

**Association of Bay Area Governments
Finance Committee**

November 19, 2020

Agenda Item 10.a.

Small Business Enterprise (SBE) Program

Subject: Presentation on the Metropolitan Transportation Commission (MTC) Small Business Enterprise (SBE) Program

Background: This past March, MTC approved Resolution No. 4413, the Metropolitan Transportation Commission (MTC) Small Business Enterprise (SBE) Program, which updated and combined MTC's SBE Program for Civil Construction (adopted October 2015) and the Pilot SBE Program for Professional Services (adopted January 2017) which broadened the acceptable certifications and expanded the SBE Preference into a two-tiered program. The proposed SBE Program created one comprehensive SBE program that now casts a wider net to SBE firms in the nine county Bay Area and looks to increase the number of contracts with the SBE Preference being applied. Additionally, the program was overwhelmingly approved by Bay Area Toll Authority Oversight Committee, Bay Area Infrastructure Financing Authority, Bay Area Headquarters Authority, and MTC Service Authority for Freeways and Expressways.

The SBE Program:

- Applies to all non-federally funded and non-A&E contracts with a budget in excess of \$25,000;
- Has broadened the acceptable certifications, to be eligible for the Bid/Evaluation Preference allowed under the SBE Program, firms (prime Contractor or Subconsultant/Subcontractor/Vendor) must be certified under any of the programs outlined below:
 - California Certified Small Business as certified by the California Department of General Services (DGS)
 - A Disadvantaged Business Enterprise (DBE) as certified by the California Unified Certification Program (CUCP)
 - City and County of San Francisco Local Business Enterprise (LBE) as certified by the Contract Monitoring Division (CMD)
 - Alameda County Small Local and Emerging Business (SLEB) program as certified by the Alameda County SLEB Certification Unit; or
 - DVBE/LBE/LGBTBE/MBE/SBE/WBE certification from a formal certifying agency in the nine county Bay Area,

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provided that the certification can be verified through a searchable database and meets the requirements of the State of California Small Business Program. (Disadvantaged Veteran Business Enterprise (DVBE), Local Business Enterprise (LBE), Lesbian, Gay, Bisexual, Transgender Business Enterprise (LGBTBE), Minority Business Enterprise (MBE), Small Business Enterprise (SBE), Women Business Enterprise (WBE))

- Allows for a two-tiered Bid/Proposal Evaluation Preference to the total amount of a bid/proposal submitted by a Bidder/Proposer for the purpose of bid/proposal comparisons when determining the lowest responsive and responsible bid or most advantageous proposal.
 - A Bid/Evaluation Preference of five percent (5%) or five (5) points will be added to the total evaluation percentage or points, when the Proposer meeting specifications commits to at least twenty-five percent (25%) SBE participation for the work (which can be achieved by the prime, by a sub(s), or a combination of prime and sub(s) who meet the requirements).
 - A Bid/Evaluation Preference of 10 percent (10%) or ten (10) points will be added to the total evaluation percentage or points, when the Proposer meeting specifications commits to forty percent (40%) or more SBE participation for the work (which can be achieved by the prime, by a sub(s), or a combination of prime and sub(s) who meet the requirements).

Statistics since April 1, 2020:

- 30 Procurements have been issued
 - 9 were federally funded
 - 12 were issued with the SBE Program
 - 9 were either A&E, ABAG, or a mini-procurement off of a bench that did not yet have the SBE Program applied
 - 11 Contracts have been issued since April 1, 2020 with the SBE preference being applied

Issues:

None

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Recommended Action: The ABAG Finance Committee is requested to recommend ABAG Executive Board direct staff to develop the Small Business Enterprise Program documentation and resolution to be presented to the ABAG Finance Committee and ABAG Executive Board for adoption.

Attachments: A. Metropolitan Transportation Commission Small Business Enterprise (SBE) Program

B. Presentation

Reviewed:



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