

CITY OF ONALASKA MEETING NOTICE

COMMITTEE/BOARD: Utilities Committee
DATE OF MEETING: June 6, 2018 (Wednesday)
PLACE OF MEETING: City Hall – 415 Main Street (Common Council Chambers)
TIME OF MEETING: 7:00 PM

PURPOSE OF MEETING

1. Call to Order and roll call.
2. Approval of minutes from the previous meeting.
3. Public Input (Limited to 3 minutes per individual)

Consideration and possible action on the following items:

4. **MASS TRANSIT**
 - a. MTU Transit financials (Jim Krueger)
 - b. Shared Ride Transit:
 1. Financials (Justin Running or Jeff Burkhart/Fred Buehler)
 2. Set date/time for the Program of Projects hearing on July 5th at 7:00 p.m.
 3. Disadvantage Business Enterprise (DBE) requirements:
 - a. DBE Program Plan
 - b. City of Onalaska methodology
 - c. Holmen Transit Input (Holmen Rep.)
 - d. West Salem Transit Input (West Salem Rep.)
 - e. Onalaska Transit Input (Onalaska Rep.)
5. **UTILITIES**
No Report

Adjournment

PLEASE TAKE FURTHER NOTICE that members of the Common Council of the City of Onalaska who do not serve on the committee may attend this meeting to gather information about a subject over which they have decision making responsibility.

Therefore, further notice is hereby given that the above meeting may constitute a meeting of the Common Council and is hereby noticed as such, even though it is not contemplated that the Common Council will take any formal action at this meeting.

NOTICES MAILED TO:

Mayor Joe Chilsen

Ald. Jim Binash

*Ald. Jim Olson – Vice Chair

*Ald. Jerry Every - Chair

*Ald. Kim Smith

Ald. Ron Gjertsen

Ald. Diane Wulf

City Administrator City Attorney

Dept. Heads La Crosse Tribune

Onalaska Holmen Courier Life FOX

WKTY WLXR WLAX WKBT WXOW

*Committee Members

***Mass Transit Members**

*Dawn Kulcinski – Village of Holmen Trustee

*Leroy Brown - Village of West Salem Trustee

Jim Krueger, Interim MTU

Richard Running

Village of Holmen

Village of West Salem

Onalaska Public Library Omni Center

Date Notices Posted and Mailed: 5-31-18

In compliance with the Americans with Disabilities Act of 1990, the City of Onalaska will provide reasonable accommodations to qualified individuals with a disability to ensure equal access to public meetings provided notification is given to the City Clerk within seventy-two (72) hours prior to the public meeting and that the requested accommodation does not create an undue hardship for the City.

Outlined: 49 CFR 26.45

* Definition of a Disadvantaged Business Enterprise

DBEs are for-profit small business concerns where socially and economically disadvantaged individuals own at least a 51% interest and also control management and daily business operations.

African Americans, Hispanics, Native Americans, Asian-Pacific and Subcontinent Asian Americans, and women are presumed to be socially and economically disadvantaged. Other individuals can also qualify as socially and economically disadvantaged on a case-by-case basis.

* Requirements for DBE Participation

To participate in the DBE program, a small business owned and controlled by socially and economically disadvantaged individuals must receive DBE certification from the relevant state—generally through the state Uniform Certification Program (UCP).

To be regarded as economically disadvantaged, an individual must have a personal net worth that does not exceed \$1.32 million. To be seen as a small business, a firm must meet SBA size criteria AND have average annual gross receipts not to exceed \$23.98 million. Size limits for the airport concessions DBE program are higher.

* Roles and Responsibilities of State and Local Transportation Agencies

As recipients of DOT financial assistance, state and local transportation agencies are responsible to:

- Certify the eligibility of DBE firms to participate in their DOT-assisted contracts;
- Establish narrowly-tailored goals for the participation of disadvantaged entrepreneurs; and
- Evaluate their DOT-assisted contracts throughout the year and establish contract-specific DBE subcontracting goals as necessary to achieve the overall goal of the agency.
- The level of DBE subcontracting goals may vary; however, by the end of the year, the amount of contract/subcontract awards to DBEs must be consistent with the overall goal [Submit Feedback >](#)

MT-4a

LA CROSSE MUNICIPAL TRANSIT UTILITY	2018
ONALASKA SERVICE AREA	

Includes Route 9 - Onalaska Route, other bus routes serving Onalaska destinations, and an estimate of the ADA Paratransit riders with Onalaska destinations.

	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	2017	2016	%
							Chng
Adult Tokens	88				88	268	
Youth Tokens	9				9	27	
# of Special Fares	6				6	8	
Cash	\$1,147				\$1,147	\$5,094	
Farebox Revenue	\$1,292				\$1,292	\$5,524	
Pass Revenue	\$1,902				\$1,902	\$9,692	
Total Revenue	\$3,193				\$3,193	\$15,217	
Farebox Passengers	840				840	3,857	
Adult Monthly Passes	976				976	4,158	
Youth Monthly Passes	145				145	684	
D&S Monthly Passes	1,050				1,050	3,632	
Work's Passes	147				147	297	
WWTC Passes	184				184	715	
Viterbo Passes	20				20	89	
UWL Passes	126				126	276	
Special Fares	237				237	1,178	
Total Farebox Passengers	3,725				3,725	14,886	
Transfer Passengers	578				578	2,968	
Free Fare Passengers	112				112	447	
Total Route 9 Passengers	<u>4,415</u>				<u>4,415</u>	<u>18,301</u>	<u>-76%</u>
Rt. 5 & Rt. 8 Passengers *	12,073				12,073	54,610	-78%
Paratransit Passengers **					0	781	-100%
Transfers from OHWSPT ***	302				587	1,111	-47%
Total Onalaska Passengers			<u>0</u>	<u>0</u>	<u>0</u>	<u>74,022</u>	<u>-100%</u>
Revenue Hours	545				545	2,162	-75%
Total Hours	629				629	2,497	-75%
Revenue Miles	9,275				9,275	36,856	-75%
Total Miles	10,363				10,363	41,174	-75%

MT-461



Wisconsin Department of Transportation

www.dot.state.wi.us

Scott Walker
Governor

Dave Ross
Secretary

Bureau of Transit ,Local Roads, Railroads
and Harbors
4802 Sheboygan Ave.
P O Box 7913, Room 951
Madison, WI 53707-7913

May 31, 2018

FAX: 608-266-0658

Ms. Kelly Brookins, Acting Administrator
Federal Transit Administration
Region V
200 West Adams Street, Suite 320
Chicago, IL 60606-5253

Dear Ms. Brookins:

The following is how the Wisconsin DOT plans to distribute the FFY 2018 Governor's Apportionment of Urbanized Area Formula Funds under Section 5307. All systems are part of the same city's UZA, except where noted.

City of Beloit	\$ 578,143
City of Chippewa Falls (Eau Claire UZA)	\$ 148,558
City of Eau Claire	\$ 1,745,340
City of Fond du Lac	\$ 586,384
City of Hartford (West Bend UZA)	\$ 73,554
City of Janesville	\$ 1,074,299
City of Kenosha	\$ 2,115,855
City of La Crosse	\$ 2,048,982
City of Onalaska (La Crosse UZA)	\$ 253,438 ✓
City of Oshkosh	\$ 1,525,715
City of Racine	\$ 2,636,230
City of Sheboygan	\$ 1,170,891
City of Superior (Duluth, MN UZA)	\$ 472,192
City of Wausau	\$ 1,012,517
County of Washington (West Bend UZA)	\$ 664,431
City of West Bend	\$ 346,453
WisDOT - JARC Funds	\$ 200,000

Total Wisconsin 2018 5307 Governor's Apportionment- \$16,652,982

Should you have any questions concerning this distribution of federal funds, please contact me at (608) 266-0189.

Sincerely,

Ian Ritz, Chief
Transit Section

**ONALASKA/HOLMEN/WEST SALEM PUBLIC TRANSIT
MONTHLY TOTALS
CALENDAR YEAR 2018**

<u>Month</u>	<u>2018 Miles</u>	<u>2017 Miles</u>	<u>Onalaska Trips</u>	<u>Holmen Trips</u>	<u>West Salem Trips</u>	<u>Total 2018 Trips</u>	<u>Total 2017 Trips</u>	<u>2018 Agency Trips</u>	<u>2017 Agency Trips</u>	<u>2018 MTU Passes</u>	<u>2017 MTU Passes</u>	<u>2018 Operating Stats Hours</u>	<u>2017 Operating Stats Hours</u>	<u>Gallons</u>	<u>Fares</u>	<u>Freight Package</u>	<u>Agency Revenue</u>
January	35,813	33,509	2,967	1,282	600	4,849	5,045	881	729	706	610	2,700.18	2,451.98	2,420.854	\$ 10,815.75	\$ -	\$ 5,735.00
February	31,972	32,288	2,805	1,139	522	4,466	4,799	806	668	578	699	2,433.00	2,271.38	2,162.330	\$ 11,093.00	\$ -	\$ 4,718.75
March	38,141	35,201	3,355	1,298	599	5,252	5,222	967	761	735	723	2,702.72	2,575.78	2,403.266	\$ 11,400.50	\$ -	\$ 5,628.75
1st Qtr Total	105,926	100,998	9,127	3,719	1,721	14,567	15,066	2,654	2,158	2,019	2,032	7,835.90	7,299.14	6,986.450	\$ 33,309.25	\$ -	\$ 16,082.50
April	35,550	33,279	3,024	1,223	566	4,813	4,818	986	813	661	703	2,667.87	2,442.75	2,288.136	\$ 10,593.25	\$ -	\$ 5,871.25
May		34,596				0	5,026		847		670		2,657.77				
June		34,959				0	4,886		814		646		3,006.90				
2nd Qtr Total	35,550	102,834	3,024	1,223	566	4,813	14,730	986	2,474	661	2,019	2,667.87	8,107.42	2,288.136	\$10,593.25	\$0.00	\$5,871.25
Y.T.D.	141,476	203,832	12,151	4,942	2,287	19,380	29,796	3,640	4,632	2,680	4,051	10,503.77	15,406.56	9,274.586	\$43,902.50	\$0.00	\$21,953.75
July		36,400				0	4,575		832		611		2,654.78				
August		37,768				0	4,843		953		723		2,704.36				
September		35,377				0	4,773		899		734		2,649.20				
3rd Qtr Total	0	109,545	0	0	0	0	14,151	0	2,684	0	2,068	0.00	8,008.34	0.000	\$0.00	\$0.00	\$0.00
Y.T.D.	141,476	313,377	12,151	4,942	2,287	19,380	43,967	3,640	7,316	2,680	6,119	10,503.77	23,414.90	9,274.586	\$43,902.50	\$0.00	\$21,953.75
October		36,054				0	5,000		923		748		2,528.68				
November		36,217				0	4,921		982		682		2,544.73				
December		35,507				0	4,801		938		674		2,641.01				
4th Qtr Total	0	107,778	0	0	0	0	14,722	0	2,843	0	2,104	0.00	7,714.42	0.000	\$0.00	\$0.00	\$0.00
Y.T.D.	141,476	421,155	12,151	4,942	2,287	19,380	58,709	3,640	10,159	2,680	8,223	10,503.77	31,129.32	9,274.586	\$43,902.50	\$0.00	\$21,953.75

***Agency Trips are included in total trips

MT-4
b 3a

City of Onalaska: DBE Program Plan

Policy Statement

Section 26.1, 26.23 Objectives/Policy Statement

The **City of Onalaska** has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The **City of Onalaska** has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the **City of Onalaska** has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the **City of Onalaska** to ensure that DBEs are defined in part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT - assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT assisted contracts;
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

Fred Buehler, the City Finance Director, has been delegated as the DBE Liaison Officer. In that capacity Fred Buehler is responsible for implementing all aspects of the DBE program.

Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the City of Onalaska in its financial assistance agreements with the Department of Transportation.

The **City of Onalaska** has disseminated this policy statement to the City of Onalaska Utilities Committee and all the components of our organization. This DBE Program Plan is available to the public upon request at 415 Main Street Onalaska, WI 54650.



Signature

5/16/18
Date

City Administrator

Title

SUBPART A - General Requirements

Section 26.1 Objectives

The objectives are found in the policy statement on the first page of this program.

Section 26.3 Applicability

The **City of Onalaska** is the recipient of federal transit funds authorized by Titles I, III, V, and VI of ISTEA, Pub. L. 102-240 or by Federal transit laws in Title 49, U.S. Code, or Titles I, II, and V of the Teas-21, Pub. L. 105-178.

Section 26.5 Definitions

The **City of Onalaska** will adopt the definitions contained in Section 26.5 for this program.

Section 26.7 Non-discrimination Requirements

The **City of Onalaska** will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, the **City of Onalaska** will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

Section 26.11(b) Record Keeping Requirements

The **City of Onalaska** will submit DBE semi-annual reports to FTA in TrAMS.

Bidders List: 26.11(c)

The **City of Onalaska** will create a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The document attached is the tool the **City of Onalaska** will use in the procurement process of all its solicitations. The bidder list requires bidders/offerors to include the name, address, DBE non-DBE status, age, and annual gross receipts of firms. The bidder's list information will be used to calculate overall DBE goals and will also serve as one of a number of ways to notify prospective firms of solicitations.



Bidders List.xlsx

Section 26.13 Federal Financial Assistance Agreement

The **City of Onalaska** has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

Assurance: 26.13(a)

The **City of Onalaska** shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT assisted contract or in the administration of its DBE Program or the requirements of 49 CFR part 26. The recipient shall take all necessary and reasonable steps under 49 CFR

part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. The recipient's DBE Program, as required by 49 CFR part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the [Recipient] of its failure to carry out its approved program, the Department may impose sanction as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

This language will appear in financial assistance agreements with sub-recipients.

[Note: This language is to be used verbatim, as it is stated in 26.13(a).]

Contract Assurance: 26.13b

The **City of Onalaska** will ensure that the following clause is placed in every DOT-assisted contract and subcontract:

The contractor, sub-recipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:

- 1) Withholding monthly progress payments;
- 2) Assessing sanctions;
- 3) Liquidated damages, and/or;
- 4) Disqualifying the contractor from future bidding as non-responsible.

[Note: This language is to be used verbatim, as it is stated in 26.13(b)]

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

Since the **City of Onalaska** has received a grant of \$250,000 or more in FTA planning capital, and or operating assistance in a federal fiscal year, it will continue to carry out this program until all funds from DOT financial assistance have been expended. The **City of Onalaska** will provide to DOT updates representing significant changes in the program.

Section 26.23 Policy Statement

The Policy Statement is elaborated on the first page of this program.

Section 26.25 DBE Liaison Officer (DBELO)

The **City of Onalaska** has designated the following individual as our DBE Liaison Officer:

Fred Buehler 415 Main Street Onalaska WI 54650; 608-781-5930; fbuehler@cityofonalaska.com

In this capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the **City of Onalaska** complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the **City Administrator** concerning DBE program matters.

An organization chart displaying the DBELO's position in the organization is attached to this program plan.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials.

The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by USDOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals attainment and identifies ways to improve progress.
6. Analyzes the **City of Onalaska's** progress toward attainment and identifies ways to improve progress.
7. Advises the CEO on DBE matters and achievement.
8. Plans and participates in DBE training seminars, as needed.

Section 26.27 DBE Financial Institutions

Even though the City of Onalaska has limited contractible opportunities (i.e., (1) one contract for transportation services) it will make efforts to reach out to WisDOT to discuss the availability of DBE institutions in the geographical area of the City of Onalaska and encourage DBE participation during the procurement process.

Section 26.29 Prompt Payment Mechanisms

The **City of Onalaska** will include the following clause in each DOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than [30] days from the receipt of each payment the prime contract receives from the **City of Onalaska**. The prime contractor agrees further to return retainage payments to each subcontractor within [30] days after the subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the **City of Onalaska**. This clause applies to both DBE and non-DBE subcontracts.

The **City of Onalaska** will use a *Prompt Payment Log* to monitor timely payments of prime contractors to its subcontractor(s).



Prompt Payment
Log.xlsx

The **City of Onalaska** proactively reviews contract payments to subcontractors including DBEs on a quarterly basis to ensure compliance. Payment reviews will evaluate whether the actual amount paid to

DBE subcontractors is equivalent to the amounts reported to the **City of Onalaska** by the prime contractor.

The **City of Onalaska** will take steps to resolve disputes and complaints with the prime and subcontractor as to whether work has been satisfactorily completed for purposes of § 26.29.

Complaints by subcontractors regarding the prompt payment requirements are handled according to the following procedure.

In addition, the prime contractor must promptly notify WisDOT whenever a DBE subcontractor performing work related to this contract is terminated or fails to complete its work, and must make good faith efforts to engage another DBE subcontractor to perform at least the same amount of work. The prime contractor may not terminate any DBE subcontractor and perform that work through its own forces or those of an affiliate without prior written consent of WisDOT.

Section 26.31 Directory

The **City of Onalaska** utilizes the Wisconsin Department of Transportation's directory of DBE certified firms. The directory is available on the WisDOT website. <http://wisconsin.gov/Pages/doing-bus/civil-rights/dbe/certified-firms.aspx>

Section 26.33 Overconcentration

The **City of Onalaska** has not identified that overconcentration exists in the types of work that DBEs perform. On the contrary, very few DBE firms are ready, willing and able to provide transportation services in Wisconsin, particularly in rural areas.

Section 26.35 Business Development Programs

The **City of Onalaska** has not established a business development program because such a program is not warranted due to the its limited contractible opportunities (i.e., (1) one contract for transportation services). If needed, the City of Onalaska will utilize the business development program of WisDOT.

Section 26.37 Monitoring and Enforcement Mechanisms

The **City of Onalaska** will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

1. We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.
2. We will consider similar action under our own legal authorities, including responsibility determinations in future contracts.
3. We will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished by working with WisDOT to determine and appropriate contract administration procedure for the type of procurement.
4. We will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

26.39 Fostering Small Business

The **City of Onalaska** will work to ensure the structure of its contracting requirements facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors.

As warranted, the **City of Onalaska** will use the following strategy to foster small business participation:

On prime contracts not having DBE contract goals, requiring the prime contractor to provide subcontracting opportunities of a size that small businesses, including DBEs, can reasonably perform, rather than self-performing all the work involved.

In addition, when the **City of Onalaska** conducts the procurement for transportation service, it will also consider implementing the following measures encourage small business participation:

- Utilize the **City of Onalaska's** Business Assistance webpage to promote small business opportunities. <https://www.cityofonalaska.com/index.asp?SEC=B9A5AF6F-AF6D-478C-A2B0-BC7EE43E955F>
- Consult the La Crosse Area Chamber of Commerce
<https://www.lacrossechamber.com/>
- Consult the University of Wisconsin-La Crosse (SBDC) Small Business Development Center
<https://www.uwlax.edu/sbdc/>
- Consult WisDOT's Transit Section for guidance on facilitating small business participation

SUBPART C - GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

The **City of Onalaska** does not use quotas in any way in the administration of this DBE program.

Section 26.45 Overall Goals

The **City of Onalaska** applies directly to the Federal Transit Administration (FTA) for capital and operating funds to purchase vehicles and contract with a third party to provide public transportation.

Since the **City of Onalaska** receives just over the required threshold of \$250,000 in the amount of \$258,000, the **City of Onalaska** is required to develop a DBE Program Plan and set a three-year goal. The purchase of vehicles is not subject to DBE goal setting.

Triennial goals and reports will be submitted to FTA as separate documents for each goal period.

The **City of Onalaska** contracts with *Running, Inc.* to provide transportation service. Information is available on the **City of Onalaska's** website at <http://www.cityofonalaska.com/masstransit> and <http://www.runninginc.net/onalaska.html>

Section 26.49 Transit Vehicle Manufacturers Goals

The **City of Onalaska** requires each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of this section.

Information related to TVM reporting is available on the FTA website at:
<https://www.transit.dot.gov/TVM>

Section 26.51(a-c) Breakout of Estimated Race-Neutral & Race-Conscious Participation

The **City of Onalaska** will use contract goals on an as needed basis in order to meet any portion of the overall goal.

Section 26.51(d-g) Contract Goals

The **City of Onalaska** will use contract goals on an as needed basis in order to meet any portion of the overall goal. See *Contract Specific Goal Worksheet*.

Section 26.53 Good Faith Efforts Procedures

When conducting solicitations, the **City of Onalaska** will ensure all procurement information is complete and accurate and adequately documents the bidder/offer's good faith efforts before it commits to the performance of a contract by the bidder/offeror.

Demonstration of good faith efforts (26.53(a) & (c))

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to Part 26.

Information to be submitted (26.53(b))

The **City of Onalaska** treats bidder/offers' compliance with good faith efforts' requirements as a matter of [responsiveness] or [responsibility].

Each solicitation for which a contract goal has been established will require the bidders/offerors to submit the following information:

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors commitment and
6. If the contract goal is not met, evidence of good faith efforts.

If a DBE contract goal is established, the **City of Onalaska** will use the documents attached to collect the contract goal information.



Form A - DBE
Subcontract Commit



Form B - DBE
Commitment Confir

Administrative reconsideration (26.53(d))

Within (7) seven days of being informed by the **City of Onalaska** that it is not [responsive or responsible] because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official: [provide name, address, phone number, e-mail address.] The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. We will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

Good Faith Efforts when a DBE is replaced on a contract (26.53(f))

The **City of Onalaska** will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. The **City of Onalaska** will require the prime contractor to notify the **City of Onalaska** immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, the **City of Onalaska** will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts. If the contractor fails or refuses to comply in the time specified, our contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding.

Section 26.55 Counting DBE Participation

The **City of Onalaska** will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55 per the DBE goal reporting requirements.

SUBPART D - CERTIFICATION STANDARDS

Section 26.61 - 26.73 Certification Process

The **City of Onalaska** does not have a certification process. The **City of Onalaska** directs any firms interested in becoming DBE certified to contact the Wisconsin Department of Transportation. Information on the WisDOT DBE Certification Process is available at:

<http://wisconsindot.gov/Pages/doing-bus/civil-rights/dbe/eligibility-requirements.aspx>

SUBPART E - CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

The **City of Onalaska** is not UCP agency. The City of Onalaska will direct any firm interested in DBE certification to contact WisDOT. Information on WisDOT’s UCP is available on the WisDOT website <http://wisconsindot.gov/Pages/doing-bus/civil-rights/dbe/eligibility-requirements.aspx>

Section 26.83 Procedures for Certification Decisions

The **City of Onalaska** is not a UCP certifying agency and therefore a procedure for re-certification is not applicable.

SUBPART F - COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

The **City of Onalaska** will follow federal, state and local law to safeguard confidential business information. Notwithstanding any contrary provisions of state or local law, the **City of Onalaska** will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submitter.

Monitoring Payments to DBEs

The **City of Onalaska** will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of the **City of Onalaska** or DOT. This reporting requirement also extends to any certified DBE subcontractor.

The **City of Onalaska** will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts states in the schedule of DBE participation.

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Transit 3 Year DBE Goal-Setting Methodology Report
FFY 2016-2018

May 31, 2018



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Attachments

Appendix A – Step 1 Calculation and UCP and US Census Search

Worksheets: '[DBE UCP Directory Sort](#)' '[NAICS Code Summary](#)'
 '[NAICS Code Definitions](#)' '[Calculation](#)'

Appendix A1 – 2018 Wisconsin Census Data Full Report

Appendix B – Step 2 Goal Adjustment Calculation Data

Worksheets: '[2016](#)' '[2017](#)' '[2018](#)' '[Anticipated Projects](#)'
 '[Weighted Base](#)' '[Bidders List](#)' '[Calculation Data](#)'
 '[RN-RC Split](#)'

Appendix C - La Crosse County Step 2 Adjustment Calculation

Introduction

This document constitutes the **City of Onalaska's** submission of its Disadvantaged Business Enterprise (DBE) Transit Overall Goal Setting Methodology Report to the United States Department of Transportation, Federal Transit Administration (FTA) for Federal Fiscal Years (FFY) 2016, 2017 and 2018.

The report has been prepared in compliance with:

- DBE Regulations, 49 CFR 26.45, as amended, http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr26_main_02.tpl
- USDOT, "Tips for Goal Setting in the DBE Program" <https://www.transportation.gov/osdbu/disadvantaged-business-enterprise/tips-goal-setting-disadvantaged-business-enterprise>

The four elements of the goal setting process are outlined in 49 CFR 26.45(c-g) as follows:

1. The measurement of the actual relative availability of DBEs to perform **City of Onalaska's** anticipated contracting opportunities;
2. Adjustment factor analysis to evaluate evidence of the effects of discrimination in **City of Onalaska's** jurisdiction and determine whether an adjustment is necessary;
3. Calculation of the conscious and neutral split for the goal attainment;
4. Consultation and publication regarding the goal to facilitate public input.

Executive Summary

The **City of Onalaska's (COO)** overall DBE transit goal for FFY 2016-2018 is .019% of the Federal financial assistance it will expend in FTA-assisted contracts. This excludes FTA funds to be used in the purchase of transit vehicles.

A total of \$832,450 in FTA funds are anticipated to be awarded by the **COO** on FTA-assisted contracts during the FFY 2016-2018 time-period. With a goal of .019%, this means that the **COO** has set a goal of expending approximately \$474 with DBE firms for the combined three-year period. These funds are expected to be spent in the area of 'Purchased Transportation Services'.

Overall Goal Setting Methodology

Step One – Relative Ability of DBE Firms

Base Figure

The **Base Figure** for the relative availability of DBE's was calculated as follows:

$$\frac{\text{Ready, willing, and able DBEs}}{\text{All firms ready, willing and able}} = \text{Base figure (\%)} \quad \left\| \quad \frac{15}{504} = 2.98\%$$

Supporting documentation used to calculate the goal is contained in **Appendix A**. See all worksheets in the Excel file.



Appendix A.xlsx

Data Sources and Demonstrable Evidence – Numerator

This section outlines the data sources and demonstrable evidence the **City of Onalaska** used to derive the numerator (ready, willing and able DBE firms).

The numerator of the base figure is 15. In order to derive the numerator, the **COO** collected information regarding anticipated contracting opportunities for the three-year goal-setting period. **COO** only has (1) one contractible opportunity and it is for the purchase of public transportation service. **COO** used the information from the anticipated contracting opportunity to identify relevant and applicable NAICS codes for each anticipated contract. Next, using the contract-specific NAICS codes, **COO** reviewed the Wisconsin Unified Certification Program (UCP) list to determine ready, willing and able DBE firms in relation to those anticipated contracting opportunities.

The worksheet tabs labeled '2016', '2017' and '2018' in **Appendix A** show the anticipated contracting opportunities for FFY 2016-2018.

Descriptive language in the UCP summarizing a firm's particular area of emphasis within the NAICS code was available. However, this information was not used to exclude any DBE firms that may not be as well-suited to a corresponding anticipated contracting opportunity. For example, a firm identified as providing airport shuttle service was not excluded from a list of potential DBEs for a shared-ride taxi service in rural Wisconsin, as long as they were identified

by a relevant or appropriate NAICS code. Therefore, all DBEs within an identified NAICS code were counted among the ready, willing and able DBE firms.

The worksheets in **Appendix A and A1** include COO's search of the Wisconsin UCP list, a summary of the NAICS Codes by the Wisconsin UCP list and US Census, a NAICS Code Definition list, and COO's UCP list DBE calculation. The 'Calculation' worksheet shows a base figure of 2.98%, calculated from the number of ready, willing, and able DBE firms through the UCP list divided by the total number of firms found through the same method. **COO** used the calculation as a starting point, but ultimately decided not to use the UCP data as a base figure, in favor of data derived from **COO Bidder's** list.



Data Sources and Demonstrable Evidence – Denominator

This section outlines the data sources and demonstrable evidence **COO's** used to identify the denominator (all firms - ready, willing and able). The denominator of the base figure is 504. Census data information for Wisconsin, using the same NAICS codes, was used to determine the number of all firms ready, willing and able to perform on the anticipated contracts. Similar to the DBE data, the Wisconsin business pattern data from the Census was not modified to exclude any potential firms.

No modifications were made to reflect the location of FTA-assisted work within Wisconsin. This is significant as a substantial portion of the contracting opportunities occur in the area of 'Transportation Services', specifically 'Paid Transportation service. The contracting opportunities, by COO did not result in a narrowed definition of all firms ready, willing and able to perform on the anticipated contracts.

Bidders List

The worksheet labeled 'Bidders List' in **Appendix B** shows the summary data collected from staff analysis of past bidders on Transit projects. **COO** counted both successful and unsuccessful bids, and eliminated the double-counting of firms to arrive at the data points reflected in the 'Bidders List' summary. From 1997 through to 2016, the total number of DBE bidders was 2 and the total number of bidders was 11, resulting in a bidders list figure of 0.18 (not percent) – we later use this figure to refine our goal.



Use of Weighting

According to USDOT's "Tips for Goal Setting in the DBE Program", the use of weighting can help ensure the base figure is as accurate as possible. While weighting is not required by rule, it can make the goal calculation more accurate. **COO** chose to calculate a weighted approach in its DBE goal calculation; the worksheet labeled 'Weighted Base' in **Appendix B**.

The weighting is achieved at this stage by dividing the number of DBE firms by the total number of firms listed, according to NAICS codes. This weighting is listed under the column titled 'Step 1 Goal – Relative Availability'; the sum of the weighting is totaled at the bottom of the worksheet, and comes to 2.98%, the weighted base figure. The weighted base did not change from our Step 1 Calculation because there is only (1) one project and /or contractible opportunity (purchased transportation service) that the weighted base is being applied to. We later use this figure to refine our goal.



Appendix B.xlsx

Step Two – Adjustment Factor Analysis

The **COO** considered a number of potential factors to determine whether any adjustments to the Step One Base Figure of 2.98% were warranted.

Past Participation

A prominent factor in an adjustment consideration is past participation. Past participation is the volume of work DBEs have performed on transit contracts in recent years. The prior three-year period of DBE goals and goal achievement (2013-2016) was analyzed and showed no goal was set or required. Accordingly, **COO** did not make a step two adjustment on the basis of past participation. The historical median was not averaged with the base goal to arrive at a step two goal. See the worksheet labeled 'Calculation Data' in **Appendix B**.



Appendix B.xlsx

Statistical Analysis

The **COO** considered an alternate mathematical calculation related to the ready willing and able DBE firms in La Crosse County. The sum achieved from this calculation was .019%. See **Appendix C**. This is indicative of one DBE available in the current market that did not participate in the recent contracts. This calculation is more in line with what the local market trends are showing and predicting – we later use this figure to refine our goal.



Appendix C.xlsx

Disparity Studies

Another factor to consider is evidence from relevant disparity studies conducted in the **COO's** market area. It was the viewpoint of the **COO** that WisDOT's goal of 1.1% was too high to be considered for our market area based on the types of contracting opportunities and the number of DBE's available to them. The **COO** has limited contractible opportunities (i.e., (1) one contract for transportation services). The **COO** signed a (5) five-year contract for transportation service with Running Inc. beginning in 2017. As such, the **COO** will not have any additional contractible opportunities until 2022.

Further, the types of contractible opportunities that WisDOT has are out of the scope of opportunities we participate in (i.e., marketing, website, construction and equipment). Additionally we looked at the City of La Crosse's goal of .29% and concluded the same thing- they are out of our scope of contractible opportunities due to the types of opportunities they are providing (i.e., construction and equipment and supplies). For these reasons, the disparity analysis studies did not lead to an adjustment to the base figure goal.

Calculation of Race Neutral & Race-Conscious Split

Consideration for the use of race-conscious means in addition to race-neutral means to facilitate DBE participation is another aspect of goal-setting.

USDOT "*Tips for Goal Setting in the DBE Program*" lists the following considerations to evaluate:

- Consider the Amount by Which You Exceeded Your Goals in the Past
-

- **COO response:** COO has not set a DBE goal in the past.
- Consider Past Participation by DBE Prime Contractors
 - **COO response:** COO has had limited participation by DBE Prime Contractors.
- Consider Past Participation by DBE Subcontractors on Contracts without Goals
 - **COO response:** COO has not had participation by DBE subcontractors in the past on contracts without DBE goals.

The COO believes that past achievement of DBEs is the best indicator to use in establishing the starting point for race neutral participation. COO analyze setting a race neutral – race conscious split on its 0.019% DBE goal. Based on the reason above, COO will achieve its 0.019% DBE goal through race neutral means.

Public Participation and Consultation

In establishing an overall three-year goal, entities must provide for public participation. Public participation must include the two following steps in this order: consultation with interested parties and a published notice.

Consultation

The City of Onalaska's consultation process for the 2016-2018 goal was a retrospective analysis.

For the upcoming goal periods (2019-2021), as directed by FTA, COO will involve consideration of input during the development of the goal by minority, women's, and general contractor groups, community organizations and other officials or organizations that could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBES, and the state's efforts to establish a level playing field for the participation of DBEs.

The COO may conduct a public forum with past bidders, DBE firms, local companies and small businesses to obtain input on its (1) one contractible opportunity. An email may be sent to past bidders, DBE firms and potential local companies and small businesses to announce the public forum.

Published Notice

The DBE Final Rule, which became effective November 3, 2014, requires states to post on its website a notice announcing the proposed overall goal before submission to FTA. The notice

City of Onalaska's Transit DBE Goal for FFY 2016-2018

may also be posted in any other sources (e.g. minority-focused media, trade association publications).

Upon approval from FTA, COO will post the goal on our website. For the upcoming goal periods (2019-2021), as directed by FTA, **COO**, upon establishment of the draft goal, public notices will be issued by the **COO** to provide the opportunity for public comment. Documentation of the publication of the notices will be provided in future goal methodology reports.

At the end of the 30 day public comment period, a listing of public comment will be documented and maintained for future goal methodology reporting.

COO's overall goal submission will include a summary of information and comments received during the public participation process and the responses received during the comment period.