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### Orange County, New York 2024-2026 Triennial DBE Goal Submission

#### Introduction:

This document details efforts to identify and document disadvantaged business enterprises (DBEs) by the Orange County Department of Planning and summarize the methodology used in developing its current DBE goal. As a recipient of federal funding, the Orange County Department of Planning must comply with the Federal Transit Administration's DBE program requirements.

Pursuant to Title 49 CFR Part 26 "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs", Orange County Department of Planning sets its triennial DBE goal and presents its goal-setting methodology for FY 2024-2026 (October 1, 2023, through September 30, 2026).

#### FTA-funded Projects during FY 2024-2026:

<i><b>DOT-Assisted Contract Description</b></i>	<b>Contract Values by Fiscal Year</b>		
	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>
<i>Paratransit Service</i>	2,311,179.96	\$2,419,332.38	\$2,503,104.57
<i>Middletown Area Transit Service</i>	\$583,620.96	\$619,409.50	\$2,067,741.00
<i>Transit Planning Services On-Call Consultant</i>	\$900,000.00	\$900,000.00	\$900,000.00
<i>Newburgh Area Transit Service</i>	\$0.00	\$0.00	\$2,800,000.00
<i>Warwick Park &amp; Ride Rehab</i>	\$115,000.00	\$274,144.00	\$274,144.00
<i>Schunnemunk Trail Creation</i>	\$3,049,036.00	\$11,429,606.00	\$11,429,606.00

#### Orange County's Approach to Calculating DBE Goal:

Orange County has chosen to use the "Census Data and DBE directory" approach as outlined in FTA's DBE guidance<sup>1</sup>, undertaken in the following steps:

1. Determine ready, willing and able DBEs in Orange County market area from the DBE directory
2. Determine ready, willing and able non-DBEs in Orange County market area from Census data

<sup>1</sup> Federal Transit Administration DBE Guidance, <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/dbe-guidance>

3. Determine ready, willing and able firms performing work under the same NAICS codes
4. Weighting of DOT funded work
5. Number of DBEs ÷ Number of all firms = Relative availability
6. Weight x Relative Availability = Weighted Base Figure
7. Weighted Base Figure = DBE Goal

***Determine ready, willing and able DBEs in Orange County market area from the DBE directory***

For the purposes of identifying potential DBEs that are ready, willing and able to work for Orange County Department of Planning on their contracts, a list of all DBEs registered with the New York State Department of Labor Unified Certification Program database was obtained. This database was then screened to filter only those companies who are deemed qualified to work on occupational areas corresponding to Orange County's FTA contracts. This was executed by conducting the following two steps:

1. A NAICS code filtering was applied to the version of the New York State Unified Certification Program Business Directory (as of 11/03/2023 12:27 PM – which was the directory version downloaded for this analysis).
2. A keyword search and manual refinement of the commodity codes column was conducted to make sure that the resulting firms were not generic trucking and transportation agencies or general transportation and professional management development firms, but those who can support Orange County transit planning service requirements. The following keywords were used:
  - a. Transportation
  - b. Transit
  - c. Public Transportation
  - d. Transportation Engineering
  - e. Paving
  - f. Trail
  - g. Parking Lot

Firms were included in the selection if they had any of the above keywords along with information under the "capabilities" and "commodity codes" attribute data fields of the New York State Unified Certification Program Business Directory.

***Determine total number of establishments (DBE and non-DBE combined) in the Tri-state region from Census data***

US Census Bureau County Business Patterns data was used to create this list of willing and able DBE and non-DBEs. Geographic market area considered in this case included tri-state region of New York, New Jersey, and Connecticut.

The following NAICS codes were considered for the Orange County Planning scope of services. The following NAICS codes were considered to be:

- 23891 – Site Preparation Contractors<sup>2</sup>
- 237310 – Highway, Street, and Bridge Construction<sup>2</sup>
- 238990 – All other Specialty Trade Contractors<sup>2</sup>
- 541330 - Engineering services<sup>2</sup>
- 541360 - Geophysical Surveying and Mapping Services
- 541490 – Other Specialized Design Services<sup>2</sup>
- 541611 – Administrative Management and General Management Consulting Services<sup>2</sup>
- 541614 - Transportation management consulting services
- 541618 – Other Management Consulting Services<sup>2</sup>
- 541690 - Other Scientific and Technical Consulting Services<sup>2</sup>
- 541990 – All Other Professional, Scientific, and Technical Services<sup>2</sup>
- 611430 - Professional and Management Development Training<sup>2</sup>

The total number of establishments for the above NAICS codes in the tri-state region is 3,543.

The fixed route and paratransit service contracts were covered under the following NAICS codes:

- 485113 - Bus and Other Motor Vehicle Transit Systems, and
- 485991 - Special Needs Transportation.

Total number of establishments under each NAICS codes for fixed route and paratransit service contracts are 91 and 574 respectively.

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<sup>2</sup> This analysis assumes that only 10% of the firms classified under this NAICS code would be ready, willing and able to provide services related to work categories contracted out by Orange County for its FTA contracts.

### ***Weighting of DOT Funded Work***

Each project was assigned a weight based on the percentage of total work represented by that project. The amount of each DOT funded project, was divided by the total amount of all contracts. This resulted in a specific weight relative to each project.

### ***Number of DBEs ÷ Number of all firms = Relative Availability***

The figure for relative availability is calculated by dividing the number of DBEs by the number of all firms relative to each contract opportunity. This results in a relative availability for each individual contract opportunity.

### ***Weighted Base Figure***

The weighted base figure was determined by multiplying the weight of each DOT funded contract by the relative availability of those projects which resulted in a weighted figure for each contract opportunity. The total of all individual figures resulted in the total weighted base figure. This process currently resulted in a weighted base figure of 4.6%. These calculations are outlined in the attached tables.

### ***The weighted DBE goal is 4.6%***

### ***Adjustments to the Base Figure***

***Orange County will not be currently making any adjustments to the base figure based on past participation rate as the pool of contracting opportunities and limited participation rate and interest in bidders for its service contracts, which are the significant bulk of its contracting scope, have remained so over the last several years.***

***Given that there are no further adjustments to the base figure based on past participation rate, the overall DBE goal is set at 4.6 percent.***

### ***Race Neutral and Race Conscious Split***

Orange County proposes to continue using race-neutral means, including providing DBE directories to service operators, and other measures for outreach to increase DBE participation. Orange County's DBE program will be implemented with entirely race-neutral means for this triennial period.

***Orange County estimates that it will obtain 100.0% from race-neutral participation and 0.0% from race-conscious participation for the FY 2024-2026 triennial period.***

### ***Consultative Process***

Orange County has enhanced its consultative process with the transit service contractors through its Operator Oversight Program (OOP). Through this program Orange County personnel will meet with each contracted sub-recipient semi-annually and review the current DBE program and potential opportunities for sub-recipients to contract with identified ready and willing DBEs. Over the next three years, Orange County will engage its sub-recipients at a minimum of six times each and work with operators in identifying opportunities to increase DBE participation.

Additionally, Orange County periodically offers a webinar regarding doing business as a Disadvantaged Business Enterprise (DBE) with Orange County, NY. The goal of the webinar is to inform participants of the public transportation program and services within the County and to provide information on how potential contractors could engage as a DBE within the program. Invitations are sent out to DBE firms within the applicable NAICS categories who do business in the tri-state area.

Based on the impact review, the County shall continuously tweak and adopt the consultative process for the next three years.

Notice of the updated DBE goal and planned outreach opportunities are posted on Orange County's website at this URL: <https://www.ridetranstorange.com/about>

**Step 1 A - Determine the weight of each type of work by NAICS Code:  
All reasonably anticipated FTA-assisted contracting opportunities are identified as:**

	NAICS Code	Description of Work	Amount of DOT funds on project:	% of total DOT funds (weight)
1)	485991	Paratransit Service	\$1,848,943.97	0.0574
2)	485113	Middletown Area Transit Service	\$291,810.48	0.0091
3)	541330, 541360, 541611, 541614, 541618, 541690, 541990, 611430	Transit Planning Services On-Call Consultant	\$720,000.00	0.0223
4)	485113	Newburgh Area Transit Service	\$0.00	0.0000
5)	23891, 237310, 238990, 541330, 541490	Warwick Park & Ride Rehab	\$92,000.00	0.0029
6)	237310, 23891, 238990, 541330, 541490	Schunnemunk Trail	\$2,439,228.80	0.0757
7)	485991	Paratransit Service	\$1,935,465.90	0.0600
8)	485113	Middletown Area Transit Service	\$309,704.75	0.0096
9)	541330, 541360, 541611, 541614, 541618, 541690, 541990, 611430	Transit Planning Services On-Call Consultant	\$720,000.00	0.0223
10)	485113	Newburgh Area Transit Service	\$0.00	0.0000

11)	23891, 237310, 238990, 541330, 541490	Warwick Park & Ride Rehab	\$219,315.20	0.0068
12)	237310, 23891, 238990, 541330, 541490	Schunnemunk Trail	\$9,143,684.80	0.2836
13)	485991	Paratransit Service	\$2,002,483.66	0.0621
14)	485113	Middletown Area Transit Service	\$1,033,870.50	0.0321
15)	541330, 541360, 541611, 541614, 541618, 541690, 541990, 611430	Transit Planning Services On-Call Consultant	\$720,000.00	0.0223
\$	485113	Newburgh Area Transit Service	\$1,400,000.00	0.0434
17)	23891, 237310, 238990, 541330, 541490	Warwick Park & Ride Rehab	\$219,315.20	0.0068
18)	237310, 23891, 238990, 541330, 541490	Schunnemunk Trail	\$9,143,684.80	0.2836
<b>Total FTA-Assisted Contract Funds</b>			<b>\$32,239,508.06</b>	<b>1</b>

**Step 1 B - Determine the relative availability of DBE's by NAICS**

**Code:**

**The numbers of DBEs and of all firms available to perform work on the identified contracting opportunities are:**

	<b>NAICS Code</b>	<b>Description of Work</b>	<b>Number of DBEs available to perform this work</b>	<b>Number of all firms available (including DBEs)</b>	<b>Relative Availability</b>
<b>1)</b>	485991	Paratransit Service	4	574	0.0070
<b>2)</b>	485113	Middletown Area Transit Service	1	91	0.0110
<b>3)</b>	541330, 541360, 541611, 541614, 541618, 541690, 541990, 611430	Transit Planning Services On-Call Consultant	100	2762	0.0362
<b>4)</b>	485113	Newburgh Area Transit Service	1	91	0.0110
<b>5)</b>	23891, 237310, 238990, 541330, 541490	Warwick Park & Ride Rehab	78	1236	0.0631
<b>6)</b>	237310, 23891, 238990, 541330, 541490	Schunnemunk Trail	78	1236	0.0631
<b>7)</b>	485991	Paratransit Service	4	574	0.0070
<b>8)</b>	485113	Middletown Area Transit Service	1	91	0.0110
<b>9)</b>	541330, 541360, 541611, 541614, 541618, 541690, 541990, 611430	Transit Planning Services On-Call Consultant	100	2762	0.0362
<b>10)</b>	485113	Newburgh Area Transit Service	1	91	0.0110
<b>11)</b>	23891, 237310, 238990, 541330, 541490	Warwick Park & Ride Rehab	78	1236	0.0631
<b>12)</b>	237310, 23891, 238990, 541330, 541490	Schunnemunk Trail	78	1236	0.0631
<b>13)</b>	485991	Paratransit Service	4	574	0.0070

<b>14)</b>	485113	Middletown Area Transit Service	1	91	0.0110
<b>15)</b>	541330, 541360, 541611, 541614, 541618, 541690, 541990, 611430	Transit Planning Services On-Call Consultant	100	2762	0.0362
<b>16)</b>	485113	Newburgh Area Transit Service	1	91	0.0110
<b>17)</b>	23891, 237310, 238990, 541330, 541490	Warwick Park & Ride Rehab	78	1236	0.0631
<b>18)</b>	237310, 23891, 238990, 541330, 541490	Schunnemunk Trail	78	1236	0.0631
<b>Combined Totals</b>			<b>786</b>	<b>17970</b>	<b>0.0437</b>
					<b><i>Overall availability of DBEs</i></b>



**Step 1 C - (Weight) x (Availability) = Weighted Base Figure**

	NAICS Code	Description of Work	Weight	x	Availability of DBEs	Weighted Base Figure
1)	485991	Paratransit Service	0.05735	x	0.00697	0.0004
2)	485113	Middletown Area Transit Service	0.00905	x	0.01099	0.0001
3)	541330, 541360, 541611, 541614, 541618, 541690, 541990, 611430	Transit Planning Services On-Call Consultant	0.02233	x	0.03621	0.0008
4)	485113	Newburgh Area Transit Service	0.00000	x	0.01099	0.0000
5)	23891, 237310, 238990, 541330, 541490	Warwick Park & Ride Rehab	0.00285	x	0.06311	0.0002
6)	237310, 23891, 238990, 541330, 541490	Schunnemunk Trail	0.07566	x	0.06311	0.0048
7)	485991	Paratransit Service	0.06003	x	0.00697	0.0004
8)	485113	Middletown Area Transit Service	0.00961	x	0.01099	0.0001
9)	541330, 541360, 541611, 541614, 541618, 541690, 541990, 611430	Transit Planning Services On-Call Consultant	0.02233	x	0.03621	0.0008
10)	485113	Newburgh Area Transit Service	0.00000	x	0.01099	0.0000
11)	23891, 237310, 238990, 541330, 541490	Warwick Park & Ride Rehab	0.00680	x	0.06311	0.0004
12)	237310, 23891, 238990, 541330, 541490	Schunnemunk Trail	0.28362	x	0.06311	0.0179
13)	485991	Paratransit Service	0.06211	x	0.00697	0.0004
14)	485113	Middletown Area Transit Service	0.03207	x	0.01099	0.0004
15)	541330, 541360, 541611, 541614, 541618, 541690, 541990, 611430	Transit Planning Services On-Call Consultant	0.02233	x	0.03621	0.0008

<b>16)</b>	485113	Newburgh Area Transit Service	0.04342	x	0.01099	0.0005
<b>17)</b>	23891, 237310, 238990, 541330, 541490	Warwick Park & Ride Rehab	0.00680	x	0.06311	0.0004
<b>18)</b>	237310, 23891, 238990, 541330, 541490	Schunnemunk Trail	0.28362	x	0.0631	0.0179
<b>Total</b>						0.0463
Expressed as a % (*100)						4.63%
<b>Rounded, Weighted Base Figure:</b>						<b>4.6%</b>