

# LINK21

CONNECT NORTHERN CALIFORNIA

## STRATEGIC PROGRAM PLAN

### CHAPTER 7: SBE AND DBE PROGRAMS

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April 2022

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## ISSUE AND REVISION RECORD

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	02/19/2020	Duncan Watry, BART	Sadie Graham, BART	WPA.01 DRAFT submittal review
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## SHAREPOINT PATH

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## ACRONYMS AND ABBREVIATIONS

ACRONYM/ABBREVIATION	DEFINITION
<b>BART</b>	San Francisco Bay Area Rapid Transit
<b>CCJPA</b>	Capitol Corridor Joint Powers Authority
<b>CUCP</b>	California Unified Certification Program
<b>DBE</b>	Disadvantaged Business Enterprise
<b>PMC</b>	Program Management Consultants
<b>SBE</b>	Small Business Entity
<b>SB Elements</b>	Small Business Elements
<b>SBSS</b>	Small Business Support Services
<b>USDOT</b>	United States Department of Transportation

## LINK21 PROGRAM TEAM NAMES

TEAM NAME	TEAM MEMBERS
<b>PMC</b>	The HNTB Team
<b>Program Management Team (PMT)</b>	BART/CCJPA + PMC
<b>Consultants</b>	Consultants supporting program identification/project selection
<b>Link21 Team</b>	PMT + Consultants

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## 7. SBE AND DBE PROGRAMS

### 7.1. Purpose

The goal of San Francisco Bay Area Rapid Transit's (BART) small business entity (SBE) and disadvantaged business enterprise (DBE) programs is to contribute to the growth and stability of the small and disadvantaged business community by addressing and mitigating the difficulties SBE and DBE firms may encounter when competing against larger, more established businesses.

#### 7.1.1. Disadvantaged Business Enterprise Program

BART's goal is to ensure that all federally funded contracts and procurements are administered without discrimination on the basis of race, color, sex, or national origin. The DBE Program helps to remove barriers and provide DBEs with an equal opportunity to compete for and participate in the performance of all federally funded agreements, contracts, and subcontracts awarded by BART. Firms are considered DBEs if certified by the California Unified Certification Program (CUCP). SBE certification is described in the next section.

#### 7.1.2. DBE Program Small Business Elements

The United States Department of Transportation (USDOT) mandates that each recipient of USDOT funding incorporates a small business element into its DBE program. In response to this federal mandate, BART adopted Small Business Elements (SB Elements) as part of its DBE Program to assist in maximizing the achievement of its overall triennial agency DBE goals through race- and gender-neutral means. BART uses its SBE Certification Program to certify small businesses and track information on the certified SBE firms. This Program applies only to USDOT-funded contracts with race- and gender-neutral SBE goals and SBE contract set asides.<sup>1</sup>

#### 7.1.3. Other Small Business Programs

BART's suite of equity programs also includes a Non-Discrimination in Subcontracting Program as well as a Small Business Program that incorporates small businesses, Disabled Veteran Business Enterprises, and LGBT (lesbian, gay, bisexual, and transgender) Business Enterprises that receive certification through the State of California Department of General Services. These programs pertain only to non-federally funded contracts and do not apply to the Link21 Program (Link21).

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<sup>1</sup> DBEs are automatically considered to be SBEs under this program in terms of meeting contract participation goals, but they may elect to officially apply for SBE certification so they can receive information about and bid on set aside SBE contract opportunities.



## 7.2. Strategy

The Program Management Team (PMT) utilized standards and processes established by the BART Office of Civil Rights to develop the following approach to SBE and DBE participation. The Program Management Consultants (PMC)/Consultants supporting program identification/project selection (Consultants) will follow these standards to consistently manage and monitor SBE and DBE participation on work plans in order to meet their contract commitments, as detailed in **Table 7-1**.

**Table 7-1. SBE/DBE Contract Goals**

LINK21 CONTRACT PRIME	DBE SUBCONTRACTING COMMITMENT	SBE SUBCONTRACTING COMMITMENT	STATUS
Strategic Advising and Program Management	23%	25%	On track
Engagement and Outreach	30%	30%	On track
Travel Demand and Land Use	22.5%	1%	On track
Planning and Engineering	<b>30%</b>	<b>34%</b>	On track
Environmental	<b>30%</b>	<b>0%</b>	On track

### 7.2.1. SBE/DBE Management

Policies that support small businesses are incorporated into the subconsultant management approach to create opportunities for SBE firms to have leadership roles on work plans. During work plan scoping, the team should look for opportunities to meaningfully incorporate SBE firms while meeting scope, schedule, and budget needs.

Some best practices that may serve to guide the PMC/Consultants' approach to meeting contractually mandated SBE and DBE goals include the following.

#### COMMUNICATION

- Hold weekly full-team meetings that provide transparency around Link21's status, future work plan opportunities, and lessons learned from ongoing work plan delivery.
- Include subconsultants in work plan scoping so they are involved in developing their approved scope/fee.

#### STANDARD PROCESSES

- Execute subcontracts with subconsultants as soon as the prime agreement is executed to avoid delays.
- Have pre-established project management and quality plans.



- Develop standardized templates and processes for scoping documents, forms, invoices, and folder structures.
- Provide training for quality, invoicing, progress reporting, change management, and document control.
- Compile good faith effort documentation that focuses on how SBE team members are being engaged about potential opportunities to provide services under current or future work plans.

## RESOURCE FLEXIBILITY

- Meet regularly with each of the subconsultants to understand their staff availability, which allows for the quick expansion of work plan teams as needs arise.
- Hold internal and attend external diversity outreach events regularly to broaden the pool of potential subconsultants.

### 7.2.2. SBE/DBE Certification Verification for Adding New Subconsultants

Sometimes, there is a need to add new subconsultants to a contract. This typically occurs because a current SBE team member lacks capacity to perform work under a particular work plan or the PMC/Consultant receives a new scope of work. In both instances, the PMC/Consultant will consult with the rest of the SBE subconsultants on the team to confirm their qualifications, interest, or capacity to perform the work. The PMC/Consultant will make a concerted effort to provide the current SBE subconsultants with new opportunities before searching for new SBE firms to add to the team.

If the current team of SBE subconsultants do not have the qualifications, interest, or capacity to perform the work, the PMC/Consultant will conduct a search in its internal database of potential subconsultants or use external sources to find a firm with the right qualifications to perform the work. For each potential new subconsultant, the PMC/Consultant uses a standardized process for verifying that subconsultants are certified as SBEs under one of two certification programs that apply to Link21. These two programs are:

1. BART's SB Elements Program<sup>2</sup> for BART SBE certification
2. CUCP<sup>3</sup> for statewide DBE certification

Also, it is important that the subconsultant is certified for the appropriate work category for their participation to count towards SBE or DBE participation goals.

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<sup>2</sup> BART's SB Elements Program information is available at <https://www.bart.gov/sites/default/files/docs/BART%20DBE%20Program%20and%20Appendices%2012222020.pdf>

<sup>3</sup> CUCP information is available at <https://dot.ca.gov/programs/civil-rights/dbe>



The verification process requires the subconsultant to provide its certification number, work categories, and document proof for verification on the Subconsultant Certification Verification Form. The PMC/Consultant verifies the provided information against BART’s Certified Vendor Directory and the California Department of Transportation (Caltrans) DBE Database. Upon successful verification, the PMC/Consultant adds the subconsultant to the PMC/Consultant’s SBE/DBE database of potential subconsultants for their qualified work category(ies). The PMC/Consultant then sends a written request to BART for approval to add the new SBE- and/or DBE-certified subconsultant to the team for a specific work plan. Upon approval, the newly added subconsultant’s work may be counted toward SBE and DBE participation goals for the specified work plan and all future work plans.

In case a subconsultant does not have either certification, the PMC encourages the subconsultant to review the eligibility requirements and application instructions for the two programs.

### 7.2.3. SBE/DBE Monitoring

To comply with BART’s reporting needs and requirements for monitoring SBE participation, it is monitored monthly and details on the actual participation against the goal is included in the monthly progress report. It is expected that the PMC and the Consultants will perform internal monitoring of their progress toward achieving their respective SBE and/or DBE utilization goals.

In addition, the PMC/Consultant records this information upon payment on the BART GoB2G website - SBE Payment Tracking and Compliance Management System.

### 7.2.4. SBE/DBE Invoices

The process shown in **Figure 7-1** outlines how the PMC/Consultant follows BART’s processes for invoicing and paying SBE firms, and how they use BART’s website to verify SBEs have received their payment.

**Figure 7-1. SBE Payment Process**



### 7.2.5. SBE/DBE Mentorship and Support Services

The PMC/Consultant can further demonstrate their commitment to supporting SBE subconsultants by providing informal mentorship opportunities. The PMC/Consultant prime firm will support the SBE subconsultants by providing guidance on how to improve their performance, enhance their capabilities and service offerings, and grow their firms. This requires identifying the appropriate staff and resources to share



technical and business-related best practices with the firms. As Link21 progresses, this may evolve into a formal mentorship program.

SBE subconsultants may access additional resources through BART's Small Business Support Services (SBSS) group. The SBSS provides small businesses with technical support, training, and assistance to small businesses for a variety of pre- and post-award processes, such as certification, business development, contracting, invoicing, scheduling, and project closeout.