

Disadvantaged Business Enterprise (DBE) Plan

Atlanta Regional Commission

Effective October 1, 2019



Atlanta Regional Commission

ARC DBE Plan and DBE Goal-Setting Methodology

POLICY STATEMENT

Section 26.1, 26.23

Objectives/Policy Statement

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

It is the policy of ARC to ensure that DBEs, as 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.

The Staff Legal Counsel has been designated as the DBE Liaison Officer. In that capacity, the Staff Legal Counsel 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 ARC in its financial assistance agreements with the Department of Transportation.

ARC has disseminated this policy statement to the ARC Board of Directors and all of the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts. ARC has provided notice of our DBE Program in the Fulton County Daily Report. The DBE Program is also available for copying or viewing at ARC Offices located at 229 Peachtree Street, NE, Suite 100, Atlanta, GA 30303 and on ARC's website at www.atlantaregional.org.


Douglas R. Hooker
Executive Director


Date

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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

ARC 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.

ARC is also the recipient of federal-aid highway funds authorized under Titles I and V of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Pub. L. 102-240, 105 Stat. 1914, Titles I, III, and V of the Transportation Equity Act for the 21st Century (TEA-21, Pub. L.105-178, 112 Stat. 107.

Section 26.5 Definitions

ARC will adopt the definitions contained in Section 26.5 for this program.

Section 26.7 Non-discrimination Requirements

ARC 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, ARC 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 Record Keeping Requirements

Reporting to DOT: 26.11(b)

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ARC will report DBE participation to DOT as follows:

- ARC will report DBE participation to FTA on a semi-annual basis, using the TrAMS system. These reports will reflect payments actually made to DBEs on DOT-assisted contracts.
- ARC will report DBE participation to FHWA upon request.

Bidders List: 26.11(c)

ARC will create a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The purpose of this requirement is to allow use of the bidders list approach to calculating overall goals. The bidders list will include the name, address, DBE/non-DBE status, age, and annual gross receipts of firms.

ARC will collect this information in the following ways:

- The Center for Business Services and/or the Center for Livable Communities will provide a notice in all solicitations requiring the prime bidder to provide appropriate bidder data on prime and sub-bidders, including:
 - Name
 - Address of office to perform contract
 - Bid Amount
 - MBE/WBE/DBE status
 - NIGP Code, Description of Work

Section 26.13 Federal Financial Assistance Agreement

ARC has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

Assurance: 26.13(a)

ARC 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

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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 ARC 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.

Contract Assurance: 26.13b

ARC 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.

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SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

Since ARC has received a grant of \$250,000 or more in FTA planning, capital, and or operating assistance in a federal fiscal year and received grant funds from FHWA as a sub-recipient, ARC will continue to carry out this program until all funds from DOT financial assistance have been expended. We 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)

ARC has designated the following individual as our DBE Liaison Officer:

Brittany Zwald
Staff Legal Counsel
Atlanta Regional Commission
229 Peachtree Street, NE, Suite 100
Atlanta, GA 30303
470.378.1494
BZwald@atlantaregional.org

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that ARC complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to Douglas R. Hooker, Executive Director, concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment 2.1 to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO does not have any direct reports, however, she may utilize resources in the Division of Financial Services, as well as the Center for Business Services, to assist in the administration of the program. The duties and responsibilities include the following:

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1. Gathers and reports statistical data and other information as required by DOT;
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 ARC's progress toward attainment and identifies ways to improve progress;
7. Participates in pre-bid meetings;
8. Advises the Executive Director\Board on DBE matters and achievement;
11. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance;
12. Plans and participates in DBE training seminars;
13. Acts as liaison to the Uniform Certification Process in the State of Georgia;
14. Provides outreach to DBEs and community organizations to advise them of opportunities; and,
15. Maintains ARC's Bidder's list in coordination with Group and Center procurement staff.

Section 26.27 DBE Financial Institutions

It is the policy of ARC to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contract to make use of these institutions.

Periodically, ARC solicits competitively for banking services. ARC follows GAAP principles in determining when a new financial institution is necessary. ARC does not provide outside bonding or other financial assistance, and for agency stability, ARC does not frequently change its main banking institution. It is not anticipated that ARC will seek to change institutions in the period covered by this plan.

Section 26.29 Prompt Payment Mechanisms

ARC will pay its prime contractors within 30 days from the receipt of a prime contractor's invoice. ARC 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 ARC. The prime contractor agrees further to return retainage payments to

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each subcontractor within 30 days after the subcontractor's 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 ARC. This clause applies to both DBE and non-DBE subcontracts.

Any contractor found not to be in compliance with this clause will be considered in breach of contract and any further payments will be withheld until corrective action is taken. If contractor does not take corrective action, contractor may be subject to contract termination.

Any dispute and appeal regarding this prompt pay provision will be handled according to ARC's Purchasing, Contracting and Procurement Policy, pg. 36. For more information concerning ARC's dispute and appeals process, please contact the Director of Business Services at 404-463-3120.

Section 26.31 Directory

ARC participates in the State of Georgia Uniform Certification Program administered by the Georgia Department of Transportation (GDOT). GDOT maintains a directory identifying all firms eligible to participate as DBEs. The directory lists the firm's name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE. The Directory may be found in Attachment 2.2 to this program document.

Section 26.33 Overconcentration

ARC has not determined an overconcentration of DBE firms in the work ARC completes. ARC receives mostly non-DBE prime contractors in RFP and Sealed Bid solicitations.

Section 26.35 Business Development Programs

ARC has not established a business development program. ARC refers DBEs and non-DBEs needing business development services to:

- Georgia Department of Transportation Supportive Services Consultant
- Atlanta Small Business Development Center at Georgia State University
- Atlanta Minority Business Development Center and/or
- SCORE Atlanta

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- Georgia Tech's Procurement Assistance Center

Section 26.37 Monitoring and Enforcement Mechanisms

ARC will provide the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

1. ARC 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. ARC will consider similar action under our own legal authorities, including responsibility determinations in future contracts. ARC's procurement and contracting manuals list the regulation, provisions, and contract remedies available to ARC in the events of non-compliance with the DBE regulations by a participant in our procurement activities.
3. ARC 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:
 - Tracking DBE contracts in Concur or other financial tracking system on prime contractor activity and producing a report of DBE prime participation on a semi-annual basis; and,
 - Requiring prime contractors with subcontractors to submit evidence of all subcontractor performance, including DBEs, with monthly invoice.
4. ARC will keep a running tally of actual payments to DBE firms, both prime contractors and subcontractors, for work committed to them at the time of contract award.

Section 26.39 Small Business Participation

ARC has incorporated the following non-discriminatory element to its DBE program, in order to facilitate competition on DOT-assisted public works projects by small business concerns (both DBE and non-DBE small businesses):

- Publish list of informal procurements normally procured by ARC each year and forecast of upcoming formal procurements for the year through the annual ARC Budget and Work Program process. These procurement opportunities will cover both sub-recipients and prime contractors;
- Ensure that small businesses are included on ARC Prospective consultant list; and,
- Encourage solicitation of at least one small business on prime and subcontracting opportunities.

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SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

ARC does not use quotas in any way in the administration of this DBE program.

Section 26.45 Overall Goals

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 2.3 to this program. This section of the program will be updated every three years.

In accordance with Section 26.45(f) ARC will submit its overall goal to DOT on August 1 every three years. Before establishing the overall goal for the required period, ARC will consult with minority, women, and general contractor groups, community organizations, and other officials or organizations through ARC's committee process to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and ARC's efforts to establish a level playing field for the participation of DBEs.

Following this consultation, ARC will publish a notice of the proposed overall goals informing the public that the proposed goal and its rationale are available for inspection during normal business hours at ARC's offices and on ARC's website following the date of the notice and informing the public that ARC and DOT will accept comments on the goals for 30 days from the date of the notice. Notice will be issued in general circulation media and minority focused media.

ARC's proposed goal may be reviewed at and comments regarding ARC's proposed DBE goal can be sent to:

Brittany Zwald
Staff Legal Counsel
Atlanta Regional Commission
229 Peachtree Street, NE, Suite 100
Atlanta, GA 30303
470.378.1494
BZwald@atlantaregional.org
www.atlantaregional.org

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ARC's overall goal submission to DOT will include a summary of information and comments received during this public participation process and our responses.

ARC will begin using our overall goal on October 1 of the designated year, unless we have received other instructions from DOT. If ARC establishes a goal on a project basis, we will begin using our goal by the time of the first solicitation for a DOT-assisted contract for the project.

Section 26.49 Transit Vehicle Manufacturers Goals

ARC, as a planning organization, does not anticipate the acquisition of transit vehicles. As such, ARC does not establish goals for Transit Vehicle Manufacturers.

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

ARC's goal is based entirely on Race Neutral participation. ARC does not utilize Race Conscious participation in its DBE program. More information about this participation can be found in Attachment 2.4 to this program.

Section 26.51(d-g) Contract Goals

ARC does not implement the use of contract goals.

Section 26.53 Good Faith Efforts Procedures

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

ARC does not utilize contract goals. Therefore, there is no obligation of the bidder/offeror to make good faith efforts.

Section 26.55 Counting DBE Participation

ARC will count DBE participation towards the overall goal as provided in 49 CFR 26.55.

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SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

ARC relies upon the standards established under the Uniform Certification Program, which is administered by the Georgia Department of Transportation. The UCP will use the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards.

For information about the certification process or to learn how to apply for certification, firms should contact:

Brittany Zwald
Staff Legal Counsel
Atlanta Regional Commission
229 Peachtree Street, NE, Suite 100
Atlanta, GA 30303
470.378.1494
BZwald@atlantaregional.org

The UCP certification application forms and documentation requirements are found in Attachment 2.6 to this program.

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SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

ARC is a member of a Unified Certification Program (UCP) administered by the Georgia Department of Transportation. The Georgia Department of Transportation and The Metropolitan Atlanta Rapid Transit Authority (MARTA) entered into a State of Georgia Unified Certification Program (known as the GUCP agreement). All applications, affidavit of no change forms and personal net worth for certification will be sent to Georgia DOT. Each item will be logged in and date stamped for data management by the GDOT DBE Administrator.

Section 26.83 Procedures for Certification Decisions

Re-certifications 26.83(a) & (c)

Re-certifications are reviewed and determined by the UCP, administered by the Georgia Department of Transportation. ARC will direct all inquiries regarding recertification to the UCP.

“No Change” Affidavits and Notices of Change (26.83(j))

ARC will direct all inquiries regarding No Change Affidavits and Notices of Change to the UCP.

Section 26.85 Denials of Initial Requests for Certification

Denials of Initial Requests for Certification are reviewed and determined by the UCP, administered by the Georgia Department of Transportation. ARC will direct all inquiries to the UCP.

Section 26.87 Removal of a DBE’s Eligibility

Removal of a DBE’s Eligibility are reviewed and determined by the UCP, administered by the Georgia Department of Transportation. ARC will direct all inquiries to the UCP.

Section 26.89 Certification Appeals

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Any firm or complainant may appeal a decision in a certification matter to DOT. Such appeals may be sent to:

Department of Transportation
Office of Civil Rights Certification Appeals Branch
400 7th Street, SW Room 2104
Washington, D.C. 20590

The UCP will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for our DOT-assisted contracting (e.g., certify a firm if DOT has determined that the UCP denial of its application was erroneous).

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SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

ARC will safeguard from disclosure to third party's information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. In responding to requests for information concerning any aspect of the DBE program, ARC complies with the provisions of the Federal Freedom of Information and Privacy Act (5 U.S.C. 552 and 552a).

Notwithstanding any contrary provisions of state or local law, ARC 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 and Enforcement Mechanisms

ARC utilizes both Georgia Department of Transportation and the federal government enforcement mechanisms.

The federal government has available several enforcement mechanisms that it may apply to firms participating in the DBE program, including, but not limited to, the following:

1. Suspension or debarment proceedings pursuant to 49 CFR part 26;
2. Enforcement action pursuant to 49 CFR part 31; and,
3. Prosecution pursuant to 18 USC 1001.

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ATTACHMENTS

Attachment 2.1	Organizational Chart
Attachment 2.2	DBE Directory
Attachment 2.3	Overall Goal Calculation
Exhibit A	TAQC/TCC Invitation Lists
Exhibit B	TAQC Sign In Sheets and Meeting Summary
Exhibit C	TCC Sign In Sheets and Meeting Summary
Attachment 2.4	Breakout of Estimated Race-Neutral & Race-Conscious Participation
Attachment 2.5	Form 1 & 2 for Demonstration of Good Faith Efforts
Attachment 2.6	Certification Application Forms
Attachment 2.7	Procedures for Removal of DBE's Eligibility
Attachment 2.8	Regulations: 49 CFR Part 26

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Attachment 2.1

ARC Organizational Chart



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Attachment 2.2

DBE Directory

<http://www.dot.ga.gov/PS/Business/DBE#tab-2>

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Attachment 2.3

Section 26.45: Overall Goal Calculation

Amount of Goal

ARC's overall goal for FY 2019 is the following: 17.61 % of the Federal Financial assistance we will expend in DOT-assisted contracts.

Methodology used to Calculate Overall Goal

Local Market Area

The local market area or relevant market is typically established by the geographical area representing 70-80 percent of an entity's commercial activity based on bidders, vendors or awardees, with bidders being the preferred measure of determining relevant market. Zip codes provided in a firm's address information is utilized to determine its location.

Based on an analysis of the two sources below, the local market area has been determined to be Fulton County, Georgia.

- Bidder data reflects Fulton County as the local market at 70.41 percent. Bidder data was derived from ARC Center for Livable Communities contracts data. A small set of large engineering firms consistently bid on ARC opportunities. These national firms primarily bid and contract on ARC opportunities through their Atlanta offices. Award and vendor data also were reviewed, as sub-bidder data was not complete.
- Awardee data reflects Fulton County as the local market at 79.85 percent.

Table 1A Local Market Area Based on Prime Bidders FY16-18		
	Number	Percentage
Fulton County	69	70.41%
Remainder of Georgia	3	3.06%
National	23	23.47%
International	3	3.06%
Total	98	100.00%
Source: ARC Center for Livable Communities contract data		

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Table 1B Local Market Area Based on Prime Bidders by County in Georgia FY16-18			
County Within Georgia		Count	Percentage
	Cherokee	0	0.00%
	Clayton	0	0.00%
	Cobb	0	0.00%
	DeKalb	2	2.78%
	Douglas	0	0.00%
	Fayette	0	0.00%
	Fulton	69	95.83%
	Gwinnett	0	0.00%
	Henry	0	0.00%
	Rockdale	0	0.00%
Totals within 10-County Atlanta RC Area		71	98.61%
	Bartow	0	0.00%
	Coweta	0	0.00%
	Forsyth	0	0.00%
	Walton	0	0.00%
Totals within ARC's 18-County MPO for Transportation		71	98.61%
	Clarke	1	1.39%
Totals within the State of Georgia		72	100.00%

Source: ARC Center for Livable Communities contract data

Table 1C Local Market Area based on Award Dollars FY16-18		
	Dollars	Percentage
Fulton County	\$ 10,965,892.20	79.85%
Remainder of Georgia	\$ 18,400.00	0.13%
National	\$ 2,326,272.26	16.94%
International	\$ 440,540.00	3.21%
Total	\$ 13,732,704.46	100.00%

Source: ARC Center for Livable Communities contract data

Anticipated Federally-Funded Contracts for FY 2019

ARC anticipates contracting or grant activity in the amount of \$3,278,528.02 in FY 2019. These dollars represent only contracting or grant activity where there are meaningful opportunities for DBE participation and are funded by FTA or FHWA. The activity listed below falls into the following NAICs codes:

- 541330—Engineering Services
- 511210—Software Publishers
- 541614—Process, Physical Distribution, and Logistics Consulting Services

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Table 2A: 2019 Anticipated Contracts and Subgrants for FY 2019

Project Description	NAICs Code	Federal Funds	Matching Funds	Contract Total
Ridematching Software	511210	\$ 288,000.00	\$ -	\$ 288,000.00
South Fulton CTP	541330	\$ 500,000.00	\$ 125,000.00	\$ 625,000.00
Update SHRP2 Scenario Tool	541330	\$ 3,622.42	\$ 905.60	\$ 4,528.02
HST Demand Response Coordination Study	541330	\$ 320,000.00	\$ 80,000.00	\$ 400,000.00
Land Use Model	541330	\$ 120,000.00	\$ 30,000.00	\$ 150,000.00
RTP Designer	541330	\$ 8,800.00	\$ 2,200.00	\$ 11,000.00
CMAQ Calculator	541330	\$ 40,000.00	\$ 10,000.00	\$ 50,000.00
Regional Transit Onboard Survey	541614	\$1,400,000.00	\$ 350,000.00	\$1,750,000.00
Total Dollars		\$2,680,422.42	\$ 598,105.60	\$3,278,528.02

Table 2B: 2019 Anticipated Federal Funds by NAICs Code

NAICs Code	Federal Funds	Matching Funds	Contract Total
541330	\$ 992,422.42	\$ 248,105.60	\$ 1,240,528.02
541614	\$ 1,400,000.00	\$ 350,000.00	\$ 1,750,000.00
511210	\$ 288,000.00	\$ -	\$ 288,000.00
Total Dollars	\$2,680,422.42	\$598,106	\$ 3,278,528.02

Baseline Availability

DOT measures availability by including firms who are ready, willing, and able to provide services to an agency. Ready, willing and able are those firms that exist and actively seek to do business with ARC, and have the capacity to perform on ARC's federal-assisted transportation-related contracts. DOT allows agencies to calculate availability based on five different methodologies. The methodology utilized here is the Census-based availability analysis of comparing by NAICs code, the relative availability of DBEs, based on the Georgia Department of Transportation DBE Directory, to the total pool of available contractors, as represented in the U.S. Census County Business Patterns for the identified local market area. The baseline availability of total ready, willing, and able DBEs across the projected NAICs codes is 24 DBEs out of 583 total businesses within Fulton County for a baseline of 4.12%.

In order to properly reflect the impact of each project on the overall availability calculation, the percentage of total work is established to weight the availability. ARC has used a weighted availability in its last several goal calculations because FTA funded procurements are not common at the agency. Some of the eligible projects are

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very small, and some are one-off large projects that will not be repeated every year of this goal period. To add weight to the more common services, while also including the large dollar individual project, a weighted availability is used. Multiplying the project percentage of work by the DBE/CBP availability calculation results in a weighted availability measure. The resulting baseline availability is 6.63% percent.

Table 3: Baseline Availability Calculation (Fulton County)

NAICs Code	Code Description	DBEs	County Business Patterns	DBE Availability	% of RWA DBEs
541330	Engineering Services	15	370	15/370	4.05%
541614	Process, Physical Distribution, and Logistics Consulting	7	74	7/74	9.46%
511210	Software Publishers	2	139	2/139	1.44%
	Total	24	583	24/583	4.12%

Table 3A: Weighted Baseline Availability Calculation (Fulton County)

NAICs Code	Code Description	Contract Total	% of Work	DBE Availability	Weighted availability
541330	Engineering Services	\$ 1,240,528.02	37.84%	4.05%	1.53%
541614	Process, Physical Distribution, and Logistics Consulting	\$ 1,750,000.00	53.38%	9.46%	5.05%
511210	Software Publishers	\$ 288,000.00	8.78%	1.44%	0.13%
	<i>Total Dollars</i>	<i>\$3,278,528.02</i>	<i>100.00%</i>		<i>6.71%</i>

Adjusted Availability

In considering whether to adjust the baseline availability calculation of 6.71 percent, ARC Past Participation for the last three years was considered. DOT published “Tips for Goal-Setting” stipulates using a median instead of an average to account for outliers. Additionally, the tips allow for the use of one year of past participation, but suggests several years. ARC chose to use three years of data for the following reasons:

- ARC FY14 and FY15 DBE reports had to be retroactively revised. The revised reports were resubmitted as part of the FY17 Comprehensive Review; however, there was no notice or confirmation of that resubmission. Additionally, that data was collected and revised 2-3 years

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after the actual period of close out. ARC does not consider those years to be good data or approved reports, and did not want to include it in this calculation.

- b. FY17 participation was high namely because ARC awarded a project to a DBE prime contractor. ARC does not award very many contracts in a year, so one prime contractor significantly impacts participation rates. The agency is hopeful, and thinks it is likely, that more DBE prime contracts could be awarded in the future.
- c. If FY14 and FY15 rates were included to go back five years, FY14 had a 0% participation rate because no qualifying dollars were awarded that year. This would be a low outlier, which would offset the high outlier and only leave three years of statistically significant data. ARC feels that having multiple “outliers” in such a short time period indicates that up and down numbers are a trend that should be considered statistically significant.
- d. Finally, if five years of data were used, the proposed goal would drop from 17.6% to just 13.86%. This would be lower than any goal ARC has had in the past decade, and all of those goals have been exceeded every year. ARC also received significant push back in our consultation process for our 17.6% proposed goal being too low when that was already an increase to the FY16-FY18 goal. As a policy decision, dropping the goal to 13.86% would be unexplainable and unacceptable to the agency.

For the years FY16-FY18, ARC had a DBE goal of 15.64 percent. This goal was exceeded each year in that period for an average of 30.50 percent participation rate and a median of 28.50 percent participation rate. For the purposes of adjusting the baseline availability measure, ARC will utilize ARC’s Historical DBE Participation based on the median from the last three years.

Table 4: ARC Past DBE Participation FY16-18		
Year	DBE Goal	DBE Participation
2016	15.64	17%
2017	15.64	46%
2018	15.64	28.50%
Avg		30.50%
Median		28.50%

Calculation of the 2019 DBE Goal

ARC calculates the 2019 DBE Goal as outlined below:

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- Baseline availability: 6.71 percent
- Adjustment factor to be used with baseline availability: 28.50 percent
- Adjusted DBE Goal calculation: $(6.71+28.50)/2= 17.61\%$

Consultation

For the FY16 Goal consultation, ARC met with DBEs that had previously worked with ARC and received excellent feedback about the status of our program. However, in ARC's FY17 Comprehensive Review, a finding was issued for the DBE consultation process because the meetings were not held with Community Groups. As a corrective action, ARC held a public meeting to consult with these groups and invited a variety of stakeholders. No participants attended this public meeting. The FY16 Goal nor the FY17 Comprehensive Review corrective action have been approved by FTA yet. As a result of this learning curve, for the FY19 Goal Consultation, ARC presented the proposed DBE goal to the MPO committees at ARC, which include community groups including state agencies, counties, and municipal jurisdictions, as well as citizen members from the region and regional transit providers. These are public meetings where partner stakeholders are invited, which is allowable per the USDOT Official Questions & Answers Disadvantaged Business Enterprise Program Regulation. These meetings were also held in conjunction with the Public Comment period.

The meetings were held on June 13, June 21, and July 11, 2019 at the ARC Conference Center. The goal was presented to the Transportation and Air Quality Committee (TAQC) of ARC for consultation and a first read at the public meeting on June 13, 2019, and for adoption at the committee level at the public meeting on July 11, 2019. That committee is comprised of ARC Board Members, both elected officials and citizen members, elected officials from the MPO region, representatives from MARTA, and representatives from Georgia agencies including the Department of Community Affairs (DCA), the Department of Natural Resources-Environmental Protection Division (EPD), the Department of Transportation (GDOT), and the Georgia Regional Transportation Authority (GRTA). The 35-member Transportation & Air Quality Committee serves as the transportation policy committee of the Atlanta Regional Commission (ARC) board and represents a 21-county Metropolitan Planning Organization. The committee works to develop consensus among ARC, MARTA, the Georgia DOT, the Georgia Environmental Protection Division and the Georgia Regional Transportation Authority. The invite list includes a number of interested Stakeholders as well as Committee Members and is combined for TAQC and TCC and managed as an Outlook list. Community members and other stakeholders may join this list for information about these committee meetings by sending their information to staff in the Center for Livable Communities responsible for managing TAQC and TCC. This list will be included in the TrAMS submission, but redacted for private information prior to being posted on the ARC website. This is attached as Exhibit A. The TAQC Sign In Sheets and Meeting Summaries are attached as Exhibit B.

The DBE goal was also presented to the Transportation Coordinating Committee (TCC) for consultation at the public meeting on June 21, 2019. TCC is responsible for providing technical advice to the Transportation & Air Quality Committee (TAQC) regarding metropolitan or multi-jurisdictional transportation-related matters potentially affecting the 20-county Atlanta Metropolitan Planning Organization area. TCC is comprised of staff

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from the MPO counties, City of Atlanta, MARTA, GDOT, EPD, and GRTA, as well as representatives from municipal districts around the MPO. The TCC Sign In Sheets and Meeting Summary are attached as Exhibit C.

At the initial consultation with TAQC, the Fulton County Chair pointed out that the base goal with the local market area of Fulton County did not seem accurate given the low number. ARC staff answered questions regarding the sources for the goal calculation and offered to follow up to further discuss details. A follow up meeting was held with the Chair and his staff at the Fulton County Government Building on June 24, 2019. As a result of this meeting, ARC determined that the base availability is low because of a lower number of available DBEs in Fulton County in similar NAICS codes compared to FY16. While ARC is not a certifying agency in Georgia, ARC is working with GDOT to access historic data on the DBE directory to attempt to determine why these availability numbers decreased. Possible causes include consolidation in architectural and engineering firms, a shift to suburban offices that has not yet been captured in award dollars, or DBE's graduating from the program by exceeding the allowable revenue or income limits, or voluntarily choosing not to recertify.

The Henry County Chair inquired whether Veteran's preference was included in the DBE Program. ARC staff answered that it is not included as part of the DBE program, but ARC could look into adopting its own preferences in the procurement policy. The plan was also discussed at TAQC subcommittee on June 26, 2019, where additional questions from the Henry County Chair were addressed. At the adoption by TAQC, the Fayette County Chair expressed concern with the continued need for the program if we have exceeded our goal for the past several years. He also expressed concerns that program compliance might result in increased costs to the agency. TCC adopted the plan unanimously with no comment.

Additionally, the draft DBE program and goal, along with the public meeting notice, was directly sent to the Transportation Equity Advisory Group, a group that connects equity advocates with transportation planners and agencies from around the region so that they (equity advocates, transportation planners and agencies) will all be able to better understand and influence transportation planning process and outcomes while being a voice for the needs of vulnerable populations. The Group is open to all, but partners with Atlanta NAACP, Center for Pan Asian Community Services, DeKalb NAACP, Georgia Community Coalition, Georgia Stand Up, PEDS, Partnership for Southern Equity, Presbyterians for a Better Georgia, Southern Environmental Law Center, Urban League of Greater Atlanta. This group does not meet regularly, and the next scheduled meeting was for August 21, 2019, which was after the August 1, submission deadline. The program and goal were emailed to the active list due to this lack of meeting.

The DBE goal was also reviewed at the ARC Board meeting on June 26, 2019 in addition to the public invitation to comment at the July 24, 2019 meeting.

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Public Participation

A 30-day public comment period opened on June 24, 2019, and closed at the ARC Board meeting on July 24, 2019. There was an opportunity for public comment on the agenda at the July 24, ARC Board meeting. The following notice was posted in the Fulton Daily Report, and on ARC's website on June 24, 2019:

30 DAY PUBLIC COMMENT- ARC FY19-21 PROPOSED DBE GOAL

The Atlanta Regional Commission (ARC), in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26, hereby announces its draft Fiscal Year 2019-2021 goal of 17.6% for Disadvantaged Business Enterprise (DBE) participation on contracts assisted by the DOT.

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

The proposed goal and its rationale will be reviewed at the regularly scheduled ARC Board Meeting on July 24, 2019 at 1 PM in the ARC Conference Center located in the ARC offices at 229 Peachtree Street, NE, Suite 100, Atlanta, GA 30303. Written comments will be accepted by ARC for 30 days following the publication of this notice.

The proposed goal and its rationale are available for public inspection online at <https://atlantaregional.org/about-arc/business-services-finance/arc-business-opportunities/>, or during normal business hours from 8:30 AM to 4:30 PM, Monday through Friday at the ARC offices. Questions and comments should be directed to Brittany Zwald, DBE Liaison Officer, 229 Peachtree Street, NE, Suite 100, Atlanta, GA 30303, by email at bzwald@atlantaregional.org, or by phone at 470.378.1494.

Responses

No public comment was received from the 30-day comment period.

The public notice resulted in two inquiries to the agency, both were related to business inquiries. DemandStar Corporation provides a free service to local governments by posting RFPs and sending that information to registered businesses. ARC is looking into this resource as a tool to provide better outreach to small

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businesses. The other inquiry was from a DBE interested in finding out more about upcoming ARC projects. The DBELO met with this DBE firm on July 22, 2019 to discuss ARC's DBE program.

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Exhibit A: TAQC/TCC Invite List

Contact Group Name: TCC-TAQC-RTC Interested - A-J

Members:

Adam Ivory	
Adrienne Senter	asenter@hapeville.org
Al Outland	
Alisha Smith	
Allie O'Brien	aobrien@hapeville.org
Alyssa Sinclair Davis	
Amanda Day	
Andrew Antweiler	
Angela Redding	aredding@forestparkga.org
Angie Laurie	
Ann Rosenthal	
Ariel Hart	
Audra Rojek	
Benita Dodd	
Beth Tucker	
Bev Davis	
Bill Floyd	
Bill McCombs	
Bill Wells	
Billy Skinner	bskinner@cityofcovington.org
Brad Keller	BKeller@cityofgriffin.com
Brad Sutton (E-mail)	brad.sutton@conyersga.com
Brandon Douglas	bdouglas@acworth.org
Brantley Day	bday@woodstockga.gov
Brenda Bedsole	
Brett Harrell	
Brian Allen	
Brian Gist	
Brian Kent	bkent@carrollcountygga.com
Brian McHugh	
Brittany Zwald	BZwald@atlantaregional.org
Bruce Landis	
Carla Holmes	
Catherine Ross (E-mail)	catherine.ross@coa.gatech.edu
Cathy Woolard	
Cedric Clark	
Charise Stephens	
Charlie Jones	(cjones@nwgrc.org)cjones@nwqrc.org
Chris Haggard	Chris.Haggard@johnscreekga.gov
Chris Kingsbury	
Chris Simons	
Christina Pastore	
Cindy Jenkins	cindy.jenkins@johnscreekga.gov
Clai Brown	rcbrown@avondaleestates.org
Claudia Bilotto	
Colleen Russell	
CSubbarayan	

ARC DBE Plan and DBE Goal-Setting Methodology

Dan Hourigan	[REDACTED]
Dan Reuter	[REDACTED]
Danny Blitch	dblitch@roswellga.gov
Darryl Simmons	dsimmons@kennesaw-ga.gov
Dave Williams	[REDACTED]
David Emory	[REDACTED]
David Pickworth	[REDACTED]
David Williamson	[REDACTED]
Deborah Jackson	[REDACTED]
Denise Starling	[REDACTED]
Dike Ahanotu	[REDACTED]
Dorothy Harris	[REDACTED]
Doug Joiner	[REDACTED]
Earl Mahfuz	[REDACTED]
Ehren Bingaman	[REDACTED]
Elizabeth Appley	[REDACTED]
Eric Clarkson	[REDACTED]
Eric Graves	egraves@alpharetta.ga.us
Eric Linton (eric.linton@dunwoodyga.gov)	eric.linton@dunwoodyga.gov
Eric Lusher	[REDACTED]
Eric Randall (erandall@smyrnaerandall@smyrnaqa.gov)	[REDACTED]
Erik Steavens	[REDACTED]
Frank Beauford	[REDACTED]
Garrin Coleman	garrin.coleman@sandyspringsga.org
Garth Lynch	[REDACTED]
Gerald McDowell	[REDACTED]
Gerald McDowell	[REDACTED]
Gerald Ross	[REDACTED]
Gil Prado	[REDACTED]
Gloria Gaines	[REDACTED]
Grady Smith	[REDACTED]
Gregory Ramsey (gramsey@peachtreecornersga.gov)	gramsey@peachtreecornersga.gov
Harry Rice	[REDACTED]
Heather Alhadeff ([REDACTED]
Helen Barnes	[REDACTED]
Inga Kennedy	[REDACTED]
ITS Georgia	[REDACTED]
Jack Burnside	[REDACTED]
Jack Burnside	[REDACTED]
Jackson Myers	jmyers@collegeparkga.com
Jan Covington	jan.covington@dhs.ga.gov
Janet Romanic	[REDACTED]
Jeanie Thomas	[REDACTED]
Jeff Carroll	[REDACTED]
Jennifer Harper	[REDACTED]
Jennifer Hibbert	[REDACTED]

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Jennine Deluge	
Jessica Choi	
Jessica Choi	
Jim Brooks	
Jim Brown	
Jim Chapman	
Jim Durrett	
Jim Hullett	
Jim Stokes	
Joe Allen	
Joe Arrington	
joelfstone@aol.com	
John Funny	
John Gurbal	
John Keys	
John Kranjc	
John Leonard	john.leonard@ce.gatech.edu
John Maloney (E-mail)	jmaloney@alpharetta.ga.us
John Walker	
Jonathan E. DiGioia	
Jonathan Nicholson	
Joseph Boyd	jboyd@hallcounty.org
Julie Meadows (jmeadows@nwqjmeadows@nwqrc.org	
Justin Kirnon	
Kirsten Cook	Kirsten.cook@rockdalecounty.org

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Contact Group NamTCC-TAQC-RTC Interested - K-Z

Members:

Jonathan Ravenelle	jravenelle@srta.ga.gov
Karen Allison	kallison@unioncityga.org
Katherine Moore	
Kathy Morgan	
Keli Kemp	
Ken Herring	
Kent Black	
Kevin Walter	
Kia Mostaan	
Kimberly Hudgins	
L. N. Manchi	
Larry Kaiser	
Laura Beall	
Lee Sudduth	lsudduth@hapeville.org
Lester Thompson	lthompson@fairburn.com
Ligia Florim	
Linda Sisco	Linda.Sisco@dhs.ga.gov
Lisa Glover	
Lisa Safstrom	
Lisa Thompson	
Liz Coyle	
Lonnie Ferguson	lferguson@unioncityga.org
Mark S. Dana	mdana@roswellgov.com
Mark Telling	
Marwan Abboud	
Michael Jaspers	
Michael Kray	
Michael Morton	Michael.morton@chatthillsqa.us
Mickey O'Brien	
Mike Crawford	
Mike Rushing	
nordmark@mindspring.com	
Olen Daelhousen	
Patrick Sweeney	
Paul Morris	
Prasoon Sinha	
Randy Meacham	
Rebecca Serna	
Rebecca Watts Hull	
Regan Hammond	
Richard Fangmann	
Rob Dell-Ross	rdellross@roswellgov.com
Ron Roberts	
Roxanne Plummer	
Sally Flocks	
Sara Huie	
Sara Leaders	sara.leaders@cityofmiltonga.us
Scott Stokes	sstokes@ci.smyrna.ga.us

ARC DBE Plan and DBE Goal-Setting Methodology

Sean Pharr	[REDACTED]
Shannon Powell	[REDACTED]
Shanona Atkins	statkins1@dhr.state.ga.us
Simeon Nunnally	[REDACTED]
Steve Bruning	[REDACTED]
Steve Cote	[REDACTED]
Steve Davis	[REDACTED]
Steve Foster	[REDACTED]
Steve Horton	shorton@cityofcovington.org
Steve Parks	[REDACTED]
Steve Roberts, Duluth	[REDACTED]
Steven Sheffield	[REDACTED]
Susan Walker	[REDACTED]
Sylvia Redic	sylviaedic@cityofmorrow.com
Ted Ross	[REDACTED]
Terry Mathews	[REDACTED]
Theodore Williams	[REDACTED]
Tillman Ward	[REDACTED]
Tim Kassa	[REDACTED]
Tim Lawrence	tlawrence@co.newton.ga.us
Tom Bauer	[REDACTED]
Tom Gehl	[REDACTED]
Tommy Crochet	[REDACTED]
Tracy Clymer	[REDACTED]
Tracy Rathbone	[REDACTED]
Tracy Shandor	[REDACTED]
Vida Covington	vida.covington@cobbcounty.org
Vincent Passariello	vpasariello@cityofcovington.org
Vincent Reynolds	vrevnolds@eastpointcity.org
Wade Carroll	[REDACTED]
Walter Brown	[REDACTED]
Wassim Selman	[REDACTED]
Wayne Smith	[REDACTED]
Wendy Morgan	[REDACTED]
William Moore	wmoore@colleqeparkga.com
William Whitson	wwhitson@hapeville.org
Yared Altaye	yaltaye@kennesaw-ga.gov

ARC DBE Plan and DBE Goal-Setting Methodology

Contact Group NamTCC-TAQC-RTC Member Agencies - A-K

Members:

Amanda Rhein	arhein@itsmarta.com
Andrew Heath	aheath@dot.ga.gov
Angelia Johnson	ajohnson@forsythco.com
Annie Gillespie	agillespie@georgiatolls.com
Anthony Ford	asford@cityofstockbridge-ga.gov
Ariel Heckler (aheckler@dot.ga.gov)	aheckler@dot.ga.gov
Ashanti Boothe	aboothe@itsmarta.com
Barbara Clanton	barbara.clanton@rockdalecounty.org
Barry Zgonena	bzgonena@georgiatolls.com
Ben Franco	franco.benjamin@epa.gov
Beth White	
Bethany Watson	bethany.watson@canton-georgia.com
Betty Smoot- Madison	bsmoot-madison@AtlantaGa.Gov
Bianca Howard	bhoward@hapeville.org
Bill Farr	william.farr@fhwa.dot.gov
Brad Jacobs (bjacobs@georgiatolls.com)	bjacobs@georgiatolls.com
Brandon Rakestraw	brakestraw@dallas-ga.gov
Brent Cook	bcook@dot.ga.gov
Carol Comer	ccomer@dot.ga.gov
Carol Satcher	csatcher@georgiatolls.com
Catherine Owens	
chapmanr@douglasvillega.gov	chapmanr@douglasvillega.gov
Charles Fleming	cfleming@grta.org
Chip Meeks	cmeeks@dot.ga.gov
Chris Woods	cwoods@dot.ga.gov
Christy Black	cblack@cherokeega.com
Cissy Greeson	cgreson@barrowga.org
crobinson@paulding.gov	crobinson@paulding.gov
Cynthia Burney (cburney@dot.ga.gov)	cburney@dot.ga.gov
Dana Lemon	
David Cox	dcox@roswellgov.com
David Montanye	dmontanye@cobbcounty.org
David Tucker	david.tucker@gwinnettcounty.com
Debbie Savage	Debbie.Savage@gwinnettcounty.com
Eddie Curtis	Eddie.Curtis@dot.gov
Edward Leidelmeijer	Edward.Leidelmeijer@FultonCountyGa.Gov
Eileen Schwartz-Washington@gwinnettcounty.com	Eileen.Schwartz-Washington@gwinnettcounty.com
Elizabeth Osmon	eosmon@dot.ga.gov
Eric Conklin	EConklin@dot.ga.gov
estancil@georgiatolls.com	estancil@georgiatolls.com
ewhitlock@coweta.ga.us	ewhitlock@coweta.ga.us
Gail Franklin	gfranklin@grta.org
Gary Watson	gwatson@co.douglas.ga.us
Grant Waldrop	gwaldrop@dot.ga.gov
Henry Green (hgreen@dot.ga.gov)	hgreen@dot.ga.gov
Henry Ikut-Ukwa	
Jack Reed	jreed@dot.ga.gov
Jamie Harris	jharris@srta.ga.gov
Jane LeMaster	Jane.Lemaster@gwinnettcounty.com

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Jason Crane	jcrane@dot.ga.gov
Jim Elgar (jqelgar@atlantaga.gov)	jqelgar@atlantaga.gov
Jimmy Parker	
John Hibbard (jhibbard@dot.ga.gov)	jhibbard@dot.ga.gov
Joshua Waller	jwaller@dot.ga.gov
Kalanos Johnson	kajohnson@unioncityga.org
Karen Winger	Karen.Winger@gwinnettcountry.com
Karlene Barron	kbarron@dot.ga.gov
Katelyn DiGioia	kdigioia@dot.ga.gov
Kathy Zahul (kzahul@dot.ga.gov)	kzahul@dot.ga.gov
Keith Parker	ktparker@itsmarta.com
Ken Hildebrandt	Ken.hildebrandt@johnscreekgga.gov
Kendall Smith	ksmith@dallas-ga.gov
Kenyata Smiley	kdsmiley@atlantaga.gov
Kevin Cowan (kcowan@dot.ga.gov)	kcowan@dot.ga.gov
Kevin Green	
Kharlie Barnaby	kbarnaby@atlantaga.gov
Kim Coley	kcoley@dot.ga.gov
Kirsten Berry	
Kristen Wescott	KWescott@sandyspringsga.gov
Kyethea Clark	
Kyle Mote	kmote@dot.ga.gov
Marian Liou	
Matt Gore	
Onyinye Akujuo	oakujuo@itsmarta.com
Robin Cailloux	planner@peachtree-city.org
Terry Tibbitts	
William Eastin	weastin@dot.ga.gov
Yolanda Newell	

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Contact Group Name TCC-TAQC-RTC Member Agencies - L-Z

Members:

Christopher Sanders	[REDACTED]
Denis Shortal	denis.shortal@dunwoodyga.gov
Ellis Still	estill@unioncityga.org
Giavani Smith	gsmith@unioncityga.org
JAmers Nguyen	jinquyen@PEACHTREECORNERSGA.GOV
Jesus Sanchez	jsanchez@mariettaqa.gov
LaShawn Gardiner	lgardiner@fayetteville-qa.gov
Lena Carstens	[REDACTED]
Leta Talbird	ltalbird@co.walton.qa.us
Lillian Lester	llester@co.douglas.ga.us
Luz Borrero	lborrero@itsmarta.com
Lynorae Benjamin	Benjamin.Lynorae@epamail.epa.gov
Marcus Arnold	[REDACTED]
Mark Demidovich	mdemidovich@dot.qa.gov
Mark Teal	mteal@co.douglas.qa.us
Marsha Anderson Bomar	[REDACTED]
Marshall Walker	marshall.walker@rockdalecounty.org
Mary Sallach	msallach@georgiatolls.com
Matt Markham	mmarkham@grta.org
Meg Pirkle	mpirkle@dot.qa.gov
Megan Middleton	mmiddleton@AtlantaGa.Gov
Melissa Mullinax (mjmulinax@atlantaga.gov)	mjmullinax@atlantaga.gov
Michael Lankford	mlankford@dot.qa.gov
Michael Smith	michael.smith@dunwoodyga.gov
Mike Martin	mmartin@co.walton.ga.us
Mild Singleton	Msingleton@fayettecountyqa.gov
Ming Hsi (mhxi@itsmarta.com)	mhxi@itsmarta.com
Moses Marrero	moses.marrero@dot.gov
Olin McGraw	olin.mcgraw@co.clayton.qa.us
Pam Earl	Pam_Earl@dnr.state.qa.us
Parker Martin	PMartin@GRTA.org
Paul Tanner	ptanner@dot.qa.gov
Peter Olson	olsonp@bartowqa.org
Rachel Brown	rabrown@dot.ga.gov
Rachel Burton	rburton@dawsoncounty.org
Randy Knighton	rknighton@hallcounty.org
Rashaan George	rgeorge@AtlantaGa.Gov
Rebbie Taylor	rtaylor@itsmarta.com
Rebecca Merideth	rmerideth@paulding.qov
Rhonda Briggins	rbriqqins@itsmarta.com
Richelle Gosman	richelle.gosman@dot.gov
Rose Johnson	rose.johnson@co.clayton.qa.us
Russell McMurry	rmcmurry@dot.qa.gov
Ryland McClendon	RMcClendon@itsmarta.com
Scott Susten (ssusten@dot.ga.gcscusten@dot.ga.gov)	
Shaun Green (sgreen@atlbeltnesgreen@atlbeltnes.org)	
Shelley Peart	speart@atlantaga.gov
Stacey Key	[REDACTED]
Steve Luxenberg	Steve.Luxenberg@dot.gov

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Tad Leithead	[REDACTED]
Tameka Wimberly	twimberly@itsmarta.com
Tania Celis Leyva	tcelisleyva@woodstockga.gov
Tania Celis Leyva-2	[REDACTED]
Tim Borchers	trborgers@atlantaga.gov
Tondelaya Grissom	tgrissom@itsmarta.com
Tonya Gantt	tqantt@itsmartal.com
Tracy Rye	trye@co.douglas.ga.us
Tyrene Huff	tlhuff@itsmarta.com
Will Stinson (E-mail)	wstinson@itsmarta.com
Yvonne Williams	ywilliams@cityofgriffin.com

Contact Group NamTAQC Members - Board

Members:

Andrea Daniels	amdaniels@cherokeega.com
ccikpe@dekalbcountyga.gov	ccikpe@dekalbcountyga.gov
Charissa Fulks	cwhite-fulks@atlantaregional.com
Charlotte Nash	charlotte.nash@gwinnettcountry.com
Christie Cochran	cdcochran@cherokeega.com
Christie Divine	cddivine@cherokeega.com
Claire Harris	claire.harris@rockdalecountyga.gov
Clark Boddie	mayor@citypalmetto.com
Dionne Penn	dpenn@co.douglas.ga.us
Donna Sheldon	[REDACTED]
Eric Clarkson (eclarkson@chambleega.com)	eclarkson@chambleega.com
Eric Dial	[REDACTED]
Floyd Jones	fjones@fayettecountyga.gov
Harry Johnston	hjohnston@cherokeega.com
Janet Haldeman	janet.haldeman@cobbcounty.org
Jeff Turner	jeff.turner@claytoncountyga.gov
Jewell Grubbs	jewell.grubbs@fultoncountyga.gov
Jovene Milligan	jmilligan@co.douglas.ga.us
Judy Solomon	judy.solomon@cobbcounty.org
June Wood	jwood@co.henry.ga.us
Keisha Lance Bottoms	kbottoms@atlantaga.gov
Kerry Armstrong (karmstrong@atlantaregional.com)	karmstrong@atlantaregional.com
La'Keitha Carlos	ldcarlos@dekalbcountyga.gov
Liane Levetan	[REDACTED]
Lillie Cunningham	lcunningham@atlantaga.gov
Luz Borrero (lborrero@dekalbcountyga.gov)	lborrero@dekalbcountyga.gov
Marie Gober	Goberm@douglasvillega.gov
Mark Mathews	[REDACTED]
Michael Murphy	Michael.murphy@cobbcounty.org
Michael Thurmond	ceomichaelthurmond@dekalbcountyga.gov
Michele Weaver	mweaver@co.henry.ga.us
Mike Boyce	mike.boyce@cobbcounty.org
Mike Houchard	[REDACTED]
Millie ROGers	millie.rogers@cobbcounty.org
Nancy Harris (nharris@duluthga.net)	nharris@duluthga.net
Oz Nesbitt	oz.nesbitt@rockdalecountyga.gov
Portia Reeves	portia.reeves@claytoncountyga.gov
Randy Ognio	rognio@fayettecountyga.gov
Rob Pitts	robb.pitts@fultoncountyga.gov
Rochelle Robinson	robinsonr@douglasvillega.gov
Romona Jackson Jones	rjacksonjones@co.douglas.ga.us
Tameca White	twhite@fayettecountyga.gov
Tread Davis	[REDACTED]
Vivienne Milligan	VMilligan@dekalbcountyga.gov

ARC DBE Plan and DBE Goal-Setting Methodology

Contact Group NamTAQC - Non Board

Members:

Angela Farries	afarries@paulding.gov
Anita Henson	ahenson@dot.ga.gov
Carol Haag	CGHaag@forsythco.com
Cindy VanDyke	cyvandyke@dot.ga.gov
Dave Carmichael	commissioners@paulding.gov
Dave Carmichael	dcarmichael@paulding.gov
Dave Williams	
Donald Hawbaker	dhawbaker@spaldingcounty.com
Elizabeth Osmon	eosmon@dot.ga.gov
Jim Durrett	
Kevin Little	klittle@co.walton.ga.us
LaTonja Hamp	lhamp@co.newton.ga.us
Laura Semanson	losemanson@forsythco.com
Marcello Banes	mbanes@co.newton.ga.us
Mark Bulhalter	
Martha Martin	
Pat Graham	pgraham@barrowga.org
Pat Tibbitts	ptibbitts@paulding.gov
Paul Poole	ppoole@coweta.ga.us
Paul Tanner	ptanner@dot.ga.gov
Rebbie Taylor	rtaylor@itsmarta.com
Rich McDonald (Richard.mcdonald@dnr.state.ga.us)	Richard.mcdonald@dnr.state.ga.us

ARC DBE Plan and DBE Goal-Setting Methodology

Exhibit B: TAQC Sign In Sheets and Meeting Summary

2019 TAQC – June 13, 2019 Meeting	
Quorum = 50% (17) per ARC Bylaws	
1. Charlotte Nash, Chair*	Gwinnett County Chair
2. Romona Jackson Jones	Douglas County Chair
3. ✓ Harry Johnston*	Cherokee County Chair
4. ✓ Randy Ognio*	Fayette County Chair
5. ✓ Eric Clarkson*	Chamblee Mayor
6. ✓ Jeff Turner*	Clayton County Chair
7. ✓ Robb Pitts*	Fulton County Chair
8. Keisha Lance Bottoms*	Atlanta Mayor
9. ✓ Kerry Armstrong*	ARC Chair / CD 9 Rep
10. Michael Thurmond *	DeKalb County CEO
11. ✓ Liane Levetan*	ARC Citizen District 7 Rep
12. ✓ Mark Mathews*	ARC Citizen District 14 Rep
13. ✓ Mike Houchard*	ARC Citizen District 6 Rep
14. Nancy Harris*	Duluth Mayor
15. Oz Nesbitt*	Rockdale County Chair
16. Mike Boyce*	Cobb County Chair
17. ✓ June Wood*	Henry County Chair
18. ✓ Tread Davis*	DCA Appointee
19. Rochelle Robinson*	Douglasville Mayor
20. Donna Sheldon*	ARC Citizen District 8 Rep
21. ✓ Eric Dial*	Tyrone Mayor
22. ✓ Paul Poole	Coweta County Chair
23. Dave Carmichael	Paulding County Chair
24. Jeff Lewis	GDOT / STB Member
25. ✓ Paul Tanner / Jay Roberts	Georgia DOT
26. ✓ Jim Durrett	MARTA
27. ✓ Clark Boddie	MAMA Chair
28. Donald Hawbaker	Spalding County Chair
29. Marcello Banes	Newton County Chair
30. Kevin Little	Walton County Chair
31. ✓ Martha Martin	GRTA Board Member
32. ✓ Pat Graham	Barrow County Chair
33. ✓ Laura Semanson	Forsyth County Chair
34. ✓ Rich McDonald	Georgia EPD
*ARC Board Member	

ARC DBE Plan and DBE Goal-Setting Methodology

TAQC - TRANSPORTATION & AIR QUALITY COMMITTEE MEETING

Date: June 13, 2019

LIST NEW OR REVISED CONTACT INFO BELOW	
NAME	AGENCY
Phil Mallow	Fayette Co.

TAQC - TRANSPORTATION & AIR QUALITY COMMITTEE MEETING

Date: June 13, 2019

LIST NEW OR REVISED CONTACT INFO BELOW	
NAME	AGENCY
ERIC LUSHER	Pand
Charles Robinson	GOOT - Planning
Stan Reecy	Aerropolis
Tavoris Edwards	Buena Co.

Transportation & Air Quality Committee *June Wood, Chairman*

**Thursday, June 13, 2019 10:30 a.m. - 12:00
p.m.
ARC Harry West Room**

Members Present

Commissioner Paul Poole
Commissioner Harry Johnston
Mr. Mark Mathews
Mr. Mike Houchard
Mr. Charles Robinson
Ms. Martha Martin
Mr. Rich McDonald
Mayor Eric Clarkson
Commissioner Mike Boyce
Mayor Clark Boddie
Mr. Kerry Armstrong
Mr. Tread Davis
Mr. Jim Durrett
Commissioner June Wood
Ms. Liane Levetan
Commissioner Pat Graham
Commissioner Laura Semanson
Commissioner Randy Ognio
Commissioner Robb Pitts
Mr. Eric Dial

Members Absent

Commissioner Marcelo Banes
Commissioner Kevin Little
Mayor Keisha Lance Bottoms
Ms. Donna Sheldon
Commissioner Oz Nesbitt
CEO Michael Thurmond
Mr. Jeff Lewis
Commissioner Jeff Turner
Commissioner Charlotte Nash
Commissioner Dave Carmichael
Mayor Nancy Harris
Commissioner Romona Jackson Jones
Mayor Rochelle Robinson
Commissioner Donald Hawbaker

1. Welcome - Acceptance of 5/09/2019 TAQC Meeting Summary; Public Comment period

Commissioner June Wood, TAQC Chair, asked if there were changes to the meeting summary. Hearing no additional comments, the summary was accepted as presented. Ms. Wood asked for public comments. There were none.

ARC DBE Plan and DBE Goal-Setting Methodology

2. Update for Community Engagement Plan (ACTION ITEM)

John Orr, ARC, noted the Update Community Engagement Plan was previously presented as a 1st read last month, today was a recap of the plan. Mr. Orr explained the plan is divided into three components or guidebooks: 1) The Residence Guide to Regional Transportation Planning 2) Metropolitan Guide to the MPO Basics 3) Community Engagement Value Technique and Process.

Mr. Orr noted that during the public comment period which ended on May 27th only minor comments were received that were primarily administrative but overall there were good reviews.

Mr. Orr asked for a motion to approve which was made by Mike Houchard, and seconded by Clark Boddie. Resolution was approved unanimously.

3. Update of ARC's DBE Goal (First Read)

Brittany Zwald, ARC, presented the purpose of the DBE and its federal requirements. She noted that the plan is updated every three years primarily as an administrative function but generally the plan itself does not change. She explained how the goal is calculated with a base figure of 6.71% for 2019, which is low compared to the previous goal of 15.64%, however, since ARC exceeds its goal every year, for the past three years a median goal was approximately 28.5%. Based on this information a proposed DBE goal of 17.6% was established for 2019-2020 period.

Ms. Zwald stated that ARC is required to have consultation with stakeholders and community groups with DBE knowledge including TAQC, TCC and Transportation Equity Advisory Group. These groups will have an opportunity to provide feedback along with an optional 30-day public comment period ending with a board adoption (tentatively) at the July board meeting.

4. Local Planning Spotlight – SR 74 Corridor Study

Phil Mallon, Fayette County, provided background information on Fayette County's population and its economic/transportation development. Eric Muster, with the Pond Company, added that the Spirit 74 coalition was formed prior to launching the study which included cities such as Fairburn, Tyrone and Peachtree City as well as the South Fulton CID, Chamber of Commerce and other entities that came together with a common interest to support the study. The keys to success other than community engagement were the technical analysis, communication imagery and workshops with GDOT.

5. Local Planning Spotlight – Aerotropolis CIDs Transit Study

Gerald McDowell, Aerotropolis CID, presented an overview of the Aerotropolis CID study. There were two objectives for the study. The first objective is centered around HartsfieldJackson Airport, regarding mobility of people as they move around the airport area. The second objective of the study focused on identifying challenges and solutions to this issue. The overarching objective was how to better connect the airport area to the region.

Additionally, Mr. McDowell highlighted that the study incorporated an Innovation Summit, where they looked around the country and around the world for innovation vendors to bring their solutions and products for display

ARC DBE Plan and DBE Goal-Setting Methodology

at the Georgia International Conference Center. Also, as part of the study, their team traveled to Amsterdam and London to look at solutions and feasibility for the Atlanta region.

Additionally, the study incorporated the Fulton County transit study as well as the Clayton County transit study. The study identified a corporate crescent route that would move passengers between the Domestic and International terminals, the MARTA station and residents who live in the area. Lastly, Mr. McDowell also included that the CID anticipates funding from a USDOT grant and funding for a Smart Corridor study from ARC.

6. Regional Transportation Plan (RTP) Projects and Program Updates

David Haynes, ARC, presented an overview of the updates. Mr. Haynes mentioned that this update is not touching the TIP the short-range component, but rather it will cover long-range components that extends out to 2050. There are two major buckets for the projects; roadway capacity, transit capacity expansion projects. The smaller scale projects, such as pedestrian projects and sidewalks that have major air quality implications, will collapse into the Lump Sums.

Mr. Haynes noted that in February/March of this year a review of the project list was completed. A review of the existing project list for 2040 plan was done, however, since there will be an extension to the horizon plan to 2050 there is a potential revenue for new projects. Any of these new projects would come out of a formal planning process. There are 96 projects identified that could potentially be added to the plan. Of the 96, 18 are interchange projects and 28 projects are on surface streets. Right now, the projects will be reviewed with GDOT and a decision on the appropriate financing is forthcoming.

Kofi Wakhisi, ARC, presented the recommendations for transit expansion projects for the RTP Update. Mr. Wakhisi noted that these were staff recommendations at this point and there will be an opportunity for committee members to provide feedback. Mr. Wakhisi did an overview of the capital cost for the 2030 and 2050 period, that included local, state and federal breakdowns and summary statistics that outlined total miles of commuter rail, BRT and light rail.

Next steps include finalizing the list so that the travel demand modeling analysis can begin. Once the draft document is ready, the public engagement/public comment period will commence, and the final recommendations will be brought back to the committee for approval.

7. Other and Committee Introduced Topics Announcements

None.

8. Announcements

None.

Adjourned.

ARC DBE Plan and DBE Goal-Setting Methodology

Handouts & Presentations:

- Agenda: 05-09-2019 TAQC Meeting Agenda
- Presentation: Update of Community Engagement Plan
- Presentation: Update ARC's DBE Goal (First Read)
- Presentation: Local Planning Spotlight – SR 74 Corridor Study
- Presentation: Aerotropolis CIDs Transit Study
- Presentation: Regional Transportation Plan (RTP) Projects and Program Updates

ARC DBE Plan and DBE Goal-Setting Methodology

2019 TAQC – July 11, 2019 Meeting

Quorum = 50% (17) per ARC Bylaws

19

- | | |
|------------------------------|-----------------------------|
| 1. ✓Charlotte Nash, Chair* | Gwinnett County Chair |
| 2. Romona Jackson Jones* | Douglas County Chair |
| 3. Harry Johnston* | Cherokee County Chair |
| 4. ✓Randy Ognio* | Fayette County Chair |
| 5. ✓Eric Clarkson* | Chamblee Mayor |
| 6. ✓Jeff Turner* | Clayton County Chair |
| 7. ✓Robb Pitts* | Fulton County Chair |
| 8. Keisha Lance Bottoms* | Atlanta Mayor |
| 9. ✓Kerry Armstrong* | ARC Chair / CD 9 Rep |
| 10. Michael Thurmond * | DeKalb County CEO |
| 11. ✓Liane Levetan* | ARC Citizen District 7 Rep |
| 12. ✓Mark Mathews* | ARC Citizen District 14 Rep |
| 13. ✓Mike Houchard* | ARC Citizen District 6 Rep |
| 14. ✓Nancy Harris* | MAMA Chair/Duluth Mayor |
| 15. Oz Nesbitt* | Rockdale County Chair |
| 16. Mike Boyce* | Cobb County Chair |
| 17. June Wood* | Henry County Chair |
| 18. ✓Tread Davis* | DCA Appointee |
| 19. Rochelle Robinson* | Douglasville Mayor |
| 20. Donna Sheldon* | ARC Citizen District 8 Rep |
| 21. ✓Eric Dial* | Tyrone Mayor |
| 22. ✓Clark Boddie | Palmetto Chair |
| 23. Paul Poole | Coweta County Chair |
| 24. ✓Dave Carmichael | Paulding County Chair |
| 25. Jeff Lewis | GDOT / STB Member |
| 26. ✓Paul Tanner/Jay Roberts | Georgia DOT |
| 27. ✓Jim Durrett | MARTA |
| 28. Donald Hawbaker | Spalding County Chair |
| 29. Marcello Banes | Newton County Chair |
| 30. Kevin Little | Walton County Chair |
| 31. ✓Martha Martin | GRTA Board Member |
| 32. Pat Graham | Barrow County Chair |
| 33. ✓Laura Semanson | Forsyth County Chair |
| 34. ✓Rich McDonald | Georgia EPD |

*ARC Board Member

Transportation & Air Quality Committee
Charlotte Nash, Chairman

**Thursday, July 11, 2019 10:30 a.m. - 12:00
p.m.
ARC Harry West Room**

Members Present

Mr. Mark Mathews
Mr. Mike Houchard
Mr. Charles Robinson
Ms. Martha Martin
Mr. Rich McDonald
Mayor Eric Clarkson
Mayor Clark Boddie
Mr. Kerry Armstrong
Mr. Tread Davis
Mr. Jim Durrett
Ms. Liane Levetan
Commissioner Randy Ognio
Mayor Eric Dial
Commissioner Jeff Turner
Commissioner Charlotte Nash
Commissioner Dave Carmichael

Members Absent

Commissioner Marcelo Banes
Commissioner Kevin Little
Mayor Keisha Lance Bottoms
Ms. Donna Sheldon
Commissioner Oz Nesbitt
CEO Michael Thurmond
Mr. Jeff Lewis
Commissioner Robb Pitts
Commissioner Pat Graham
Commissioner Laura Semanson
Mayor Nancy Harris
Commissioner Romona Jackson Jones
Mayor Rochelle Robinson
Commissioner Donald Hawbaker
Commissioner June Wood
Commissioner Mike Boyce
Commissioner Paul Poole
Commissioner Harry Johnston

1. Welcome - Acceptance of 6/13/2019 TAQC Meeting Summary; Public Comment period

Commissioner Charlotte Nash, TAQC Chair, asked if there were changes to the meeting summary. Hearing no additional comments, the summary was accepted as presented. Ms. Nash asked for public comments. There were none.

ARC DBE Plan and DBE Goal-Setting Methodology

2. Update of ARC's DBE Goal (ACTION ITEM)

Brittany Zwald, ARC, presented the purpose of the DBE and its federal requirements. She noted that the plan is updated every three years primarily as an administrative function but generally the plan itself does not change. She explained how the goal is calculated with a base figure of 6.71% for 2019, which is low compared to the previous goal of 15.64%, however, since ARC exceeds its goal every year, for the past three years a median goal was approximately 28.5%. Based on this information a proposed DBE goal of 17.6% was established for 2019-2020 period.

Ms. Nash asked for a motion to approve which was made by Mayor Clark Boddie and seconded by Mr. Jim Durrett. Resolution was approved unanimously.

3. Update of FTA Transit Formula Policies (First Read)

Kofi Wakhisi, ARC, gave a first read on the updates to FTA transit formula policies. There are three programs involved in this update that include Section 5307/5340- Urbanized Area Formula, Section 5337- State of Good Repair Formula, and Section 5339- Bus and Bus Facilities Formula. As of last year, The Atlanta Urbanized Area (UZA) receives about \$140,000,000/year in FTA formula funding. The Designated Recipient and the MPO must agree on the allocation within the UZA. Also, allocation amounts, by program and by recipient, are captured in the Regional "Program of Projects". This committee will be asked to update the allocation policy for one of the formula programs and adopt policies for two other programs.

Changes made to each program are outlined below: Section 5307/5340-

Urbanized Area Formula

- Context
 - The largest program with about \$74 million last year.
 - Set aside is allocated per Transit Operators Group (TOG) consensus.
 - The policy continues to allow greater than the 1% set aside on a project by project basis, which is decided by consensus of TOS.
 - Local match is required and usually 20%.
- Previous Policy: **.5%** set aside for ARC for regional planning purposes
 - Examples include transit on-board survey work, transit feasibility studies, unified bus stop signage
- Update: **1%** percent split between ATL and ARC
 - **ATL= .75%, ARC= .25%**
 - 3-4% will continue to go toward the JARC (Job Access and Reverse Commute)/Low Income program.

Section 5337- State of Good Repair Formula

- Context
 - There are two components for 5337: Fixed Guideway (any transit asset that involves exclusive right-of-way; catenary; passenger ferry; or BRT ($\geq 50\%$ in exclusive ROW); and High Intensity Motorbus (public transportation on HOV lanes with free access for other HOVs).
 - Any HIMB or fixed guideway facility will be eligible only after 7 years of operations.
- Previous:
 - The High Intensity Motorbus (HIMB) component is allocated based on the express bus operator who was first to report their service on any given HOV/HOT lane segment to the National Transit Database.
 - This prevented subsequent express bus operators, on that same highway segment, from getting any 5337-HIMB allocation.
- Update:

ARC DBE Plan and DBE Goal-Setting Methodology

- The new methodology will calculate the 5337-HIMB component allocation based on the share of each operator's express bus trips, for each HOV/HOT segment

Section 5339- Bus and Bus Facilities Formula - no proposed changes.

Action will be taken by the ATL Board and TAQC in August on these updates. TOS will continue to review policies as needed and respond to changes to future FTA rules and regulations. The policies outlined above will take effect October 1, 2019.

Discussion and Clarification:

1. What will be the effect of ARC losing .25%?
 - a. ARC had been using a lot of this funding to support data and software purchases. These purchases will continue to be made in partnership with the ATL as joint purchases and will not be affected by the change in funding. A strong partnership between the ATL and the ARC will be crucial moving forward in all transit related planning.
2. Does ARC really have any discretion over funding allocation including introducing performance incentives?
 - a. ARC has some discretion over funding allocation, but for the most part the national formulas are followed. Since many of the funds are allocated for operations, the funding needs to be relatively stable year over year for the transit agencies to be able to maintain operations.
3. JARC/Low-Income Program
 - a. Examples: Center for Pan Asian Community Services (CPACS) use it for operation of a bus system that connects City of Clarkston to MARTA stations and language translation services, GRTA Express used it to identify improved low-income access to the airport.
 - b. ARC will follow up on the following data requested: How many riders are being served through JARC, what is the impact on MARTA ridership, what are the trip purposes on service operated by or from JARC funding.

4. Transportation Control Measures (TCM) Removal Georgia's State Implementation Plan (SIP) Revision

David Haynes, ARC, explained that Transportation Control Measures (TCMs) are a small set of transportation projects and programs that were identified during the Atlanta region air quality conformity lapse in the late 1990s. Their implementation was codified into federal law through inclusion in Georgia's State Implementation Plan (SIP), which establishes air quality emissions budgets that every TIP/RTP must meet. Their inclusion in the SIP was instrumental in keeping other projects in the region advancing during the conformity lapse. Several TCM projects remain in the plan which have been completed, outlived their original purpose, or are no longer considered best practices. Georgia EPD, therefore, is proposing to remove most of the TCMs. This will not impact air quality in the Atlanta region, requires no action by ARC, and it has no impact on any projects in the current TIP/RTP. Detailed technical information on this action is available in a report published on the TAQC website archive.

Public Hearing:

July 29, 2019 at 2:30 p.m.

EPD Training Center

ARC DBE Plan and DBE Goal-Setting Methodology

4244 International Parkway, Suite 116,
Atlanta, Georgia 30354

Details are available at: <https://epd.georgia.gov/air/documents/removal-transportation-controlmeasures>

5. Regional Transportation Plan (RTP) Work Activities and Upcoming Community Engagement Opportunities

Melissa Roberts, ARC, shared the engagement strategy for the Atlanta Region's Plan update.

Online, <https://www.atlantaregionsplan.org/> is a good resource for our current work under "Plan Update". The site includes engagement activities and samples of the draft document.

Future Focus ATL is another piece of the outreach. It includes 3 ways to engage through hosting civic dinners, playing the online scenario game, and watching a youth improve group exploring future scenarios. The goal of Future Focus ATL is to engage the region in what they think 2050 might be like in terms of expectations and concerns.

Hosting a Civic Dinner is simple. Go to <https://cividdinners.com/ARC-futurefocus>, create an account, invite friends or make it public, and set the location and time. Guests also create an account to submit answers to a short 3 question survey.

6. Regional On-Board Transit Survey

Guy Rousseau, ARC, gave an update on the Regional On-Board Transit Survey. The previous survey was completed 10 years ago. The new survey is an important update that will collect demographic, and origin/destination information to update regional travel demand model. It will also make the region more competitive for New Starts funding. It is a \$1.75 million survey with 20% local match. Some key differences to the last survey are that it will capture Title IV populations and rideshare use including TNCs and scooters.

Schedule: Jan 2019-Apr 2020

Dashboard available online to monitor progress of survey.

https://etcinstitute.com/transit/transitdashboards/ga_arc/

7. Other and Committee Introduced Topics Announcements

None.

8. Announcements

John Orr, ARC, introduced two new ARC staff members, Elizabeth Sandlin working as a Planner working under Amy Goodwin and Tejas Kotak working as a Senior Planner working under Kyung-Hwa Kim.

Adjourned.

ARC DBE Plan and DBE Goal-Setting Methodology

Handouts & Presentations:

- Agenda: 7/11/2019 TAQC Agenda
- Presentation: DBE Plan Update Presentation
- Presentation: Regional Transit Policies Presentation
- Presentation: Atlanta Regional Transit On-Board Survey Presentation
- Action Item: Update of ARC's DBE Goal
- Handout: TCM Removal SIP Revision Technical Report
- Handout: Section 5307 Regional Policy Draft 3
- Handout: Section 5337 Regional Policy Draft 2
- Handout: Section 5339 Regional Policy Draft
- Handout: FTA Formula Fund Regional Transit Policies Section 5337 - 2019
- Handout: FTA Formula Fund Regional Transit Policies Section 5339 - 2019
- Handout: Future Focus ATL
- Handout: FTA Formula Fund Regional Transit Policies Section 5307 - 2019
- Handout: Civic Dinners Guide: Future Focus

ARC DBE Plan and DBE Goal-Setting Methodology

Exhibit C: TCC Sign In Sheet and Meeting Summary

Transportation Coordinating Committee

June 21, 2019

Meeting

Quorum = 50% (15) per ARC Bylaws

Members:

1. ARC	16. Gwinnett (Chapman/Edwards)
2. Atlanta (Tzegaegbe/Sidifall/Morgan)	17. Henry (Hobson/Simmons)
3. Barrow (Hayes/Schultz)	18. MARTA (Williams)
4. Cherokee (Morton)	19. Newton (Clegg/Wright)
5. Clayton (Metarko/Rohling)	20. Paulding (Lippmann/Jones)
6. Cobb (Wilgus/Meyer)	21. Rockdale (Allen/Rice)
7. Coweta (Edwards/Handley)	22. Spalding (Pitts/Jacobs)
8. DeKalb (Smith/Keeter)	23. Walton (Chandler/Walter)
9. Douglas (Valentin)	24. MD-1 (N Fulton, Cherokee, Forsyth, Dawson)
10. EPD (Grodzinsky/Basnight)	25. MD-2 (S Fulton, Coweta, Fayette)
11. Fayette (Mallon/Christian)	26. MD-3 (Clayton, Henry Spalding, Pike)
12. Forsyth (Cunard/Allen)	27. MD-4 (Cobb, Paulding, Carroll, Douglas)
13. Fulton (Clark/Beck)	28. MD-5 (DeKalb, Rockdale, Newton)
14. GDOT (Robinson/Green)	29. MD-6 (Gwinnett, Barrow, Walton)
15. GRTA (Fischer)	

Advisors:

- 25. GDOT Intermodal
- 26. CBMPO
- 27. GHMPO
- 28. EPA
- 29. FHWA
- 30. FTA

ARC DBE Plan and DBE Goal-Setting Methodology

Meeting Date: June 21, 2019

TCC - TRANSPORTATION COORDINATING COMMITTEE MEETING

LIST NEW OR REVISED CONTACT INFO BELOW			
NAME	AGENCY	PHONE	E-MAIL
Michael Bradley	MARTA		mbradley1@MARTA.com
Caitlin Shankle	City of Sandy Springs		Cshankle@sandyspringsga.gov
Tim Brooks	Eremondeco		
Brian Grist	SELC		
Meghe Young	Graham Smith		
Tamara Edwards	Leavitt		
Shirley Clegg	Newton Co.		
Stella Smith	DEKALB		
Janice Fischer	SRTA/SRTA		
GIL GREENWAY	GA EPD		
Joselyn Boyd	GHMPO		Jboyd@hullcountyg
Arces Little	GAH DOT		
MARLANA	Roswell		
Lori Sauer	ATL		

ARC DBE Plan and DBE Goal-Setting Methodology

Meeting Date: June 21, 2019

TCC - TRANSPORTATION COORDINATING COMMITTEE MEETING

NAME	AGENCY	LIST NEW OR REVISED CONTACT INFO BELOW	
		PHONE	E-MAIL
Eric Pitts	Paragon Consulting/Spalding County	[REDACTED]	[REDACTED]
Justin Scott	ANTR	[REDACTED]	[REDACTED]
Jason Morgan	COA	[REDACTED]	jmorgan@atlantaga.gov
Brayden Robinson	Paulding County Boc	[REDACTED]	brayden.robinson@paulding.gov
Charles Robinson	GOOT-Planning	404-631-1439	chrobinson@dot.ga.gov
Tim Allen	Forsyth County Dept Eng	770-781-2165	timallen@fcs.ga.gov
Stan Reedy	Aerotropolis	[REDACTED]	[REDACTED]
David Simmons	Hecky Co		

TRANSPORTATION COORDINATING COMMITTEE

June 21, 2019 Meeting Notes

TCC Members or Alternates Present:

<i>ARC</i>	John Orr		
<i>Atlanta</i>	Jason Morgan	<i>Fulton</i>	---
<i>Barrow</i>	---	<i>GDOT</i>	Charles Robinson
<i>Cherokee</i>	---	<i>GRTA/SRTA</i>	Jamie Fischer
<i>Clayton</i>	---	<i>Gwinnett</i>	Vince Edwards
<i>Cobb</i>	Eric Meyer	<i>Henry</i>	David Simmons
<i>Coweta</i>	---	<i>MARTA</i>	---
<i>DeKalb</i>	Sylvia Smith	<i>Newton</i>	
<i>Douglas</i>	Miguel Valentin	<i>Paulding</i>	Ann Lippmann
<i>EPD</i>		<i>Rockdale</i>	Brian Alan
<i>Fayette</i>	Phil Mallon	<i>Spalding</i>	
<i>Forsyth</i>	---	<i>Walton</i>	---
<i>MD-1</i>	---	<i>MD-4</i>	---
<i>MD-2</i>	---	<i>MD-5</i>	---
	<i>MD-3</i>		---
		<i>MD-6</i>	----

Advisors (Non-voting):

<i>CBMPO</i>	---
<i>GHMPO</i>	---
<i>GDOT I'modal</i>	---
<i>FHWA</i>	---
<i>FTA</i>	---

ARC DBE Plan and DBE Goal-Setting Methodology

Transportation Coordinating Committee – Meeting Summary

John Orr, ARC, Chair

1. Welcome - Acceptance of 06/07/2019 TCC Meeting Summary; Public Comment period

John Orr asked if there were changes to the meeting summary. Hearing no additional comments, the summary was accepted as presented. Mr. Orr asked if there were public comments and there were none.

2. Regional Transportation Plan (RTP)

David Haynes, ARC, provided an update on the RTP. Haynes reiterated that 10 years was added to the horizon plan, therefore 95 new roadway capacity projects supported by local governments was added. This new list will be added to the fiscally constraint plan. ARC is still working with GDOT on the list. GDOT focus is on projects that are on the state system.

Mr. Haynes noted that the review of the projects is spilt into two buckets, the state system and local system. If there is a project on the state system that is not currently in GDOT's work program, it could be included in the 2050 network year. GDOT may not be ready to make a commitment just yet on the funding, however, there will be an opportunity to request federal funding for the project at later time. Projects that can go into the plan under one hundred percent local funding or projects that will be moved to the fiscally unconstrained aspirational element of the plan, at some point these projects will be reconsidered through an amendment process or through the next update process.

Additionally, Mr. Haynes provided background on the previous year's exercise/review of projects on the local system and how funding was prioritized. Projects on key arterial networks, pending results of the technical analysis, will be added to the plan. Funding however, may not be automatically a full 80/20 split. Projects not on the network will be showed at one hundred percent local funding and put into the year identified by the sponsor.

Next steps are to get feedback from GDOT to include the projects that will be added into the plan and to initiate the modeling and coding process.

Community Engagement Plan (RTP)

Melissa Roberts, ARC, provided an overview of the Community Engagement Plan update and website. Ms. Roberts presented information concerning ARC's website and where information is located, and introduced activities, such as Civic Dinners and follow-up survey efforts.

Roberts mentioned that this Fall, ARC will be hosting open houses for the regions plan. Also, TCC members are welcomed to partner with ARC to host an open house in their jurisdiction or any other area. Jurisdictions interested should contact her.

Ms. Roberts also mentioned a save the date for August 25, 2019 at Dad's Garage at 4:00 pm for the Youth Improv and Conversation.

ARC DBE Plan and DBE Goal-Setting Methodology

3. Update of ARC's DBE Goal (Action)

Brittany Zwald, ARC, noted that this is ARC's three-year update. Zwald provided an overview of the federal requirements and certification components. Ms. Zwald explained how the goal is calculated with a base figure of 6.71% for 2019, which is low compared to the previous goal of 15.64%, however, since ARC exceeds its goal every year, for the past three years a median goal was approximately 28.5%. Based on this information a proposed DBE goal of 17.6% was established for 2019-2020 period. Additionally, Ms. Zwald noted that 3.2 million dollars for projects will go out to private entities in the local market area which is overwhelming in Fulton County.

Mr. Orr asked if there was a motion to approve the DBE three-year goal of 17.6%. A motion was made by Aries Little, Cobb County and seconded by Sylvia Smith, Dekalb County. Hearing no opposed the motion passed unanimously.

4. Discussion on Updates to Transit Suballocation Formula Policies

Kofi Wakhisi, ARC, provided background information of the Federal Transit Administration formula fund policies that was tabled a year ago due to changes in the state law. The update is to prepare the committee for an 1st read and action item sometime in August 2019. Mr. Wakhisi provided an overview of the eligibility requirements for FTA Urbanized Area Formula program (5307), how the funding is allocated to the Atlanta Urbanized area and how the region administratively suballocate those funds to jurisdictions in the region. Mr. Wakhisi also provided an overview of the FTA Bus and Bus Facility program (Section 5339) and The State of Good Repair (Section 5337) programs as well.

John Orr mentioned that Transit Operators Subcommittee which now working with the ATL Authority, acknowledged that this has been in the process since 2014, but felt it necessary to get the updates to the committee. Mr. Orr also noted that half of a percent is of the Section 5307 is designed for regional planning but will ultimately establish boundaries on how the that funding should utilized.

5. Announcements

An updated roster and contact information for committee members is requested and should be given to Becky.

The Chattahoochee Corridor study open house on Saturday from 11-2:00pm at the Northwest Library and on Sunday at the Chattahoochee River Environmental Education Center from 14:00pm at Johns Creek.

Adjourned.

Handouts & Presentations:

- 06-21-2019 Meeting Agenda

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Attachment 2.4

Section 26.51: Breakout of Estimated

Race-Neutral & Race Conscious Participation

Table 5: Breakout of Race-Neutral and Race Conscious Proposed Goals	
Race Neutral	17.61 %
Race Conscious	0 %
Total	17.61 %

ARC will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. Contract goals will not be utilized to meet the ARC goal.

ARC uses the following race-neutral means to increase DBE participation:

- Encourage prime contractors to subcontract portions of their work that they would normally perform in-house.
- Encourage local governments and non-profits receiving ARC sub-grants on which they will utilize consultants to include DBEs in the pool of potential vendors from which they solicit services.
- Ensure that the ARC website is updated with available opportunities for DBE-owned and other small business firms in the community.
- Conduct pre-bid seminars for DBE and small business firms on contracts that have a high degree of specialized technology.
- Outreach to DBEs to register on ARC's Prospective Consultants List and to meet with the DBE Liaison Officer to discuss their services and experiences.

In order to ensure that our DBE program will be narrowly tailored to overcome the effects of discrimination, if we use contract goals, ARC will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see 26.51(f)). ARC will also track and report race-neutral and race-conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry a DBE goal; DBE participation on a prime contract exceeding a contract goal; and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making

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the award.

ARC will maintain data separately on DBE achievements in those contracts with and without contract goals, respectively.

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Attachment 2.5

Forms 1 & 2 for Demonstration of Good Faith Efforts

These forms will be included in a Title VI and DBE Attachment to all ARC bids and proposals.

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FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION

DBE UTILIZATION PLAN (Complete this form for each DBE firm participating in this proposal.

This plan will be included in a Title VI and DBE Attachment to all USDOT funded ARC bids and proposals.

Name of bidder/offeror's firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of DBE firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Description of work to be performed by DBE firm: _____

The bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The estimated dollar value of this work is \$_____.

Affirmation

The above-named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above.

By _____
(Signature)

(Title)

If the bidder/offeror does not receive award of the prime contract, any and all representations in this DBE Utilization Plan shall be null and void. **PLEASE ATTACH A COPY OF THE OFFICIAL DBE CERTIFICATION FORM.** (submit this page for each DBE subcontractor)

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Attachment 2.6

Certification Application Forms

Certification forms are available at

<http://www.dot.ga.gov/PS/Business/DBE>

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Attachment 2.7

Procedures for Removal of DBE's Eligibility

See <http://www.dot.ga.gov/PS/Business/DBE>

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Attachment 2.8

Regulations: 49 CFR Part 26

<https://gov.ecfr.io/cgi-bin/text-idx?SID=c2cba0bcff04d50a483c8bc884625223&mc=true&node=pt49.1.26&rgn=div5>