

**CENTRAL NEW YORK REGIONAL TRANSPORTATION AUTHORITY  
DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM**

**CALCULATION OF OVERALL GOAL  
FOR FEDERAL FISCAL YEAR 2024-2026**

**Amount of Goal**

This document describes the calculation of the proposed overall goal of the Central New York Regional Transportation Authority (“CNYRTA”) for participation by disadvantaged business enterprises (DBEs) in Federal Fiscal Year (“FFY”) 2024, 2025, & 2026 (October 1, 2023 – September 30, 2026). The proposed DBE goal is 1% of the Federal financial assistance that we will expend in Department of Transportation (“DOT”)-assisted contracts (exclusive of FTA funds to be used for the purchase of transit vehicles). This goal is based upon CNYRTA’s experience and projections; the relative availability of DBEs in our local market to the maximum extent feasible given the data available to us at this time; and avoiding imposing undue burdens on non-DBEs.

As in prior years, CNYRTA will continue to seek to do business with DBEs and to make DBEs aware of contracting opportunities, even for goods and services that are not defined as being federally funded.

The calculation of the goal is subject to revision to take into account any necessary verification and correction of the data, comments received, changes in circumstances, etc.

The process used in determining this goal is outlined below.

**Recent Results and Current Developments**

The DBE goal for FFY 2021-2023 (October 1, 2020 – September 30, 2023) is 0%. During FFY 2021 & 2022 (October 1, 2020 – September 30, 2022) and the first half of FFY 2023 (October 1, 2022 – March 31, 2023) the following prime procurement contracts with a total value of \$1,206,824.11 were awarded:

Computer Hardware & Software	\$476,541.05
Bus Shelters	\$26,160.00
Vehicle Accessories- Light Bar/Gate Lift/Bed Liner	\$36,480.20
Engineering	\$82,719.10
Foggers	\$18,000.00
Furniture	\$7,964.82
Utica Breakroom Construction	\$59,000.00
Electrical Service	\$397.92
HVAC UV Light System Purchases	\$45,000.00
ToolCat Purchase	\$49,616.19
HVAC Repairs	\$20,000.00
Paving Projects	\$192,465.36

Power Washer Purchase	\$1,912.98
Compressor Rehab	\$4,181.47
Boardroom Renovation Project	\$157,734.40
PA Replacement Project	\$28,650.62

Good faith efforts were made to reach out to DBE contractors in our market for applicable opportunities which allowed CNYRTA to realize a 1.58% utilization.

CNYRTA anticipates awarding contracts in FFY 2024-26 related to the following projects (Note: Under the DOT regulations, contracts for the purchase of transit vehicles (e.g., buses) are not included in calculating the DBE goal.):

<b>FY 2024</b>		
	Bus Signage	\$500,000.00
	Bus Support Equip/Facilities - Rehab/Renovation- RTC Rail Platform Rehab	\$1,500,000.00
	Computer Hardware	\$227,000.00
	Computer Software	\$125,000.00
	Data Center/Server Room AC Upgrades	\$80,000.00
	Syracuse Facility- Siding Repairs/Replacement	\$400,000.00
	Rolling Stock - 40ft CNG Buses	\$29,252,164.00
	Rolling Stock - Paratransit Buses	\$1,540,000.00
	Rolling Stock - 35ft Diesel Buses	\$11,172,000.00
<b>FY 2025</b>		
	Preventive Maintenance	\$5,000,000.00
	Computer Hardware	\$200,000.00
	Computer Software	\$125,000.00
	Service Vehicles	\$160,000.00
	Solar Carport/Roof System	\$3,000,000.00
	Design/Construction Oneida Facility	\$5,000,000.00
	Bus Transit Way Lines/Busway Engineering (BRT)	\$2,708,326.00
	Engineering Services	\$200,000.00
	Rolling Stock - Paratransit Buses	\$700,514.00
	Rolling Stock - Paratransit Buses	\$839,486.00
<b>FY 2026</b>		
	Preventive Maintenance	\$5,100,000.00
	Computer Hardware	\$200,000.00
	Computer Software	\$125,000.00
	Service Vehicles	\$190,000.00
	Bus Transit Way Lines/Busway Engineering (BRT)	\$7,708,326.00

The total firms doing business in CNYRTA's Local Market Area per the 2021 County Business Patterns for the above projects is 1,909 and the number of available DBEs per the NYS UCP Directory is 5. The relative availability of DBEs in the market for projected 2024-2026 projects is .71%.

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

CNYRTA will continue to operate using race-neutral means of facilitating DBE participation. CNYRTA uses race-neutral means to increase DBE participation in accordance with 49 CFR 26.51, including:

- (1) Encouraging prime contractors to subcontract work;
- (2) Providing technical assistance and other services;
- (3) Carrying out communications programs on specific contract opportunities (e.g., ensuring the inclusion of DBEs on recipient mailing lists for bidders);
- (4) Making our DBE directory available for distribution to potential prime contractors; and
- (5) Holding pre-bid conferences to inform potential bidders about contracting opportunities and CNYRTA's commitment to maximize utilization of DBEs.

Generally, when there are more construction projects there are more potential contracting opportunities for DBEs. Each construction project is advertised in local newspapers, the Minority Commerce Weekly and the New York State Contract Reporter. The advertisement indicates that DBEs are welcome to respond. Businesses which are interested in competing for contracts generally know that projects are advertised in these publications.

We will potentially obtain 100% of the goal from race-neutral participation and 0% through race-conscious measures. However, this is subject to adjustment after more information is available on major contracting opportunities, the availability of Federal funding, and the degree of success of race-neutral means.

We will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation and we will track and report race-neutral and race-conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry a DBE goal; DBE participation on a prime contract exceeding a contract goal; and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

### **Method Used to Determine Goal**

We use the NYS UCP Directory and Census Bureau data to calculate the relative availability of DBEs ("base figure") for "Step 1" of the process (see 49 CFR 26.45(c)). Using the Census Bureau's County Business Pattern (CBP) database, we determine the number of all

ready, willing and able businesses available in our market that perform work in the applicable North American Industry Classification System (NAICS) codes. The base figure is a percentage figure calculated by first determining the percentage of the budget each project holds. This percentage is then multiplied by the number of available DBEs divided by the number of all available firms for each respective project. The percentages calculated for each project are then added together and divided by the number of total projects to derive a base figure for the relative availability of DBEs in our market.

“Step 2” of the process (see 49 CFR 26.45(d)) is intended to adjust the “base figure” percentage from Step 1 so that it reflects as accurately as possible the DBE participation the recipient would expect in the absence of discrimination. In Step 2, we take into consideration the current capacity of DBEs to perform work in our DOT-assisted contracting program, as measured by the volume of work DBEs have performed in recent years. If applicable, we also consider any available disparity study and/or information about barriers to entry or competitiveness of DBEs in our programs.

We are not aware of any applicable disparity studies or other information about barriers to entry or competitiveness of DBEs in our programs.

CNYRTA reserves the right to select a different methodology, as long as it is authorized by 49 CFR 26.45 and properly reported.

### **Method as Applied to Overall Goal for FFY 2024-2026**

***Step 1: Base Figure - % of overall budget- Project 1(DBE/All Firms) + % of overall budget- P 2(DBE/All Firms)..etc***

The number of DBEs in the area that perform work in the applicable NAICS codes, in which CNYRTA anticipates awarding most of its federally funded contracts during FFY 2024-2026, based on the NYS UCP Directory, is 5. This availability was found for the following projects: RTC Rail Platform Rehab, Solar Carport/Roof System and Design/Construction of Utica Facility. The following projects found no DBE availability: Bus Signage, Computer Hardware/Software, Syracuse Facility Siding Repairs/Replacement and Service Vehicles.

The number of available businesses in the area that perform work in the applicable NAICS codes, based on the Census Bureau’s County Business Patterns (CBP) database for New York, is 1,909.

On a per project basis, the number of DBEs available is divided by the number of all businesses available to determine the percent of DBEs. This percentage is then multiplied by the percentage of the overall budget (weight) for each project, respectively. The percentages that result are added together to determine the base figure for the relative availability of DBEs in our market. The base figure determined by this methodology is .71%.

***Step 2: Adjustment of Base Figure***

In Step 2, the base figure determined under Step 1 above is adjusted to take into consideration the current capacity of DBEs to perform work in our contracting program, as measured by the actual volume of work that DBEs have performed in recent years. CNYRTA is completing this adjustment by usage of the historical median from past FFY participation percentages. This adjustment is authorized by 49 CFR 26.45.

For FFY 2020-2021 and the first half of FFY 2023, the total value of contracts and procurements with DBEs represented the following percentages of the total value of contracts and procurements with all contractors and vendors. (Bus purchases and leases are excluded, in accordance with the regulations in 49 CFR Part 26.)

Timeframe	Actual Payment Total Prime Contracts	DBE Participation Dollars	% to DBEs
10.1.20-3.31.21- Completed	\$261,836.00	\$0.00	0.00%
10.1.20-3.31.21- Ongoing	\$16,025.00	\$0.00	0.00%
4.1.21-9.30.21- Completed	\$88,381.00	\$0.00	0.00%
4.1.21-9.30.21- Ongoing	\$168,705.00	\$0.00	0.00%
10.1.21-3.31.22- Completed	\$165,283.00	\$0.00	0.00%
10.1.21-3.31.22- Ongoing	\$0.00	\$0.00	0.00%
4.1.22-9.30.22- Completed	\$105,761.00	\$6,235.00	5.90%
4.1.22-9.30.22- Ongoing	\$20,281.00	\$0.00	0.00%
10.1.22-3.31.23- Completed	\$220,818.00	\$18,386.00	8.33%
10.1.22-3.31.23- Ongoing	\$159,734.00	\$0.00	0.00%

**Average DBE Utilization      1.58%**

The recent past participation for the last 2½ years is determined by calculating a weighted average of the figures for FFY 2021, FFY 2022 and the first half of FFY 2023.

Based on the above data, the Step 1 base figure may be adjusted per the methodology described in U.S. Department of Transportation, Office of Small and Disadvantaged Business Utilization, “Tips for Goal setting in the Disadvantaged Business Enterprise (DBE) Program” (revised 2002).

Step 1 base figure	.71%
Recent past participation	1.58%
Average of Step 1 base figure and past participation:	1%

We believe that this goal is appropriate, given the capacity of DBEs to perform work in our DOT-assisted contracting program and our past record of DBE participation. It is not set so high as to impose undue burdens on non-DBEs. (This is consistent with the determination of the

U.S. Supreme Court that a DBE program must be narrowly tailored to further a compelling government interest. Adarand Constructors, Inc. v. Peña, 515 U.S. 200 [1995].)

This goal is not a quota, but a target to encourage efforts to foster participation of DBEs in contracting opportunities.

### **Local Market Area Defined**

CNYRTA's Local Market Area is defined as the four counties in which CNYRTA is located: Onondaga, Oneida, Oswego and Cayuga, as well as all surrounding counties: Chenango, Cortland, Herkimer, Jefferson, Lewis, Madison, Seneca, Tompkins and Wayne. All contracting opportunities are advertised with multiple local advertisers and procurements regularly utilize local vendors.

CNYRTA has found some past success with DBEs from surrounding counties. However, historically, CNYRTA has found that the cost of travel for downstate businesses deters many from responding to contracting opportunities. Each project type and applicability are considered for outside of the local market area participation.

### **Consultative Process**

CNYRTA searched the DBE directory for all certified DBEs in our Local Market Area. An email was then sent out to all listed DBEs inviting them to a meeting to discuss the FFY 24-26 DBE Goal as well as potential contracting opportunities. The meeting was held on June 27, 2023.

Three of the seventy-eight DBEs invited attended the meeting. The meeting consisted of introductions of each attendee, a background of the CNYRTA, discussion of current projected projects and DBE goal methodology. Each attendee was given time to discuss relevant topics to their business and an opportunity to ask questions regarding the proposed goal. No concerns were raised on the 1% goal once questions were answered.

All DBEs that attended the meeting were added to CNYRTA's vendor listing for future contracting opportunities.

A notice of CNYRTA's proposed FFY 24-26 DBE Goal was published on 7/5/2023 with the NYS Contract Reporter, on Centro's website as well as with multiple local publications throughout all CNYRTA counties. The publication noted that the proposed goal was available for review and comments for a thirty (30) day time period. Within this time period, CNYRTA did not receive any requests for additional information.

## Appendix

**All Firms in Market, by North American Industry Classification System (NAICS) Code**  
**(Source: Census Bureau, 2021 County Business Patterns**  
**- most recent data that was available)**

<b>Step 1 - Determine the weight of each type of work by NAICS Code:</b>						
* Enter all the FTA-assisted projects below. Project amounts should be assigned relevant NAICS Code(s).						
	<b>NAICS Code</b>	<b>Project</b>	<b>Amount of DOT funds on project:</b>	<b>% of total DOT funds (weight)</b>		
1)	339950	Bus Signage	\$ 500,000.00	4%		
2)	237990	Rehab/Renovation- RTC Rail Platform Rehab	\$ 1,500,000.00	13%		
3)	423430	Computer Hardware	\$ 227,000.00	2%		
4)	423430	Computer Software	\$ 125,000.00	1%		
5)	238170	Syracuse Facility- Siding Repairs/Replacement	\$ 400,000.00	3%		
6)	423430	Computer Hardware	\$ 200,000.00	2%		
7)	423430	Computer Software	\$ 125,000.00	1%		
8)	441110	Service Vehicles	\$ 160,000.00	1%		
9)	238210	Solar Carport/Roof System	\$ 3,000,000.00	26%		
10)	238210	Design/Construction Oneida Facility	\$ 5,000,000.00	43%		
11)	423430	Computer Hardware	\$ 200,000.00	2%		
12)	423430	Computer Software	\$ 125,000.00	1%		
13)	441110	Service Vehicles	\$ 190,000.00	2%		
		<b>Total FTA-Assisted Contract Funds</b>	<b>\$11,752,000.00</b>	<b>1</b>		

<b>Step 2 - Determine the relative availability of DBE's by NAICS Code:</b>						
* Use DBE Directory, census data and/or a bidders list to enter the number of available DBE firms and the number of available firms.						
	<b>NAICS Code</b>	<b>Project</b>	<b>Number of DBEs available to perform this work</b>	<b>Number of all firms available (including DBEs)</b>	<b>Relative Availability</b>	
1)	339950	Bus Signage	0	29	0.0000	
2)	237990	Rehab/Renovation- RTC Rail Platform Rehab	1	33	0.0303	
3)	423430	Computer Hardware	0	49	0.0000	
4)	423430	Computer Software	0	49	0.0000	
5)	238170	Syracuse Facility- Siding Repairs/Replacement	0	56	0.0000	
6)	423430	Computer Hardware	0	49	0.0000	
7)	423430	Computer Software	0	49	0.0000	
8)	441110	Service Vehicles	0	303	0.0000	
9)	238210	Solar Carport/Roof System	2	520	0.0038	
10)	238210	Design/Construction Oneida Facility	2	371	0.0054	
11)	423430	Computer Hardware	0	49	0.0000	
12)	423430	Computer Software	0	49	0.0000	
13)	441110	Service Vehicles	0	303	0.0000	
	<b>Combined Totals</b>		<b>1</b>	<b>1557</b>	0.0006	<b><i>Overall availability of DBEs</i></b>



<b>Step 3 - (Weight) x (Availability) = Weighted Base Figure</b>						
	<b>NAICS Code</b>	<b>Project</b>	<b>Weight</b>	<b>x</b>	<b>Availability</b>	<b>Weighted Base Figure</b>
1)	339950	Bus Signage	0.04255	x		
2)	237990	Rehab/Renovation- RTC Rail Platform Rehab	0.12764	x	0.03030	0.0039
3)	423430	Computer Hardware	0.01932	x		
4)	423430	Computer Software	0.01064	x		
5)	238170	Syracuse Facility- Siding Repairs/Replacement	0.03404	x		
6)	423430	Computer Hardware	0.01702	x		
7)	423430	Computer Software	0.01064	x		
8)	441110	Service Vehicles	0.01361	x		
9)	238210	Solar Carport/Roof System	0.25528	x	0.00385	0.0010
10)	238210	Design/Construction Oneida Facility	0.42546	x	0.00539	0.0023
11)	423430	Computer Hardware	0.01702	x		
12)	423430	Computer Software	0.01064	x		
13)	441110	Service Vehicles	0.01617	x	<b>Total</b>	0.0071
					<b>Expressed as a % (*100)</b>	0.71%
					<b>Rounded, Weighted Base Figure:</b>	<b>1%</b>