

Business Item

Management Committee



Committee Meeting Date: October 25, 2023

For the Metropolitan Council: October 25, 2023

Business Item: 2023-256 SW

Approval of FTA and EPA Triennial DBE Goals for FFYs 2024-2026

District(s), Member(s):	All
Policy/Legal Reference:	United States Department of Transportation Disadvantaged Business Enterprise Program (49 CFR 26; 26.45), United States Environmental Protection Agency Disadvantaged Business Enterprise Program (40 CFR 33); Metropolitan Council Policy OEO 5-1 Inclusion of Disadvantaged Business Enterprises
Staff Prepared/Presented:	Ashanti Payne, Assistant Director- 612-349-7660
Division/Department:	RA / Office of Equity and Equal Opportunity

Proposed Action

That the Metropolitan Council approve the triennial FTA and EPA DBE Program goal.

Background

The Council is proposing a 13.4% FTA DBE program goal and an 11.9% EPA DBE program goal for FFYs 2024-2026. Council approval of the goal is required by the FTA.

When establishing an FTA Triennial DBE program goal, the Council must inform, consult, and engage with the public and provide an opportunity for comment. The Council's 30-day public comment period was from August 28th to September 28th. A virtual public comment meeting was held via TEAMS on September 14th from 2-4pm. A total of 18 comments were received.

These proposed goals were presented to the Environment, Transportation and Management Committees in September 2023. In addition, the goals were also presented to the Equity Advisory Committee.

Goal Setting Methodology

Dr. Samuel Myers from the University of Minnesota, along with his team were hired to establish the FTA and EPA Triennial goals. He presented the used methodology to Management Committee on September 13, 2023.

Rationale

Triennial FTA DBE Program goal: The U.S. Department of Transportation (USDOT) requires that agencies like the Council administer a DBE program on projects receiving federal funding. The DBE regulations describe many requirements the Council must satisfy to remain eligible for future USDOT funding. One requirement is that the Council engage in an analysis of future transportation spending to set a DBE inclusion goal that will remain in effect for three years. This program goal helps the Council set subcontracting inclusion

goals on specific transportation projects that receive USDOT funding.

Triennial EPA DBE Program goal: The U.S. Environmental Protection Agency (EPA) requires that agencies like the Council administer a DBE program on projects receiving federal funding. The regulation requires the Council to annually report DBE participation to remain eligible for future US EPA funding. The Council sets a DBE inclusion goal that will remain in effect for three years. This program goal helps the Council set subcontracting inclusion goals on specific environmental service contracts that receive EPA funding.

Thrive Lens Analysis

The DBE program seeks to ensure nondiscrimination in how federally funded projects are awarded and administered. The triennial DBE program goal methodology helps the Council implement a program that is narrowly tailored, while creating a level playing field and removing barriers for DBEs, as well as promoting their use on Council projects.

The recommended goals reflect the level of DBE participation that the Council would expect absent the effects of discrimination in the region.

Approval of the Triennial DBE program goals advance Equity and other Thrive outcomes. This approval helps ensure that the Council's DBE programs remain in Federal compliance, thereby retaining the Council's eligibility to receive future federal funding. In addition, this action supports the region's women and minority owned small business community by helping to eliminate barriers that typically affect subcontracting inclusion.

Funding

The Council's Triennial DBE Program Goals and the implementation of the DBE program are achieved using general operating funds.

Small Business Inclusion

The overall goals serve as a benchmark and are considered when OEEEO establishes project specific goals on FTA and EPA funded projects.

