

LINK21

CONNECT NORTHERN CALIFORNIA

STRATEGIC PROGRAM PLAN

CHAPTER 8: DBE AND SBE PARTICIPATION PLAN

November 2022

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ISSUE AND REVISION RECORD

REVISION	DATE	PREPARER(S)	PMC REVIEWER(S)	APPROVER	DESCRIPTION/NOTES
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1.A	02/06/2020	Susan Mai, HNTB	Gay Knipper, HNTB	Peter Gertler, HNTB	WPA.01 DRAFT submittal
	02/19/2020	---	Duncan Watry, BART	Sadie Graham, BART	WPA.01 DRAFT submittal review
2.A	07/30/2020	Sudhish Verma, HNTB	Gay Knipper, HNTB	Peter Gertler, HNTB	WPA.02 V1 DRAFT submittal
	08/06/2020	---	Sadie Graham, BART	Sadie Graham, BART	WPA.02 V1 DRAFT submittal review
2.B	10/30/2020	Mydria Clark, HNTB	Gay Knipper, HNTB	Peter Gertler, HNTB	WPA.02 V1 DRAFT FINAL submittal
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3.A	04/16/2021	Mydria Clark, HNTB	Steve Lavelle, Intueor	Peter Gertler, HNTB	WPA.03 V2 Working DRAFT submittal
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REVISION	DATE	PREPARER(S)	PMC REVIEWER(S)	APPROVER	DESCRIPTION/NOTES
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SHAREPOINT PATH

Records Center/PRGM Record Center/WPA.01/SPP/
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ACRONYMS AND ABBREVIATIONS

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

LINK21 PROGRAM TEAM NAMES

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

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8. DBE AND SBE PARTICIPATION PLAN

8.1. Purpose

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

BART is committed to carrying out all the DBE requirements of Title 49, Code of Federal Regulation, Part 26, as amended periodically by the United States Department of Transportation (USDOT).

The Link21 Program's (Link21) DBE and SBE Participation Plan is also in alignment with the USDOT's Equity Action Plan, which is an initiative to create wealth in communities that have been marginalized by increasing opportunities for DBE/SBE firms, and the 2021 Bipartisan Infrastructure Law, which reinforces the importance of making prompt payments to all subconsultants, especially to DBE/SBE firms.

8.1.1. 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.

8.1.2. DBE Program Small Business Elements

The 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.¹

¹ 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.



8.1.3. 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 Link21.

8.2. Strategy

The Program Management Team (PMT)² utilized standards and processes established by BART’s Office of Civil Rights (OCR) to guide the development of Link21’s DBE and SBE Participation Plan. The PMC and the Consultants supporting program identification/project selection (Consultants) will follow the strategy set forth in this plan to meet their contract commitments, as detailed in **Table 8-1**.

Table 8-1. DBE/SBE Contract Goals

LINK21 PRIME CONTRACT	AGREEMENT NO.	AGREEMENT DATES (PROJECTED)	SUBCONTRACTING COMMITMENT
Strategic Advising and Program Management	6M8159	2019 – 2024	25% SBE
Strategic Advising and Program Management	6M6155	2022 – 2026	25% DBE
Engagement and Outreach	6M6146-SC1	2021 – 2027	30% DBE
Travel Demand and Land Use	6M6146-SC2	2021 – 2027	22.5% DBE
Planning and Engineering	6M6146-SC3	2021 – 2027	30% DBE
Environmental	6M6146-SC4	2021 – 2027	30% DBE

Link21’s DBE and SBE Participation Plan includes best practices that may serve to guide the PMC/Consultants’ approach to meeting their contractually mandated DBE and SBE goals. These best practices include:

- Ensuring **contract compliance** by regularly monitoring and managing DBE/SBE utilization on work plans.
- Providing **onboarding and administrative support** to guide DBE/SBE firms in adhering to Link21 processes and procedures.
- Offering **mentoring and support services for DBE/SBE firms** to help them enhance their performance and grow their firms.

² BART/Capitol Corridor Joint Powers Authority (CCJPA) and Program Management Consultants (PMC)



- Conducting **outreach** to recruit additional DBE/SBE firms to the program, as necessary.

The PMC DBE/SBE manager, in collaboration with the PMC Contract Management Team, will lead efforts to implement the DBE/SBE Participation Plan. The PMC DBE/SBE manager will coordinate with OCR staff as necessary to make sure Link21's approach consistently aligns with BART's contract equity goals and requirements.

8.3. Implementation

Successful implementation of Link21's DBE and SBE Participation Plan begins with communication, even before the work begins. Policies that support small businesses are incorporated into the overall subconsultant management approach to create opportunities for DBE/SBE firms to have leadership roles in work plans.

During work plan scoping, the PMC/Consultants will look for opportunities to meaningfully incorporate DBE/SBE firms by performing some of the following best practices:

- Including subconsultants in work plan scoping discussions so they are involved in developing their approved scope/fee.
- Meeting regularly with each of the subconsultants to understand their staff availability, which allows for the quick inclusion in work plan teams as needs arise.
- Holding regular team meetings that provide transparency around Link21's status, future work plan opportunities, and lessons learned from ongoing work plan delivery.

Once work plans get underway, the PMC/Consultants may implement the strategies described below to support their DBE/SBE subconsultants and to make sure they are on track with meeting their contractual DBE/SBE goals.

8.3.1. Contract Compliance

To comply with BART's contract compliance reporting needs and the requirements for tracking DBE/SBE participation, the PMC/Consultants will perform internal monitoring of their progress toward achieving their respective DBE and/or SBE utilization goals.

Details regarding actual participation against the goal, as well as other DBE/SBE-related information, will be included in a progress report that is submitted to BART monthly. Also, a monthly snapshot of DBE/SBE participation will be available on the PMC DBE/SBE Management SharePoint homepage, where the PMC can quickly review this information.

DBE/SBE INVOICING AND PAYMENTS

The process in **Figure 8-1** outlines how the PMC/Consultants follow BART's processes for invoicing and paying DBE/SBE firms, and how they use BART's website to verify DBE/SBE firms have received their payment. The PMC/Consultants will follow BART's



prompt payment requirements, and subconsultants will be paid within 30 days of the PMC/Consultant receiving payment from BART.

Figure 8-1. DBE/SBE Payment Process



Upon payment, the PMC/Consultant records this information on the [BART B2Gnow website](#) - Subconsultant Payment Tracking System and Compliance Management System. The PMC/Consultant will also complete a compliance audit in B2Gnow to confirm all payments to subconsultants. Based on the invoices submitted, OCR will be able to track DBE and SBE participation through B2Gnow.

8.3.2. Onboarding and Administrative Support

As DBE/SBE firms start working on the project, the PMC will provide them with onboarding to make sure they are provided with the proper tools to be successful on the program. To support DBE/SBE partners, some of Link21's standard onboarding processes include:

- Executing subcontracts with subconsultants as soon as the prime agreement is executed to avoid delays.
- Providing pre-established program management and quality plans.
- Developing standardized templates and processes for scoping documents, forms, invoices, and folder structures.
- Conducting training on quality, invoicing, progress reporting, change management, and document control.

These activities allow the PMC to make sure all team members use a consistent approach to performing the work. As processes change or new processes are required, the PMC/Consultants will conduct training sessions to educate team members on the changes. On a case-by-case basis, DBE/SBE firms may have some administrative procedures altered or waived to alleviate a tremendous administrative burden.

8.3.3. Mentoring and Support Services

The PMC/Consultants can further demonstrate their commitment to supporting DBE/SBE subconsultants by providing informal mentorship opportunities. The PMC/Consultant prime firm will support their DBE/SBE subconsultants by providing guidance on how to improve their performance, enhance their capabilities and service offerings, and grow their firms. This requires that the PMC/Consultants identify the appropriate staff and resources to share technical and business-related best practices



with the DBE/SBE firms. As Link21 progresses, this may evolve into a formal mentorship program.

DBE/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.

8.3.4. Outreach

The PMC developed and maintains, and the Consultants may also develop and maintain, a Firm Capability Matrix to capture each DBE and SBE team member's complete set of service offerings and NAICS codes, including for service areas the firm is not contracted to perform for the PMC and Consultant prime contracts, respectively. If new scopes of work arise or gaps within the existing team are identified, reviewing the Firm Capability Matrix allows the PMC or Consultants to offer new opportunities to current DBE/SBE teaming partners first before conducting outreach to find a new firm.

Also, the PMC prime firm maintains, and the Consultant prime firms may maintain, an internal database of small businesses. Should the prime firms need to add a new subconsultant for a specific area, the internal database will be used to identify firms with the right qualifications and certifications to perform the work. The PMC will, and the Consultants may, hold internal outreach events and regularly attend external business diversity outreach to broaden their pool of potential DBE/SBE subconsultants. The PMC will, and the Consultants may, compile good faith effort documentation to track this continuous engagement and to provide evidence that the team is communicating with DBE/SBE firms about potential opportunities to provide services under current or future work plans.