

## Section 26.45: Overall Goal Calculation Amount of Goal

### Section 26.43 Set-asides or Quotas

The KWDoT does not use quotas in any way in the administration of this DBE program.

### Section 26.45 Overall Goals

As of March 3, 2010, USDOT issued a final rule affecting the implementation and management of the DBE program. The department is required to submit three (3) year DBE goal and goal setting methodology.

Key West Department of Transportation's three (3) year DBE goals are:

#### **Fiscal Year 2012:**

Key West Department of Transportation over all goals for Fiscal Year 2012 is **16%** of the Federal Financial assistance we will expend in USDOT-assisted contracts.

\$3,798,512.00 is the dollar amount of USDOT-assisted contracts that KWDoT expects to award during FY 2012. This means that KWDoT has set a goal of expending **\$607,761.92** with DBE's during this fiscal year.

#### **Fiscal Year 2013:**

Key West Department of Transportation over all goals for Fiscal Year 2013 is **17%** of the Federal Financial assistance we will expend in USDOT-assisted contracts.

\$3,103,500.00 is the dollar amount of USDOT-assisted contracts that KWDoT expects to award during FY 2013. This means that KWDoT has set a goal of expending **\$527,595.00** with DBE's during this fiscal year / project.

#### **Fiscal Year 2014:**

Key West Department of Transportation over all goals for Fiscal Year 2014 is **16%** of the Federal Financial assistance we will expend in USDOT-assisted contracts.

\$5,740,100.00 is the dollar amount of USDOT-assisted contracts that KWDoT expects to award during FY 2014. This means that KWDoT has set a goal of expending **\$918,416.00** with DBE's during this fiscal year / project.

#### **Methodology used to Calculate Overall Goal - Three (3) Year Period:**

##### **Step 1: 26.45(c)**

Determine the base figure for the relative availability of DBE's. The base figure for the relative availability of DBE's was calculated as follows:

**Fiscal Year 2012:** Ready, willing, and able DBE's Base figure = 40 / 250, which equals **16.0%**

**Fiscal Year 2013:** Ready, willing, and able DBE's Base figure = 42.5 / 250, which equals **17.0%**

**Fiscal Year 2014:** Ready, willing and able DBE's Base figure = 40 / 250, which equals **16.0 %**

The number of firms ready, willing and able is taken from data source or demonstrable evidence used to derive the numerator as is available from the purchasing records of the City of Key West and will be updated whenever available and with Unified Certification Program data when we achieve that level of program certification. Data source or demonstrable evidence used to derive the denominator is noted herein.

When we divided the numerator by the denominator we arrived at the base figure for our overall goal for each fiscal year bolded above.

### **Step 2: 26.45(d)**

After calculating a base figure of the relative availability of DBE's, evidence was examined to determine what adjustment was needed to the base figure in order to arrive at the overall goal. In order to reflect as accurately as possible, the DBE participation we would expect in the absence of discrimination we have adjusted our base figure by each fiscal year.

The data used to determine the adjustment to the base figure was historic data based on the business composition of vendors dealing in our area and immediately adjoining areas of the Florida Keys who are willing to transport or mobilize for projects scheduled in our area.

From this data, we have adjusted our base figure to reflect the three (3) year goal period required.

### **Public Participation**

We publish our goals on the City's website as well as via block advertisement in the local newspaper, the Key West Citizen. We then report any comments received from these advertisement efforts, summarizing comments and responses to said comments as part of our final program submission to FTA, Region IV office in Atlanta, GA.

In accordance with Section 26.45(f), KWDoT submits its overall goal to USDOT on or before August 1 every three (3) years, for their review and comments. Before establishing the overall goal every three years - KWDoT consults with its' purchasing and finance departments to assure applicable data and other relative identified information such as registered DBE's as well as MBE's are included in our calculation process. This assures that there will be no discrimination of opportunities for DBE's, and the City of Key West's efforts to establish a level playing field for the participation of as many as possible DBE's as well as MBE's is thereby established by coordination with all internal support departments of the City.

Following this consultation, we publish a notice of the proposed three (3) year goals, informing the public that the proposed goals, and all calculation details, are available for inspection during normal business hours at the KWDoT principal work office site for thirty (45) days following the date of the notice. This also invites public input and public comment of the calculation process as well as the three (3) year goals - within a timely forty-five (45) day period prior to August 1 of every third (3rd) year beginning 2011, as the first fiscal year of implementation following the rule change, as well as the published noticed attached hereto.

Our overall three (3) year goal submission to USDOT will include a summary of information and comments received during this public participation process; along with our response. We will implement annual fiscal goals established consecutively with our annual fiscal year period, or October 1 through September 30, of each year, unless we have received other instructions from USDOT. All annual fiscal year goals are calculated on an accumulative basis, and not on individual project status.

## **Section 26.51: Breakout of Estimated Race-Neutral & Race Conscious Participation**

KWDoT will meet the maximum feasible portion of its three (3) year annual goals by using race-neutral means of facilitating DBE participation. KWDoT uses the following race-neutral means to increase DBE participation:

- 1) KWDoT will notify appropriate Florida-based MBE's and DBE's of upcoming contracts available for bidding via industry specific media advertisements which covers beyond local advertisers market.
- 2) KWDoT will provide prime contractors a list of all DBE's for their use in order to assist with sub-contracting opportunities.

We estimate that in meeting our overall goal for the next 3 fiscal year period, the following will apply:

**FY 2012: 16.0%**, we will obtain **8.0%** from race-neutral participation and **8.0%** through race-conscious measures.

**FY 2013: 17%**, we will obtain **8.5%** from race-neutral participation and **8.5%** through race-conscious measures.

**FY 2014: 16%**, we will obtain **8.0%** from race-neutral participation and **8.0%** through race-conscious measures.

This calculation is based on the total dollar value of USDOT assisted contracts we anticipate will be awarded during the City of Key West's upcoming three (3) year fiscal periods - with consideration given as well to registered MBE's and small businesses.

In order to ensure that our DBE program will be narrowly tailored to overcome the effects of discrimination, if we use contract goals we will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see 26.51(f)) 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 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.

We will maintain data separately on DBE achievements in those contracts with and without contract goals, respectively.