

**Attachment 4**

**Section 26.45: Overall Goal Calculation**

**Amount of Goal**

1. The Municipality of San Juan’s overall goal for FY 2023-2026 will be: **4%** of the Federal Financial assistance we will spend in DOT-assisted contracts exclusive of FTA funds.

**Methodology that will be used to Calculate Overall Goal**

The following projects are contracting opportunities resulting from FTA assistance that are applicable towards the DBE Goal.

<b>Municipality of San Juan Projects with FTA Assistance</b>	
PR-90-X236	<ul style="list-style-type: none"><li>• Bus Shelter Acquisition (\$550,000)</li></ul>
PR-2022-004	<ul style="list-style-type: none"><li>• Preventive Maintenance Vehicles (\$1,353,000)</li><li>• 3rd Party Transit Management (\$195,000)</li></ul>
PR-2022-016	<ul style="list-style-type: none"><li>• 3rd Party Transit Management (\$97,500)</li></ul>
PR-2023-007	<ul style="list-style-type: none"><li>• Rehab of Sidewalks (\$20,029,575)</li><li>• Architecture and Engineering (\$251,000)</li><li>• Project Management (\$451,200)</li></ul>
1886-2022-1	<ul style="list-style-type: none"><li>• Preventive Maintenance Vehicles (\$1,554,128)</li><li>• Preventive Maintenance Facilities (\$388,532)</li><li>• Architecture and Engineering (\$190,000)</li></ul>
1886-2023-2	<ul style="list-style-type: none"><li>• Construction of Paseo Lineal Miramar Condado (\$7,292,007)</li></ul>
1886-2023-3	<ul style="list-style-type: none"><li>• Preventive Maintenance Facilities (\$244,084)</li><li>• Acquisition of Equipment (\$246,718)</li><li>• Bus Shelter Acquisition (\$1,029,600)</li></ul>

Following are all the types of contracting opportunities those projects can generate:

	<b>NAICS Code</b>	<b>Project</b>	<b>Amount of DOT funds on project:</b>	<b>% of total DOT funds (weight)</b>
<b>1)</b>	441310, 811121, 326212, 811111, 811118	Automotive Parts and Accessories Stores, Automotive body paint and interior and maintenance, Tire retreating, General automotive repair, Other Automotive Mechanical and Electrical Repair and Maintenance	\$2,907,128	0.08

2)	811210, 561790, 561720, 561730	Electronic and Precision Equipment Repair and Maintenance, Other Services to Buildings and Dwellings, Janitorial Services, Landscaping Services	\$632,616	0.02
3)	443142 423710, 541513	Electronic stores, Hardware merchant wholesalers, Computer Facilities Management Services	\$246,718	0.014
4)	541310 541320 541330 541620	All other specialty trade contractors, Architectural services, Landscape architectural services, Environmental consulting services, Engineering services	\$441,000	0.01
5)	238140, 236220, 238390, 237310, 238990	Masonry Contractor, Commercial and Institutional Building Construction, Other Building Finishing Contractor, Highway, street & bridge construction, All other specialty trade contractors	\$27,772,782	0.81
6)	541990, 541611	All Other Professional Scientific, and Technical Services, Administrative Management and General Management Consulting Services	\$292,500	0.016
7)	332311, 238120, 327390	Prefabricated Metal Building and Component Manufacturing, Structural Steel and Precast Concrete Contractors, Other Concrete Product Manufacturing	\$1,579,600	0.05
<b>Total FTA-Assisted Contract Funds</b>			<b>\$33,872,344</b>	<b>1</b>

Following are all the amount of DBE and non-DBE firms available for those projects:

	NAICS Code	Project	Number of DBEs available to perform this work	Number of all firms available (including DBEs)	Relative Availability
1)	441310, 811121, 326212, 811111, 811118	Automotive Parts and Accessories Stores, Automotive body paint and interior and maintenance, Tire retreating, General automotive repair, Other Automotive Mechanical	2	126	1%

		and Electrical Repair and Maintenance			
2)	811210, 561790, 561720, 561730	Electronic and Precision Equipment Repair and Maintenance, Other Services to Buildings and Dwellings, Janitorial Services, Landscaping Services	9	86	10%
3)	443142 423710, 541513	Electronic stores, Hardware merchant wholesalers, Computer Facilities Management Services	2	91	2%
4)	541310 541320 541330 541620	All other specialty trade contractors, Architectural services, Landscape architectural services, Environmental consulting services, Engineering services	52	45	115%
5)	238140, 236220, 238390, 237310, 238990	Masonry Contractor, Commercial and Institutional Building Construction, Other Building Finishing Contractor, Highway, street & bridge construction, All other specialty trade contractors	47	3,045	1%
6)	541990, 541611	All Other Professional Scientific, and Technical Services, Administrative Management and General Management Consulting Services	26	45	57%
7)	332311, 238120, 327390	Prefabricated Metal Building and Component Manufacturing, Structural Steel and Precast Concrete Contractors, Other Concrete Product Manufacturing	2	85	2%
	<b>Combined Totals</b>		<b>140</b>	<b>3,523</b>	<b>4%</b>

**Overall Availability of DBEs**

DBE Overall goal process:

	<b>NAICS Code</b>	<b>Project</b>	<b>Weight</b>	<b>x</b>	<b>Availability (In PR but not necessarily on Municipal Bidders list or provide services to municipality)</b>	<b>Weighted Base Figure</b>
<b>1)</b>	441310, 811121, 326212, 811111, 811118	Automotive Parts and Accessories Stores, Automotive body paint and interior and maintenance, Tire retreating, General automotive repair, Other Automotive Mechanical and Electrical Repair and Maintenance	0.08	x	2	0.16
<b>2)</b>	811210, 561790, 561720, 561730	Electronic and Precision Equipment Repair and Maintenance, Other Services to Buildings and Dwellings, Janitorial Services, Landscaping Services	0.02	x	9	0.18
<b>3)</b>	443142 423710, 541513	Electronic stores, Hardware merchant wholesalers, Computer Facilities Management Services	0.014	x	2	0.028
<b>4)</b>	541310 541320 541330 541620	All other specialty trade contractors, Architectural services, Landscape architectural services, Environmental consulting services, Engineering services	0.01	x	52	0.52
<b>5)</b>	238140, 236220, 238390, 237310, 238990	Masonry Contractor, Commercial and Institutional Building Construction, Other Building Finishing Contractor, Highway, street & bridge construction, All other specialty trade contractors	0.81	x	47	38.07
<b>6)</b>	541990, 541611	All Other Professional Scientific, and Technical Services, Administrative Management and General Management Consulting Services	0.016	x	26	0.416

7)	332311, 238120, 327390	Prefabricated Metal Building and Component Manufacturing, Structural Steel and Precast Concrete Contractors, Other Concrete Product Manufacturing	0.05	x	2	0.1
<b>Total</b>						<b>39.474</b>
Expressed as a % (*100)						3,947.4%
<b>Rounded, Weighted Base Figure</b>						<b>3,947%</b>

**Geographic Preference**

Pursuant to 49 CFR 26.45, the Municipality of San Juan will develop a base figure to express the availability of DBEs as a percentage of all contractors, subcontractors, and suppliers in the relevant contracting markets. The Municipality of San Juan will utilize the State Disadvantage Business Directory (created and updated by the PRHTA) and the U.S Census 2021: ECNSVY Business Patterns County Business Patterns, published on May 25, 2023, to determine the number of ready, willing, and available businesses in the contracting markets in which the City solicits participation from contractors and suppliers for the fiscal year. This determination will include description of the geographic boundaries of the solicitations and the relevant North American Industry Classification System (NAICS) codes for the type of work to be contracted. Business must have its principal office located within the geographic boundaries of Puerto Rico. The same method will be used to determine the number of DBEs that are ready, willing, and available to participate as contractors or suppliers for the fiscal year.

**Step 1: 26.45(c)**

This agency will put forth all good faith efforts to increase DBE participation in FTA assisted contract through outreach efforts. We have divided the number of DBE bidders (ready, willing, and able) by the number of all business relative to our overall bid tabulation to derived base figure for the overall annual DBE Goal participation.

$$\text{Base figure} = \frac{\text{Ready, willing, and able DBE's (Numerator)}}{\text{All firms ready, willing, and able (Denominator)}}$$

The information for DBE firm participation in the numerator came from DBE Directory of certified firms by PRDOT. The data source or demonstrable evidence used to derive the denominator was: The data source or demonstrable evidence used to derive the numerator was: the U.S Census 2021: ECNSVY Business Patterns County Business Patterns, published on May 25, 2023.

$$\frac{140 \text{ (Ready, willing, and able DBE's)}}{3,523 \text{ (All firms ready, willing, and able)}} = 4\% \text{ Overall Goal}$$

When we divided the numerator by the denominator (as shown above) the base figure for our overall goal was 4 percent.

### **Weighting**

The Municipality of San Juan will use the “weighting” method for accuracy on our DBE Goal setting process.

### **Step 2: 26.45(d)**

Once you have calculated a base figure, you must examine all the evidence available in your jurisdiction to determine what adjustment, if any, is needed to the base figure to arrive at your overall goal. If the evidence does not suggest an adjustment is necessary, then no adjustment shall be made.

(1) There are many types of evidence that must be considered when adjusting the base figure. These include:

- (i) The current capacity of DBEs to perform work in your DOT-assisted contracting program, as measured by the volume of work DBEs have performed in recent years.
- (ii) Evidence from disparity studies conducted anywhere within your jurisdiction, to the extent it is not already accounted for in your base figure; and
- (iii) If your base figure is the goal of another recipient, you must adjust it for differences in your local market and your contracting program.

The data used to determine if an adjustment to the base figure was necessary was provided by: The information for DBE firm participation in the numerator came from DBE Directory of certified firms by PRDOT. The data source or demonstrable evidence used to derive the denominator was: The data source or demonstrable evidence used to derive the numerator was: the U.S Census 2021: ECNSVY Business Patterns County Business Patterns, published on May 25, 2023.

### **Public Participation**

We will publish it in our Municipal social media pages and in periodical community meetings.

## **Attachment 5**

### **Section 26.51: Breakout of Estimated Race-Neutral & Race Conscious Participation**

According to the 2020 Census, **98.7% of the population in Puerto Rico is Hispanic. The term Hispanic is defined by regulation 49 CFR 26.5 as a “socially and economically disadvantaged individual”. This means that almost all bidders and participants bidding in the Municipality of San Juan can qualify as DBE certified. Therefore, the Municipality will use 100% race neutral means to achieve the overall goal of 4%.**

The Municipality of San Juan will use the following race-neutral means to increase DBE participation:

- A. Notice to Certified DBEs of Pending Projects 49 CFR 26.51 (b) (4). This notice shall be limited to those entities that are listed as having the expertise and capabilities to perform the type of work involved in the contract project.
- B. Refer DBEs to other resources for assistance when appropriate.

However, if, after implementing race/gender-neutral means, the Municipality of San Juan determines that DBE utilization will fall substantially below the overall goal, then the Municipality of San Juan shall implement race gender-conscious measures to meet the overall goal. In order to ensure that our DBE program will be narrowly tailored to overcome the effects of discrimination, if we use contract goals, we will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see 26.51(f)) and we will 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 DBE goal.
- DBE participation on a prime contract exceeding a contract goal.
- DBE participation through a subcontract from a prime contractor that did not consider a firm’s DBE status in making the award.

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

### **Disparity Studies**

Disparity studies showing the existence of past discrimination were not found.