


EXECUTIVE SUMMARY



To: Jim Scholl, City Manager

Cc: Shawn Smith, City Attorney
David Fernandez, Assistant City Manager
Jim Fitton, Port & Transit Director

From: Myra Wittenberg, Manager / KWDoT 

Date: June 30, 2011

Subject: Resolution - Approve and Adopt the City of Key West Department of Transportation Tri-ennial FTA Disadvantaged Business Enterprise (DBE) Program Policy Update

Action Statement:

This is a request for approval and adoption of the City of Key West Department of Transportation (KWDoT) Tri-ennial Federal Transit Administration (FTA) Disadvantaged Business Enterprise (DBE) Program Policy Plan Update.

Project History:

The US Department of Transportation and the Federal Transit Administration (FTA) require public transit service agencies who receive Federal or State funding to provide an approved and full disclosed "Disadvantaged Business Enterprise" (DBE) Program plan document. The purpose of which is to ensure disadvantaged businesses have equal; and, in some cases even priority status, with regard to purchases and procurements that may become available as a result of the grant funded dollars or projects.

Disadvantaged businesses are typically defined as a business that is comprised of a minority race or group - and the DBE program targets those businesses to assure they have more than an equal opportunity to all procurement opportunities resulting out of various government grant funded programs that are particular to public transit industry. Disadvantaged businesses are usually of a small business size and owned by individuals or groups of individuals who are of a minority class; such as a female-owned business or certified disabled veterans of war.

KWDoT first established their departmental DBE Transportation Program Plan document in June of 2005; the actual plan itself has always required update on a third (3rd) year or tri-ennial basis; and that has not changed.

What is new however, is the Goal and Calculation process which previous to 2010, March, was an annual requirement - but has now transitioned to becoming a tri-ennial requirement - which bridges that process in line with the Plan document update itself. Since the three (3) year rule change on March 3, 2010, the Annual Goal and Calculation Methodology process which required submittal to FTA by August 1st each year now becomes a tri-ennial process with public advertisement and comment period 45 days prior to that date.

KWDoT has always followed the requirements of FDOT / FTA and other regulatory agencies with regard to DBE program guidelines. In fact the engineering firm selected and actively engaged by the City of Key West to design, bid and build the KWDoT new transit facility is a DBE / MBE registered consultant, Chen Moore & Associates.

With the approval of this DBE Tri-ennial Plan Update - the program plan document will not require rewrite until August 1, 2014, except if substantive changes occur that require revision at some point in between now and that date.

Option #1:

Option #1 would see the City approve and adopt the Tri-Ennial DBE Program Plan for Key West Department of Transportation, dated 2011 through 2014.

Advantages

The advantage to passing this resolution ensures the City of Key West will continue to receive funding from DOT and FTA for operating and capital assistance projects. Additionally, this will increase the opportunity of registered DBE's to compete for; and potentially win, any current or future bid opportunities with KWDoT in the area of public transit services or capital project procurements.

Disadvantages

There are no disadvantages to approving the 2011 DBE program.

Fiscal Impact

The fiscal impact of submitting this Tri-ennial DBE update to FTA and FDOT is that our programs and services continue to be eligible for Federal and State funding assistance, without interruption due to issues of non compliance.

Option #2:

Option #2 would see the City of Key West not approve the resolution as requested.

Advantages

There is no advantage to not passing this resolution and the City's DoT DBE Program Plan update.

Disadvantages

The disadvantages are obvious in that by not passing this resolution as requested - the City would not be eligible for funding assistance - and the fiscal impact would be a greater level of local share required to continue to provide public transit services.

Fiscal Impact

The fiscal impact of not submitting the triennial update to KWDoT's DBE program policies would be great as the City would no longer be able to receive federal transit-related funding, much of which requires no local match.

Recommendation:

KWDoT recommends Option #1 above.

/MHW