

From: [Martha Silver](#)
To: [Martha Silver](#)
Subject: FW: Agenda Item 5: MTC Policy Advisory Council Equity & Access Subcommittee Meeting Packet - June 23, 2022 (925+Staff)
Date: Thursday, June 23, 2022 9:43:20 AM

From: Martha Silver <MSilver@bayareametro.gov>
Sent: Thursday, June 23, 2022 9:42 AM
To: christine [REDACTED]
Cc: Kỳ-Nam Miller <kmiller@bayareametro.gov>; Michael Brinton <MBrinton@bayareametro.gov>; Martha Silver <MSilver@bayareametro.gov>
Subject: Agenda Item 5: MTC Policy Advisory Council Equity & Access Subcommittee Meeting Packet - June 23, 2022 (925+Staff)

Good day, Chris,

Please view Michael Brinton's response below:

Thank you for your inquiry, Ms. Fitzgerald. Every contract that is awarded by MTC/ABAG includes an evaluation of the Prime Contractor and their proposed team of subcontractors to ensure that the team has and will exercise the degree of professional care, skill, efficiency, and judgment of consultants with special expertise in providing such services. The procurements and contracts discussed in this presentation cover a wide range of services including Tow Truck Operators, civil construction, professional consulting and operations management. Small Business and Disadvantaged Business firms that participate in our contracts provide a similarly wide range of services under our contracts.

The DBE Program is applied to all federally funded contracts and is established per FHWA and FTA requirements. MTC is a participant in the Caltrans DBE Program and follow Caltrans guidelines for setting DBE goals and monitoring performance. The SBE Program was developed by MTC to apply to all contracts that are not federally funded and are not related to architectural and engineering related work.

The commitments presented on slides 5 & 6 under the DBE Program and SBE Program are contractual commitments that are enforced throughout each contract's period of performance. Failure to meet the commitment can result in a wide range of consequences from withholding payment to the prime contractor to contract termination. In the case of federally funded contracts, failure to meet the contractual commitments can result in suspension or debarment from receiving federal funds in the future. Fortunately, in our history at MTC it is extremely rare for a Prime contractor to fail to meet the DBE or SBE Commitments and when it does occur, staff ensures that all federal and state requirements are followed in addressing the situation.

MTC's Contracts staff is currently exploring the legalities and resources required to collect demographic data of our prime and subcontractors. We can potentially also include the types of services provided by our SBE and DBE business partners and data on the employment of people with disabilities on our projects. When staff completes its

analysis, we will report back to this committee on what future information we will be able to include in the annual reports.

Michael Brinton
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Metropolitan Transportation Commission

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Thank you
Martha

From: Martha Silver <MSilver@bayareametro.gov>
Sent: Tuesday, June 21, 2022 4:04 PM
To: Christine Fitzgerald [REDACTED]
Cc: Kÿ-Nam Miller <kmiller@bayareametro.gov>; Michael Brinton <MBrinton@bayareametro.gov>; Martha Silver <MSilver@bayareametro.gov>
Subject: RE: Submit your Questions: MTC Policy Advisory Council Equity & Access Subcommittee Meeting Packet - June 23, 2022 (925+Staff)

+ [Michael Brinton](#)

From: Christine Fitzgerald <christinef@svilc.org>
Sent: Tuesday, June 21, 2022 4:01 PM
To: Martha Silver <MSilver@bayareametro.gov>
Cc: Kÿ-Nam Miller <kmiller@bayareametro.gov>
Subject: Re: Submit your Questions: MTC Policy Advisory Council Equity & Access Subcommittee Meeting Packet - June 23, 2022 (925+Staff)

External Email

I am very concerned. If I understand what the small business projects are, or have been doing, I am not seeing any deep dives on who exactly the contractors are and what kinds of services they are purporting to provide. Moreover, I am not seeing or hearing any definite commitments, and how they will be provided to and including people with disabilities at every level of the process- from volunteer focus groups to employees with disabilities.

To appears that \$\$\$\$ have been spent on creating this process, I am just confused as to where things have been and where they're going in the future.

If I have misunderstood any of this presentation, I appologize. Just seeking clarification.

Thanks,
~Chris
Christine Fitzgerald

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