *Tips for Goal Setting in the Disadvantaged Business Enterprise (DBE) Program*<sup>1</sup>, the same document used for establishing our 2006 Goal. Approved by the General Counsel of the Department of Transportation for complying with the provisions of 49 CFR Part 26, WMATA was verbally acknowledged for doing an excellent job on our methodology.
- Our overall goal for 2007 is based on demonstrable evidence of the availability of ready, willing and able DBEs relative to all businesses ready, willing and able to participate on our projected DOT-assisted contracts. Our goal reflects WMATA's determination of the level of DBE participation that WMATA would expect absent the effects of discrimination.
- In conformance with public participation regulation requirements, the proposed goal will be publicized for public comment for 45 days beginning June 1, 2006. Further, it is anticipated that the proposed goal will be approved by the full Board of Directors on July 20, 2006, and submitted to the Federal Transit Administration by the required submission date of August 1, 2006.
- The calculated overall goal for FFY07 is 16% with a bifurcated goal of 15% for race-conscious measures and 1% for race-neutral measures.
- The proposed goal for FFY07 is the same as the approved goal for FFY06 - 16%.

**RECOMMENDATION**

WMATA staff recommends that the Board of Directors adopt an overall DBE goal of 16% for the Federal Fiscal Year (FFY) 2007 beginning October 1, 2006, and ending September 30, 2007. Additionally, we recommend that 15% be achieved through race-conscious measures and 1% be achieved through race-neutral measures.

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<sup>1</sup> *Tips for Goal Setting in the Disadvantaged Business Enterprise (DBE) Program* (January 5, 2005)  
<http://osdbudot.gov/business//dbe/tips/cfm>

**Approval of  
Federal Fiscal Year 2007  
Disadvantaged Business Enterprise  
Goal**

# OFFICE OF PROCUREMENT AND MATERIEL

## Annual DBE Goal Recommendation

Staff recommends that the Board of Directors adopt and approve an overall DBE goal of 16% achieved through 15% race-conscious measures and 1% through race-neutral measures for Federal Fiscal Year (FFY) 2007 beginning on October 1, 2006, and ending on September 30, 2007.

Expected Federal Dollars for FFY07 -- \$195.7M  
FFY06 -- \$246.9M

**Opportunities** - Supplies & Equipment \$135.7M  
Construction - \$37.0M  
Professional/Technical – \$23.0M

Number of Certified DBE firms – 450

## Previous Goal Achievements

<b>Year</b>	<u>FFY01</u>	<u>FFY02</u>	<u>FFY03</u>	<u>FFY04</u>	<u>FFY05</u>	<u>FFY06</u>
<b>Goal</b>	15.0%	15.0%	21.0%	21.0%	21.0%	16%
<b>Achievement</b>	16.8%	22.5%	21.0%	19.0%	22.7%	

PROPOSED & ADOPTED:

SUBJECT: FY 2007 OVERALL DISADVANTAGED BUSINESS ENTERPRISE GOAL

PROPOSED  
RESOLUTION  
OF THE  
BOARD OF DIRECTORS  
OF THE  
WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

WHEREAS, The Washington Metropolitan Area Transit Authority (WMATA), is a recipient of federal assistance from the U.S. Department of Transportation (DOT), and the Federal Transit Administration (FTA); and

WHEREAS, It is the policy of WMATA that businesses owned and controlled by minorities and women shall have the opportunity to participate in WMATA federally-assisted contracts; and

WHEREAS, The DOT enacted 49 C.F.R. Part 26, effective March 4, 1999, under which recipients of federal financial assistance are required to submit annually, a revised Disadvantaged Business Enterprise (DBE) Program, which establishes an annual goal; and

WHEREAS, The annual DBE goal is required to be bifurcated between race-conscious and race-neutral measures; and

WHEREAS, In accordance with 49 C.F.R. Part 26.45, WMATA has informed the public of the proposed goal and provided the opportunity for comment; now, therefore be it

RESOLVED, That the WMATA Board of Directors (Board) affirms the policy of nondiscrimination and compliance with federal requirements for engaging in affirmative action in contracting; and be it further

RESOLVED, That it is the policy of the Board that neither WMATA, nor any of its contractors or vendors, shall discriminate on the basis of race, color, national origin, sex or any other unlawful basis in the award and performance of contracts or subcontracts; and be it further

RESOLVED, That the required public comment period was held from June 1-July 17, 2006, and all questions were answered; and be it further

RESOLVED, That the Board adopts a final DBE annual goal of 16% for Federal Fiscal Year 2007 for implementation of the FTA Regulations for federally-funded contracts, recognizing that the overall goal will be achieved through 15% race-conscious and 1% race-neutral measures and be established on a contract-by-contract basis; and be it further

RESOLVED, That the Interim General Manager is hereby authorized to submit the foregoing goal to the FTA; and be it finally

RESOLVED, That this Resolution shall be effective immediately.

Reviewed as to form and legal sufficiency,

*As Fullwin*

*By Carol B. O'Keeffe 5/28/06*  
Carol B. O'Keeffe  
General Counsel

