

**POTOMAC AND RAPPAHANNOCK
TRANSPORTATION COMMISSION**

RESOLUTION

MOTION: _____

RESOLUTION NO. 09-06-____
OFFICIAL COMMISSION MEETING
JUNE 4, 2009

SECOND: _____

**RE: AUTHORIZING PUBLICATION OF PROPOSED DISADVANTAGED
BUSINESS ENTERPRISE OVERALL ANNUAL GOALS FOR FEDERAL
FISCAL YEAR 2010**

WHEREAS, the United States Department of Transportation (“DOT”) Regulations 49 CFR Part 26 (“the Regulations”) and the PRTC’s DBE Program require that an overall annual goal for DBE participation in federally assisted contracts be established each fiscal year; and

WHEREAS, as recommended by the Potomac and Rappahannock Transportation Commission’s DBE Liaison Officer, the Executive Director is recommending the establishment of a proposed DBE overall annual goal of 5.6 percent for Federal Transit Administration (“FTA”) assisted contracts for FFY 2010, in accordance with the methodology set forth in the DBE program; and

WHEREAS, the Regulations prescribe that a notice be published providing for a 30-day public inspection period and a 45-day public comment period regarding the proposed DBE overall annual goal; and

WHEREAS, the Potomac and Rappahannock Transportation Commission finds that the proposed Federal Fiscal Year 2010 DBE overall annual goal is appropriate and reasonable.

NOW, THEREFORE, BE IT RESOLVED that the Potomac and Rappahannock Transportation Commission does hereby authorize the Executive Director to publish PRTC’s proposed Disadvantaged Business Enterprise overall annual goal for the Federal Fiscal Year 2010 of 5.6 percent for FTA-assisted contracts for public inspection for a period of 30 days and for public comment for a period of 45 days.

BE IT FURTHER RESOLVED that the Commission also adopts the proposed annual DBE goal provided that no public comments are received that require the reconsideration/possible modification of the proposed goal.

ITEM 9-C

(4 PAGES)

BE IT FURTHER RESOLVED that the Commission directs the Executive Director to submit the DBE overall annual goal of 5.6 percent for FFY 2010 to DOT through the Federal Transit Administration by August 1, 2009, in accordance with the Regulations, in the event that no further action is required by the Commission.

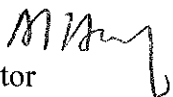


Potomac and Rappahannock
Transportation Commission

14700 Potomac Mills Road
Woodbridge, VA 22192

June 4, 2009

TO: Chairman May and Commissioners

FROM: Alfred H. Harf 
Executive Director

RE: Authorizing Publication of Proposed Disadvantaged Business Enterprise (DBE)
Overall Annual Goals for Federal Fiscal Year 2010

Recommendation:

Authorize the Executive Director to publish for public inspection and comment the proposed FFY 2010 DBE overall annual goal of 5.6 percent for Federal Transit Administration (FTA)-assisted contracts, and provisionally adopt the goal barring any negative public comments during the public review period. The FTA requires all agencies with a DBE program to advertise their proposed goal for the upcoming fiscal year through various media (e.g., local newspapers and industry publications) for a period of thirty (30) days and public comment for forty-five (45) days from the date of publication. If PRTC receives no public comment urging a change, the Executive Director will submit PRTC's FFY 2010 DBE goal to FTA as proposed by designated deadline of August 1, 2009.

Background:

The Potomac and Rappahannock Transportation Commission (PRTC), Virginia Railway Express (VRE) and the Northern Virginia Transportation Commission (NVTC), (hereinafter called "the Commissions") have established a Disadvantaged Business Enterprise (DBE) program in accordance with Regulations of the United States Department of Transportation (DOT), 49 CFR Part 26 ("the Regulations"). The DBE program intends to provide contracting opportunities to small businesses owned and controlled by socially and economically disadvantaged individuals. The goal of the program is to "level the playing field" on which DBE businesses compete for contracts and subcontracts in the transportation industry.

PRTC's Transportation Project Manager has been delegated as the DBE Liaison Officer. In this capacity, the Transportation Project Manager is responsible for implementing all aspects of the DBE program and reports directly to the Executive Director on matters relating to DBE. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations borne by PRTC in its financial assistance agreements with the DOT.

Chairman May and Commissioners

June 4, 2009

Page 2

The Regulations specify that DOT grantees must establish an overall annual goal for DBE participation in federally assisted contracts, and prescribe implementation methods. The proposed FFY 2010 DBE overall annual goal of 5.6 percent for Federal Transit Administration-assisted contracts is based on an assessment of the projected FTA-assisted expenditures for FFY 2010, a review of U.S. Census and other sources concerning the availability of DBE companies in the industries and geographic markets relevant to PRTC contracting activity, and consideration of the Commission's historical utilization of DBE companies. Management believes this goal is a reasonable projection of DBE participation overall for the upcoming fiscal year.

With the Commission's approval, the proposed FFY 2010 overall annual goal, as required by DOT, will be posted internally and advertised in a transportation trade publication as well as local newspapers to provide for public inspection for a period of 30 days and public comment for 45 days from the date of publication. The goal, once adopted, will be posted on the PRTC website and included in relevant procurement documents involving DOT-assisted contracting opportunities.

Management is recommending that the Commission authorize the publication of the proposed FY 2010 goal and provisionally adopt the goal, subject to a finding that the public inspection process did not result in any public comments that necessitate reconsideration/possible modification of the goal as proposed. If reconsideration is needed, the Board will be asked to review and adopt the final FFY 2010 goal after completion of the public comment period.

PRTC will submit the proposed FFY 2010 DBE overall annual goals to the Federal Transit Administration by August 1, 2009.

Fiscal Impact:

Not applicable.