

Washington Metropolitan Area Transit Authority  
**Board Action/Information Summary**

<input checked="" type="radio"/> Action <input type="radio"/> Information	MEAD Number: 100394	Resolution: <input checked="" type="radio"/> Yes <input type="radio"/> No
---	------------------------	--

**TITLE:**

FY2010 Annual DBE Program Goal

**PURPOSE:**

The purpose of this action is to seek approval of the proposed Annual Disadvantaged Business Enterprise (DBE) Program goal for Federal Fiscal Year 2010. This is in compliance with the Federal Transit Administration (FTA) regulations for federally-funded recipients. Metro informed the public via newspaper, email and website of the proposed goal. The public comment period started May 28 and a public meeting was held on June 26, 2009. The public comment period will end July 13.

**DESCRIPTION:**

The U.S. Department of Transportation (USDOT), under 49 CFR, Part 26, requires recipients of federal funds to establish an annual goal for DBE participation on federally-funded contracts. The Board previously approved the required 45-day public comment period. Metro has informed the public of the proposed goal of 25% (19% race-conscious, 6% race-neutral) by holding a public comment period from May 28 to July 13, 2009. Staff used guidelines developed by the USDOT to calculate the annual goal. The empirical data was generated from 2002 U.S. Census data on businesses.

**FUNDING IMPACT:**

The FTA requires an annual DBE goal as part of the certifications and assurances necessary to receive grant funding.

**RECOMMENDATION:**

Approval of the proposed federal FY 2010 DBE Goal of 25%, subject to Board notification of significant public comments, if received.

SUBJECT: FY 2010 DISADVANTAGED BUSINESS ENTERPRISE PROGRAM GOAL

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

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

WHEREAS, It is the policy of Metro that businesses owned and controlled by socially and economically disadvantaged individuals shall have the opportunity to participate in Metro federally-assisted contracts; and

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

WHEREAS, The annual Disadvantaged Business Enterprise Program 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 and Board of Directors approval, Metro has provided for public participation in the goal-setting process by publishing notice of the proposed goal, providing a public comment period from May 28 to July 13, 2009, and holding a public meeting on June 26, 2009; now, therefore be it

*RESOLVED*, That the Board of Directors 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 of Directors that neither Metro, 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 Board of Directors adopts a final Disadvantaged Business Enterprise Program annual goal of 25% for Federal Fiscal Year 2010 for implementation of the Federal Transit Administration Regulations for federally-funded contracts,

recognizing that the overall goal will be achieved through 19% race-conscious and 6% race-neutral measures and be established on a contract-by-contract basis; and be it further

*RESOLVED*, That the General Manager is hereby authorized to submit the foregoing goal to the Federal Transit Administration; and be it finally

*RESOLVED*, That this Resolution shall be effective immediately.

Reviewed as to form and legal sufficiency,



---

Carol B. O'Keeffe  
General Counsel