



**AGENDA**  
**EXECUTIVE COMMITTEE MEETING**  
**FRIDAY, JULY 6, 2018 – 9:00 A.M.**  
**OMNITRANS**  
**1700 WEST FIFTH STREET**  
**SAN BERNARDINO, CA 92411**

The meeting facility is accessible to persons with disabilities. If assistive listening devices or other auxiliary aids or Limited English Proficiency services are needed in order to participate in the public meeting, requests should be made through the Board Secretary at least three (3) business days prior to the Committee Meeting. The Board Secretary’s telephone number is 909-379-7110 (voice) or 909-384-9351 (TTY). If you have comments about items on the agenda or other general concerns and are not able to attend the meeting, please mail them to Omnitrans at 1700 West Fifth Street, San Bernardino, California, Attention Board Secretary. Comments may also be submitted by email to [BoardSecretary@omnitrans.org](mailto:BoardSecretary@omnitrans.org).

**A. CALL TO ORDER**

**B. ANNOUNCEMENTS/PRESENTATIONS**

1. Next Committee Meeting: August 3, 2018 – 9:00 a.m.  
Omnitrans Metro Facility

**C. COMMUNICATIONS FROM THE PUBLIC**

This is the time and place for the general public to address the Board for items that are not on the agenda. In accordance with rules applicable to meetings of the Executive Committee, comments on items not on the agenda and on items on the agenda are to be limited to a total of three (3) minutes per individual.

**D. POSSIBLE CONFLICT OF INTEREST ISSUES**

N/A

**E. DISCUSSION ITEMS**

- |   |    |
|---|----|
| 1. Approve Executive Committee Minutes – June 1, 2018   | 2  |
| 2. Review and Provide Recommendation to the Board of Directors Regarding Lamar Agreement Restriction on Political Advertisements – <i>Haviva Shane</i>  | 5  |
| 3. Recommend to the Board of Directors Proposed Overall Disadvantaged Business Enterprise (DBE) Goal for Federal Transit Administration (FTA) Assisted Contracts (October 1, 2018 – September 30, 2021) – <i>Eugenia Pinheiro</i> | 9  |
| 4. CEO/General Manager’s Report – <i>P. Scott Graham</i>  | 29 |

**F. CLOSED SESSION**

1. Conference with Labor Negotiator P. Scott Graham Concerning Labor Negotiations with Amalgamated Transit Union (ATU), pursuant to Government Code Section 54957.6

**G. REMARKS AND ANNOUNCEMENTS**

**H. ADJOURNMENT**



## E. DISCUSSION ITEMS

1. Approve Executive Committee Minutes – April 6, 2018

M/S (Roberts/Lilburn) that approved the Executive Committee Minutes of April 6, 2018. Motion was passed unanimously by Members present.

2. Review and Provide Comments Regarding Draft Legislation to Change Omnitrans from a Joint Powers Authority to a Statutorily Created Special Transit District

General Counsel, Haviva Shane, provided some background by stating that this item was being reintroduced to the Committee for discussion due to the concern from the JPA Members regarding potential Tort liability risk related to the Redlands Passenger Rail Project (RPRP). She explained that last year the Board decided to table this item until a consensus was reached regarding the taxation authority issue. Ms. Shane stated that CEO/General Manager, P. Scott Graham and San Bernardino County Transportation Authority (SBCTA), Executive Director, Ray Wolfe, discussed the idea of developing an agreement between the two agencies stating that Omnitrans would not exercise taxing authority so long as SBCTA includes Omnitrans in concurrent or future tax measures.

Ms. Shane further explained that with the adoption of the proposed legislation, the governance structure of Omnitrans would remain the same; however, Omnitrans would be its' own district and the new legislation will supersede the JPA. She stated that the idea is to take the draft legislation back to the Board for discussion and feedback and continue to work with the Executive Committee on developing the final draft prior to Board approval. Lastly, either BBK or SBCTA staff will seek a bill sponsor in the fall.

The Committee requested that the final draft legislation be forwarded to the City Manager and City Attorney of each city for their information.

The Committee received and recommended that this item be forwarded to the Board for discussion and comments.

3. Review and Recommend to the Board of Directors, Arrow Vehicle Design

CEO/General Manager, P. Scott Graham provided a brief background on this item as detailed in the staff report.

M/S (Avila/Lilburn) that recommended the Board of Directors approve the interior and exterior design (white doors and darker upholstery color) for the Arrow Service hybrid-rail vehicles. Motion was passed unanimously by Members present.

4. CEO/General Manager's Report

CEO/General Manager, P. Scott Graham provided an update on the following items:

- California Highway Patrol - Conducted their Annual Terminal Inspection of Omnitrans' West Valley facility and the Agency received the highest rating.
- OSHA Inspection – The Department of Industrial Relations Division of Occupational Safety and Health (OSHA), recently conducted an inspection of Omnitrans' West Valley Facilities and the Agency received a Notification of Penalty for alleged violations. The Committee was briefed on the findings and more detailed information will be provided to the Committee and to the Board following a meeting scheduled with OSHA later this month.
- The Director of Procurement has been on an “Interim” basis for several months; however, an Assembly Bill was recently passed limiting the number of hours an employee can work as Interim under CalPERS. Therefore, the Interim Director of Procurement, was re-assigned to her original position of Contracts Manager.
- A Human Resources Director was hired and will be coming onboard later this month.

#### **F. BOARD BUSINESS**

There was no Closed Session.

#### **G. REMARKS AND ANNOUNCEMENTS**

There were no remarks and announcements.

#### **H. ADJOURNMENT**

The Committee adjourned at 10:42 a.m. The next Executive Committee Meeting is scheduled Friday, July 6, 2018, at 9:00 a.m., with location posted on the Omnitrans website and at the Omnitrans San Bernardino Metro Facility.

Prepared by:

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Araceli Barajas, Executive Staff Assistant



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ITEM #           E2          

**DATE:** July 6, 2018

**TO:** Board Chair Ron Dailey and Members of the Executive Committee

**FROM:** P. Scott Graham, CEO/General Manager

**SUBJECT: REVIEW OF LAMAR AGREEMENT RESTRICTION ON POLITICAL ADVERTISEMENTS**

**FORM MOTION**

Review the Lamar Agreement restriction on political advertisements, and provide a recommendation to the Board on whether to maintain, revise or eliminate the restrictions.

**BACKGROUND**

On November 1, 2017, the Board approved Contract MKP18-02 (the “Agreement”) with Lamar Transit, LLC (“Lamar”) for the provision of Advertising Sales and Services – Transit Vehicles, Shelters and Stations for a period of five (5) years beginning January 1, 2018, with five one-year option terms.

The Agreement includes restrictions on advertising. The list of restrictions was revised, including a new restriction prohibiting political advertising, to conform to industry best practices and to conform with the standard type of advertising restrictions imposed by public transportation entities in California that utilize public property for revenue generating purposes.

A recent request was made by a political candidate to advertise on the Omnitrans buses, and the request was denied based on item 16 in the list of restrictions (please see below). In light of this request, it has come to the attention of the CEO/General Manager that the restriction on political information was not included in the prior Lamar agreement, and the change was not identified in the materials presented to the Board. The candidate has questioned the denial, and has, directly and/or through his legal counsel, contacted Omnitrans staff, legal counsel and at least one Omnitrans Board member to raise concerns with the restriction on political advertising. It should be noted that Omnitrans previously allowed political advertising on its transit property, and in prior years, some candidates did advertise on Omnitrans transit property.

Since the restriction on political advertising is a matter of policy, a decision was made to bring the restrictions back to the Executive Committee and to the Board to ensure that the restriction on political advertising has been considered and expressly approved by the Board. If the Board desires a change to the advertising restrictions contained in the Agreement, staff will initiate an amendment to the Agreement.

## **ANALYSIS**

Government property is subject to First Amendment laws regarding regulation of speech. Public sidewalks and public parks represent what are known as traditional public forums for speech. In these types of public forums, government regulation of speech is limited to the time, place and manner of speech.

Transit agency property is not considered a public forum for speech, unless the government opens the forum to speech. By allowing commercial advertising on transit property, with limitations as set forth in the regulations, Omnitrans creates what is known as a limited public forum for purposes of speech. This means that certain types of speech may be restricted (i.e. religious speech, political speech, etc.), but within the permitted areas of speech, the government must regulate in a reasonable and viewpoint neutral manner.

If the agency chooses to allow political advertisements, it cannot discriminate between speech it likes/supports and that which it does not. For example, if an agency were to allow anti-abortion advertisements, it would similarly have to allow pro-choice advertisements. If the agency allows candidates to advertise, it must allow all candidates, and cannot disallow a candidate that may be particularly controversial. In addition, having political or religious advertisements on Omnitrans transit property may create a perception of public agency support for a particular religious or political view or candidate. For these reasons, many (if not most California) public agencies do not allow non-commercial advertisements, such as political and religious advertisements, on their property.

Numerous other transportation agencies in the region do not allow political advertisements on their property.

### **From Agreement Scope of Work:**

#### **4. RESTRICTIONS ON ADVERTISING**

- A. Contractor shall not display or maintain any advertisement that includes one or more of the following categories:
1. False, Misleading, or Deceptive Commercial Speech. The advertisement proposes a commercial transaction, and the advertisement or information contained in the advertisement is false, misleading, or deceptive.
  2. Libelous Speech, Copyright Infringement, etc. The advertisement, or any material contained in it, is libelous or an infringement of copyright, or is otherwise unlawful or illegal or likely to subject Omnitrans to litigation.
  3. Unlawful Goods or Services. The advertisement or material contained in it, promotes unlawful or illegal goods, services, or activities.
  4. Endorsement. The advertisement or any material contained in it, implies or declares an endorsement by Omnitrans, its Directors, management, or employees

- of any service, product, or point of view without prior written authorization from Omnitrans.
5. Prurient Interest. The advertisement contains material that describes, depicts, or represents sexual activities, or aspects of the human anatomy in a way that the average adult, applying contemporary community standards, would find appeals to the prurient interest of minors or adults. For purposes of these guidelines, the term “minor” shall have the meaning contained in California Penal Code Section 313.
  6. “Adult” – Oriented Goods or Services. The advertisement promotes or encourages or appears to promote or encourage, a transaction related to, or uses brand names, trademarks, slogans or other materials which are identifiable with, films rated “X” or “NC – 17,” adult book stores, adult video telephone services, adult internet sites, and escort services.
  7. Obscenity or Nudity. The advertisement contains obscene materials or images of nudity. For purposes of these Guidelines, the term “obscene matter” shall have the meaning set forth in the California Penal Code Section 311.
  8. Unlawful and Detrimental Conduct. The advertisement, or any material contained in it, promotes or encourages, or appears to promote or encourage, unlawful or illegal behavior or activities, and promotes behavior or activities which are detrimental to the maintenance and safe operations of Omnitrans.
  9. Demeaning or Disparaging. The advertisement contains images or information that demeans or disparages an individual or group of individuals on account of race, color, religion, national origin, ancestry, gender, age disability or sexual orientation.
  10. Violence. The advertisement either (a) contains images or descriptions of graphic violence, including, but not limited to, the depiction of weapons or other implements or devices used in the advertisement in an act or acts of violence or harm on a person or animal; or (b) the advertisement, or any material contained in it, incites or encourages, or appears to incite or encourage violence or violent behavior.
  11. Firearms. The advertisement either (a) contains an image of a firearm in the foreground of the main visual, or (b) contains image(s) of firearms that occupy 15% or more of the overall advertisement.
  12. Profanity. The advertisement contains words recognized by the community as vulgar indecent or profane for display in a public setting that includes minors.
  13. Alcohol/Tobacco. The advertisement promotes the use of alcohol and/or tobacco products.
  14. Graffiti. The advertisement contains graphics or language that promotes, resembles, or otherwise encourages graffiti or vandalism.
  15. Inappropriate Graphics. The advertisement contains graphics recognized by the community as inappropriate, including, but not limited to, the depiction of human

or animal bodies or body parts, or fetuses, in states of mutilation, dismemberment, decomposition, or disfigurement.

16. Political Information. The advertisement contains political information or local or national controversial subject or subjects not in accordance with the statutes, ordinances, and court decisions pertaining to the Omnitrans service area.
17. Religious Information. The advertisement contains direct or indirect reference to religion, or to any religion, or to any deity or deities, or which includes the existence, nonexistence or other characteristics of any deity or deities, or to any religious creed, denomination, belief, tenet, cause or issue relating to (including opposing or questioning) any religion. This prohibition shall include the depiction of text, symbols, or images commonly associated with any religion or with any deity or deities, or any religious creed, denomination, belief, tenet, cause or issue relating to (including opposing or questioning) any religion.

## **CONCLUSION**

Staff and legal counsel are seeking a recommendation from the Executive Committee on whether to maintain, revise or eliminate the existing restriction in the Lamar Agreement on political advertisements.

PSG

ITEM #           E3          

**DATE:** July 6, 2018

**TO:** Board Chair Ron Dailey and Members of the Executive Committee

**THROUGH:** P. Scott Graham, CEO/General Manager

**FROM:** Eugenia F. Pinheiro, Contracts Manager

**SUBJECT: PROPOSED OVERALL DISADVANTAGED BUSINESS ENTERPRISE (DBE) GOAL FOR FEDERAL TRANSIT ADMINISTRATION (FTA) ASSISTED CONTRACTS (OCTOBER 1, 2018 – SEPTEMBER 30, 2021)**

**FORM MOTION**

Recommend that the Board of Directors Adopt the Proposed Overall Triennial Disadvantaged Business Enterprise (DBE) Participation Goal of 1.0% for all Federal Transit Administration (FTA) assisted contracts issued during Federal Fiscal Years (FFYs) 2019-2021 and authorize the CEO/General Manager to submit the goal and all supporting documentation to the FTA.

**BACKGROUND**

As a condition of receiving U.S. Department of Transportation (USDOT) grants, Omnitrans is required to develop and submit an overall triennial DBE goal for DBE participation. Omnitrans must comply with the FTA's DBE Program in accordance with Title 49, Code of Federal Regulations (CFR) Part 26. The DBE Program is designed to enable small businesses owned and controlled by socially disadvantaged individuals to compete for federally-funded contracts.

Omnitrans identified a total of 40 FTA-funded projects anticipated to be solicited during the FFY 2019-2021 triennial contracting period. The attached report includes the methodology and calculations used to develop the proposed triennial goal. The overall triennial DBE Goal for FTA-assisted projects was established utilizing the federal two-step goal setting methodology. Step 1 establishes a base figure utilizing quantifiable evidence of the relative availability of DBEs within specified industries corresponding to Omnitrans' FTA-assisted contracting opportunities anticipated to be awarded within the respective goal period. Omnitrans utilized the California Unified Certification Program (CUCP) Directory of Certified DBE firms and the 2016 United States Census Bureau County Business Patterns North American Industrial Classification System (NAICS) database within Omnitrans' market area (defined as San Bernardino County) for each of the categories of work.

Step 2 of the process requires Omnitrans to survey and assess other known relevant evidence to determine what additional adjustment, if any, is needed to narrowly tailor the base figure to Omnitrans market area, in accordance provisions set forth under 49 CFR part 26.45.

The final Proposed Overall DBE Goal for FFY 2019-2021 for Omnitrans' FTA-assisted contracts is 1.0%. Notice regarding the proposed DBE goal was posted on Omnitrans' website with an invitation to the public to review the goal methodology and provide comments. Omnitrans accepted and solicited comments on the DBE Program and the triennial goal through June 20, 2018.

In response to race-neutral policy directives issued by the USDOT, Omnitrans utilizes a strictly race-neutral program. In a strictly race-neutral program, Omnitrans may not set numeric contract goals on any of its USDOT-assisted contracts for which DBE subcontracting opportunities exist. The application of race-neutral measures is in direct response to the Ninth Circuit U.S. Court of Appeals decision in *Western States Paving Co. v United States & Washington State Department of Transportation*, whereby the FTA issued a Notice (Guidance) for Public Transportation Providers (Docket No. FTA-2006-24063).

Based on the Guidance, each recipient was requested to do the following:

- If a recipient does not currently have sufficient evidence of discrimination of its effects, then the recipient would submit an all-race-neutral Overall DBE Goal.
- The recipient's submission shall include a statement concerning the absence of adequate evidence of discrimination and its effects and a description of plans to either conduct a disparity/availability study or other appropriate evidence gathering process to determine the existence of discrimination or its effects on the recipient's marketplace.
- An action plan describing the study and timeline for its completion should also be included.

Omnitrans is required to perform the appropriate evidence gathering process to determine the existence of discrimination and its effects on its respective marketplace to effectively respond to the Court's ruling and the USDOT's directive (Docket No. FTA-2006-24063; Supplemental Notice dated August 21, 2006). Staff determined it is not feasible for Omnitrans, nor is it required, to conduct its own independent disparity study.

### **FUNDING SOURCE**

Approval of the DBE provisions to comply with 49 CFR §26.5 has no budget impact.

### **CONCLUSION**

Approval of Omnitrans' proposed Overall Triennial DBE Participation Goal of 1.0% for FFY 2019-2021 will allow Omnitrans to submit the Overall DBE Goal-Setting Methodology documents in compliance with Title 49 CFR Part 26.

PSG:EFF:CVM

Attachment: Omnitrans FTA Overall DBE Goal-Setting Methodology



# **OMNITRANS**

## **Federal Transit Administration (FTA) Overall Disadvantage Business Enterprise (DBE) Goal-Setting Methodology**

**Fiscal Federal Years (FFY) 2019-2021**

**Goal Period**

**August 1, 2018**

Submitted in fulfillment of:  
Title 49 Code of Federal Regulations Part 26

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# DBE GOAL METHODOLOGY

## I. INTRODUCTION

Omnitrans herein sets forth its Overall Disadvantaged Business Enterprise (DBE) Goal and corresponding federally prescribed goal-setting methodology for the three-year Federal Fiscal Year (FFY) goal period of 2019-2021 (October 1, 2018 through September 30, 2021), pursuant to Title 49 Code of Federal Regulations (CFR) Part 26 “Participation by Disadvantaged Business Enterprises in U.S. Department of Transportation Programs.” The purpose of the DBE goal-setting process is to level the playing field so that DBEs can compete fairly for Department of Transportation-assisted contracts, however, the program must be narrowly tailored in accordance with applicable law.

## II. BACKGROUND

Omnitrans is a recipient of U.S. Department of Transportation (USDOT), Federal Transit Administration (FTA), funding. As a condition of receiving this assistance, Omnitrans signed an assurance that it will comply with FTA’s DBE requirements. In accordance with Title 49 CFR Part 26 provisions: Participation by DBEs in USDOT Programs, Omnitrans is required to develop and submit a Triennial Overall DBE Goal for its FTA-assisted projects.

Omnitrans herein presents its Overall DBE Goal Methodology for FFY 2019-2021.

## III. FTA-ASSISTED CONTRACTING PROGRAM FOR FFY 2019-2021

Table 1 represents the Omnitrans FTA-assisted contracting program, which consists of projects considered in preparing this goal methodology. The projects, which include Construction, Professional Services and Materials/Supplies contracting opportunities, are anticipated to be awarded during the triennial period:

**Table 1**

Project Name and Description	Total Estimated Project Cost	Estimated FTA Dollar Share	Estimated FTA % Share
Elevator Modernization (upgrade controls)	\$330,000	\$264,000	80.0%
Concrete & Asphalt Repair	\$648,625	\$534,900	82.5%
HVAC/ IT closet upgrade (AC units/electrical)	\$1,000,000	\$800,000	80.0%
Alternative Energy Maintenance (solar and battery storage)	\$3,000,000	\$2,400,000	80.0%
Eye Wash Stations	\$50,000	\$40,000	80.0%
Trapeze WEB STS Software	\$175,000	\$140,000	80.0%
I Street Facility/ Building Renovation	\$3,000,000	\$1,500,000	50.0%
Training Management Software (HR)	\$100,000	\$80,000	80.0%
Shelters/Premium Shelters (at bus stops)	\$200,000	\$160,000	80.0%
Shelters/Premium Shelters (at bus stops)	\$200,000	\$160,000	80.0%

<b>Project Name and Description</b>	<b>Total Estimated Project Cost</b>	<b>Estimated FTA Dollar Share</b>	<b>Estimated FTA % Share</b>
Shelters/Premium Shelters (at bus stops)	\$200,000	\$160,000	80.0%
Transit Asset Management Software (consulting for Omnitrans ERP/SAP system)	\$2,500,000	\$2,000,000	80.0%
CCTV/ Video Surveillance (camera system for Omni buildings and along sbX corridor)	\$1,000,000	\$800,000	80.0%
Conference Room Refresh (new projectors)	\$80,000	\$64,000	80.0%
Board Room Refresh (flat screen TVs, upgrades to lighting, audio, and teleconferencing)	\$250,000	\$200,000	80.0%
On-Board Video Surveillance System hardware upgrades (servers)	\$80,000	\$64,000	80.0%
Safety Management Software	\$110,000	\$88,000	80.0%
Network Equipment Upgrade Server	\$100,000	\$80,000	80.0%
Mobile Fare Validation (on-board equipment to read mobile fare)	\$100,000	\$80,000	80.0%
e-recruit Software	\$60,000	\$48,000	80.0%
SAP EHP 7 Software	\$300,000	\$300,000	100.0%
Esigns (messaging signs for bus arrival info)	\$200,000	\$200,000	100.0%
SBCTA Vanpool	\$4,000,000	\$1,000,000	25.0%
Industrial Chemicals (cleaning)	\$40,000	\$32,000	80.0%
Methane Detection (calibration/repair)	\$30,000	\$24,000	80.0%
Genfare Parts (for fareboxes and ticket vending machines) - Sole Source	\$800,000	\$640,000	80.0%
A&E Services (for construction projects)	\$2,000,000	\$1,600,000	80.0%
Maintenance, Repair, and Operations Supplies (and vending machines for supplies; keep stocked; requires reporting)	\$700,000	\$560,000	80.0%
Pest Control Services (indoor/outdoor)	\$26,919	\$21,535	80.0%
Fire Extinguisher Services	\$14,667	\$11,734	80.0%
New Flyer Bus Parts	\$1,504,350	\$1,203,480	80.0%
Parts Washer (equipment)	\$80,000	\$64,000	80.0%
Parking Lot Sweeping	\$238,837	\$191,070	80.0%
Haz Waste Treatment/Transportation (pick-up hazardous materials on regular basis; emergency clean-up)	\$283,250	\$226,600	80.0%
Underground Storage Tank/AST Testing and Repair	\$87,460	\$69,968	80.0%
Brake Shoe	\$566,500	\$453,200	80.0%
Onboard Radio Communication	\$171,280	\$137,024	80.0%
John Deere Bus Parts	\$1,732,960	\$1,386,368	80.0%
Compressed Natural Gas Maintenance (maintained CNG fueling equipment)	\$900,000	\$720,000	80.0%
Collision Avoidance System	\$1,700,000	\$850,000	50.0%
	<b>\$26,859,848</b>	<b>\$18,503,878</b>	<b>68.9%</b>

Omnitrans reallocates FTA funds to the San Bernardino County Transportation Authority (SBCTA) Vanpool project which is included in Table 1 above.

The following organizations are subrecipients of FTA funds:

- Central City of Lutheran Mission
- Chino Transit Center
- City of Needles
- City of Rialto
- City of Yucaipa
- Community Senior Services
- Loma Linda Adult Day
- OPARC
- Pomona Valley Workshop
- United Way Inland Empire
- Victor Valley Transit Authority

Each subrecipient is required to sign an implementation agreement with Omnitrans and agrees to provide all reporting to Omnitrans. Omnitrans will include all subrecipients in agency reporting.

Table 2 provides a summary of the categories of work with estimated cost breakdown for each. Categories of work are groups utilizing comparable North American Industry Classification System (NAICS) codes for purposes of weighting the categories of work based on the staff estimates.

**Table 2**

NAICS Code	Category of Work	Estimated FTA Dollars by NAICS	Estimated FTA % by NAICS
213112	Support activities for oil and gas operations	\$69,968	0.4%
236220	Commercial and institutional building construction	\$480,000	2.6%
238140	Masonry contractors	\$615,000	3.3%
238160	Roofing contractors	\$510,000	2.8%
238210	Electrical contractors and other wiring installation contractors	\$3,409,000	18.4%
238220	Plumbing, heating, and air-conditioning contractors	\$1,189,734	6.4%
238310	Drywall and insulation contractors	\$75,000	0.4%
238320	Painting and wall covering contractors	\$75,000	0.4%
238350	Finish carpentry contractors	\$45,000	0.2%
238910	Site preparation contractors	\$195,000	1.1%
238990	All other specialty trade contractors	\$534,900	2.9%
314110	Carpet and rug mills	\$75,000	0.4%
331511	Iron foundries	\$453,200	2.4%
334511	Search, detection, navigation, guidance, aeronautical, and nautical system and instrument manufacturing	\$0	4.6%
336211	Motor vehicle body manufacturing	\$1,386,368	7.5%
423120	Motor vehicle supplies and new parts merchant wholesalers	\$1,843,480	10.0%

NAICS Code	Category of Work	Estimated FTA Dollars by NAICS	Estimated FTA % by NAICS
423440	Other commercial equipment merchant wholesalers	\$64,000	0.3%
423450	Medical, dental, and hospital equipment and supplies merchant wholesalers	\$40,000	0.2%
423490	Other professional equipment and supplies merchant wholesalers	\$560,000	3.0%
424690	Other chemical and allied products merchant wholesalers	\$32,000	0.2%
517210	Wireless telecommunications carriers (except satellite)	\$137,024	0.7%
532112	Passenger car leasing	\$634,786	3.4%
541330	Engineering services	\$1,600,000	8.6%
541511	Custom computer programming services	\$2,754,126	14.9%
541512	Computer systems design services	\$144,000	0.8%
541611	Administrative management and general management consulting services	\$227,536	1.2%
541613	Marketing consulting services	\$19,283	0.1%
561110	Office administrative services	\$23,139	0.1%
561439	Other business service centers (including copy shops)	\$77,131	0.4%
561710	Exterminating and pest control services	\$21,535	0.1%
561730	Landscaping services	\$75,000	0.4%
561790	Other services to buildings and dwellings	\$191,070	1.0%
562910	Remediation services	\$226,600	1.2%
811310	Commercial and industrial machinery and equipment (except automotive and electronic) repair and maintenance	\$720,000	3.9%
<b>TOTAL</b>		<b>\$18,503,878.11</b>	<b>100.0%</b>

#### IV. GOAL METHODOLOGY

##### A. Step 1: Determination of a Base Figure (26.45)<sup>1</sup>

To establish the Omnitrans Base Figure of the relative availability of DBEs relative to all comparable firms (DBE and Non-DBE) available to bid or submit proposals on Omnitrans FTA-assisted contracting opportunities projected to be solicited during the triennial goal period, Omnitrans followed the prescribed federal methodology to determine relative availability. This was accomplished by assessing the *California Unified Certification Program (CUCP) DBE Database of Certified Firms* and the 2016 *U.S. Census Bureau County Business Patterns Database* within the Omnitrans market area, defined as San Bernardino county for each of the categories of work defined in Table 2.

<sup>1</sup> 26.45 represents Title 49 CFR Part 26 regulatory goal setting methodology reference.

The Federal DBE program requires agencies to implement the DBE program based on information from the relevant geographic market area—the area in which the agency spends the substantial majority of its contracting dollars.

The Omnitrans local market for contracts consists of a geographic area that:

- is where a large majority of contracting dollars is expended, and
- is where a substantial number of contractors and subcontractors are located and available to submit bids or quotes.

The Omnitrans bidder’s list was reviewed, and it confirms this market area.

In accordance with the formula listed below, the Base Figure is derived by:

- dividing the number of ready, willing and able DBE firms identified for each NAICS work category by the number of all firms identified within the Omnitrans market area for each corresponding work category (*relative availability*),
- weighting the relative availability for each work category by the corresponding work category weight from Table 2 (*weighted ratio*), and
- adding the weighted ratio figures together.

$$\text{Base Figure} = \sum \frac{(\text{Number of Ready,Willing and Able DBEs})}{(\text{Number of All Ready,Willing and Able Firms})} \times \text{weighted ratio}$$

⇒ For the numerator: CUCP DBE Database of Certified Firms

⇒ For the denominator: 2016 U.S. Census Bureau County Business Patterns Database

A concerted effort was made to ensure that the scope of businesses included in the numerator were as close as possible to the scope included in the denominator. The result of the Base Figure calculation is shown in Table 3 as follows:

**Table 3**

NAICS Code	Category of Work	Estimated FTA % by NAICS	DBEs	All Firms	Weighted Ratio
213112	Support activities for oil and gas operations	0.4%	0	4	0.0%
236220	Commercial and institutional building construction	2.6%	4	207	0.1%
238140	Masonry contractors	3.3%	1	53	0.1%
238160	Roofing contractors	2.8%	0	114	0.0%
238210	Electrical contractors and other wiring installation contractors	18.4%	4	387	0.2%
238220	Plumbing, heating, and air-conditioning contractors	6.4%	3	471	0.0%
238310	Drywall and insulation contractors	0.4%	0	109	0.0%
238320	Painting and wall covering contractors	0.4%	0	141	0.0%

NAICS Code	Category of Work	Estimated FTA % by NAICS	DBEs	All Firms	Weighted Ratio
238350	Finish carpentry contractors	0.2%	0	126	0.0%
238910	Site preparation contractors	1.1%	5	132	0.0%
238990	All other specialty trade contractors	2.9%	1	178	0.0%
314110	Carpet and rug mills	0.4%	0	-	0.0%
331511	Iron foundries	2.4%	0	1	0.0%
334511	Search, detection, navigation, guidance, aeronautical, and nautical system and instrument manufacturing	4.6%	0	3	0.0%
336211	Motor vehicle body manufacturing	7.5%	0	8	0.0%
423120	Motor vehicle supplies and new parts merchant wholesalers	10.0%	0	203	0.0%
423440	Other commercial equipment merchant wholesalers	0.3%	0	28	0.0%
423450	Medical, dental, and hospital equipment and supplies merchant wholesalers	0.2%	0	61	0.0%
423490	Other professional equipment and supplies merchant wholesalers	3.0%	0	12	0.0%
424690	Other chemical and allied products merchant wholesalers	0.2%	2	48	0.0%
517210	Wireless telecommunications carriers (except satellite)	0.7%	0	87	0.0%
532112	Passenger car leasing	3.4%	0	-	0.0%
541330	Engineering services	8.6%	3	214	0.1%
541511	Custom computer programming services	14.9%	0	132	0.0%
541512	Computer systems design services	0.8%	0	128	0.0%
541611	Administrative management and general management consulting services	1.2%	2	182	0.0%
541613	Marketing consulting services	0.1%	1	104	0.0%
561110	Office administrative services	0.1%	1	161	0.0%
561439	Other business service centers (including copy shops)	0.4%	0	28	0.0%
561710	Exterminating and pest control services	0.1%	0	77	0.0%
561730	Landscaping services	0.4%	1	266	0.0%
561790	Other services to buildings and dwellings	1.0%	0	78	0.0%
562910	Remediation services	1.2%	0	22	0.0%
811310	Commercial and industrial machinery and equipment (except automotive and electronic) repair and maintenance	3.9%	0	129	0.0%
<b>TOTAL</b>					<b>0.5%</b>

## B. Step 2: Adjusting the Base Figure

Upon establishing the Base Figure, Omnitrans reviewed and assessed other known evidence potentially impacting the relative availability of DBEs within the market area, in accordance with prescribed narrow tailoring provisions as set forth under 49 CFR Part 26.45: Step 2, DBE Goal Adjustment Guidelines.

Evidence considered in making adjustments to the Base Figure included Past DBE Goal Attainments and Other Evidence, as follows:

### 1) Past DBE Goal Attainments

Historical DBE participation attainments provide demonstrable evidence of DBE availability and capacity to perform on Omnitrans projects. The projects anticipated to be awarded during the triennial period are substantially similar to those awarded in the recent past. Omnitrans proceeded to calculate past DBE participation attainments for the three (3) federal fiscal years, for which DBE attainment data is available. The table below reflects the demonstrated capacity of DBEs (measured by actual historical DBE participation attainments) on FTA-assisted contracts awarded by Omnitrans within the last three (3) federal fiscal years.

**Table 4**

<b>FEDERAL FISCAL YEAR (FFY)</b>	<b>FTA DBE GOAL ATTAINMENT %</b>
2014/2015	2.2%
2015/2016	1.2%
2016/2017	1.0%
<b>Median DBE Attainment Within the Last Three (3) Years</b>	<b>1.2%</b>

The median established for the past three years is lower than the Base Figure derived from Step 1; therefore, an adjustment to the Base Figure based on Omnitrans past DBE goal attainments has been made. The adjustment is calculated in accordance with FTA guidance by averaging the Base Figure with the median DBE Past Attainment, as shown below.

Base Figure (A)	0.5%
Median DBE Attainment (B)	1.2%
<b>Adjusted Base Figure [(A+B)/2]</b>	<b>1.0%</b>

### 2) Disparity Study

Omnitrans has reviewed the 2016 Caltrans Disparity Study and has determined that the type of work forms is significantly different from Omnitrans projects;

therefore, Omnitrans will not be making adjustments to the base figure based on the Caltrans Disparity Study.

Omnitrans uses a strictly race-neutral DBE program since the Western States decision. If Omnitrans fails to reach its goal for one more complete federal fiscal year, Omnitrans will re-evaluate its DBE program to determine whether contract goals are necessary to achieve the overall goal. If after re-evaluation Omnitrans believes a race-conscious program is necessary, as required by Western States, Omnitrans will gather evidence to determine if discrimination in the transportation contracting industry is present. Omnitrans will make a determination at that time what type of evidence gathering is appropriate, based on DOT regulations and case law.

### **3) Other Available Evidence**

Omnitrans is not in possession of other information that would have an impact on the DBE goal assessment.

## **V. PROPOSED OVERALL DBE GOAL**

**The Final Proposed Overall DBE Goal for FFY 2019-2021 for Omnitrans FTA-assisted contracts is 1.0%.** The DBE Goal based on the federal share is a Race Neutral goal and Omnitrans will implement race neutral measures to achieve this goal, as generally described in the following section. As a part of the prescribed goal-setting methodology, Omnitrans must project the percentage of its Proposed Overall DBE Goal that can be met utilizing race-neutral and race-conscious measures.

### **Race-Conscious & Race-Neutral Projection**

The United States Department of Transportation (USDOT) regulations require that race-neutral methods be used to the maximum extent feasible to reach the DBE overall goal. Under the determination of the 9th circuit court in the Western States case, entities need to show the presence or absence of discrimination or its effects to use race-conscious methods.

Due to the emphasis on race-neutral methods, Omnitrans will continue to use the race-neutral measures listed below. Omnitrans will carefully monitor participation during the course of the goal period. At the conclusion of each year during the goal period, Omnitrans will re-evaluate the effectiveness of the race-neutral measures and determine if it is necessary to institute a race-conscious portion and contract specific goals.

Omnitrans intends to continue to use race-neutral methods to meet the overall DBE goal of 1.0% for FFY 2019-2021 in accordance with Title 49 CFR Part 26.51.

<b>RACE-CONSCIOUS &amp; RACE-NEUTRAL PROJECTIONS</b>	
<b>DBE Adjusted Base Figure</b>	<b>1.0%</b>
<b>Race-Conscious Component</b>	<b>0.0%</b>
<b>Race-Neutral Component[1]</b>	<b>1.0%</b>

## **VI. RACE-NEUTRAL IMPLEMENTATION MEASURES**

Omnitrans is currently implementing a number of race- and gender-neutral remedies to outreach and promote the participation of DBEs and small businesses in the Omnitrans FTA-assisted contracting program. Omnitrans plans to continue or implement the following race-neutral measures for FFY 2019-2021 and will continue to explore other options for consideration based on Omnitrans success in meeting its overall DBE goals based on these efforts:

- Omnitrans will encourage DBE and other small business contracting community to register and receive solicitation notices through its new on-line procurement website: <https://www.planetbids.com/portal/portal.cfm?CompanyID=18046>
- Omnitrans will host and participate in workshops for the DBE and small business contracting community. Omnitrans will attend and participate in vendor fairs hosted by unrepresented groups and other public agencies.
- Omnitrans will unbundle solicitations, provide pre-bid/pre-proposal conferences to afford networking opportunities for primes and subcontractors. Omnitrans will promote and encourage teaming opportunities between prospective prime contractors and the DBE and small business contracting community. Arrange solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE and other small business participation.
- Structure solicitations to remove barriers such as the inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs, and other small businesses, obtain bonding and financing).
- Omnitrans will solicit DBEs and other small businesses participation by carrying out information programs through use of advertisement and other communication methods on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists of bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate).
- As a supportive service to help develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses, Omnitrans will actively promote the small business conferences, programs, and support services offered by other agencies that have established DBE and other small

business programs. Omnitrans will also begin conducting “How to do Business with Omnitrans” and DBE workshops.

- Omnitrans will advise its contracting community of the online directory of certified DBEs, found at the California Unified Certification Program website: [www.dot.ca.gov/hq/bep/find\\_certified.htm](http://www.dot.ca.gov/hq/bep/find_certified.htm).
- Omnitrans will also advise the contracting community of the available small businesses certified by the California Department of General Services (DGS) and found at the following <http://www.dgs.ca.gov/pd/Programs/eprocure.aspx>.
- Omnitrans will advise the DBE and small business community to participate in Caltrans’ related bidding/proposal opportunities at <http://www.dot.ca.gov/hq/esc/oe/>. Omnitrans will also encourage DBEs and small businesses to seek the assistance and training through the U.S. Small Business Administration at [www.sba.gov](http://www.sba.gov).

### **Fostering Small Business Participation<sup>2</sup>**

Omnitrans has implemented several strategies to foster small business participation in its contracting process. These include the following:

- Conducting “How to do Business with Omnitrans” and DBE workshops.
- On larger prime contracts requiring the prime contractor to consider subcontracting opportunities of a size that small businesses, including DBEs, can reasonably perform, rather than self-performing all the work involved.
- Identifying alternative acquisition strategies and structuring procurements to facilitate the ability of consortia or joint ventures consisting of small businesses, including DBEs, to compete for and perform prime contracts.
- Ensuring that a reasonable number of prime contracts are of a size that small businesses, including DBEs, can reasonably perform.
- Provide outreach to current Omnitrans contractors or past Omnitrans contractors who may qualify for DBE-certification by encouraging them to seek and obtain DBE-certification.

## **VII. PUBLIC PARTICIPATION AND FACILITATION**

Omnitrans issued a Public Notice on the Omnitrans website (Attachment 1), publishing the Draft Proposed FTA Overall DBE Goal-Setting Methodology for FFY 2019-2021. The notice informed the public that the proposed goal and rationale were available for inspection at the Omnitrans principal office during normal business hours and that Omnitrans would accept comments on the goal analysis until June 20, 2018.

In accordance with Public Participation Regulatory Requirements of Title 49 CFR Part 26, minority, women, local business associations, and community organizations within the Omnitrans market area were contacted and provided an opportunity to review the triennial goal analysis and provide input.

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<sup>2</sup> See Title 49 CFR Part 26 Section 26.39 “Fostering Small Business Participation.”

Omnitrans reached out to a total of 13 local minority, women, and community business organizations to provide them information on the Omnitrans DBE program and specifically the Draft Proposed FTA Overall DBE Goal-Setting Methodology for FFY 2019-2021. Each organization was contacted multiple times by telephone and email. All comments received, and a summary of all contact made in an attempt to receive input as a part of this process can be found in Attachment 2.

In addition to the organizations contacted above, Omnitrans also reached out to the following Chambers of Commerce for their feedback:

- Chamber of Commerce San Bernardino
- Chamber of Commerce Loma Linda
- Chamber of Commerce Yucaipa
- Chamber of Commerce Chino Valley
- Chamber of Commerce Chino Hills
- Chamber of Commerce Colton
- Chamber of Commerce Fontana
- Chamber of Commerce Grand Terrace
- Chamber of Commerce Highland
- Chamber of Commerce Montclair
- Chamber of Commerce Ontario
- Chamber of Commerce Redlands
- Chamber of Commerce Rialto
- Chamber of Commerce Rancho Cucamonga
- Chamber of Commerce Upland

# Attachment 1: Website notification

6/4/2018

Business & Employment | Become a Vendor | Omnitrans - San Bernardino County Public Transit



GETTING AROUND MEETINGS/EVENTS BUSINESS/EMPLOYMENT NEWS/RESOURCES ABOUT



Select Language ▼



## Become a Vendor

Thank you for your interest in doing business with Omnitrans. We are committed to providing an equal opportunity for all business enterprises to participate in our purchasing and contracting activities. Omnitrans uses an online bidding system known as PLANETBIDS.

Both formal and informal solicitations may be processed through our online system. All responses are due at or before the time shown on each solicitation. Late responses cannot be accepted. It is the bidder's/proposer's responsibility to ensure that the most complete and current version of the solicitation, including addenda, has been downloaded. Please note: Contractors/Vendors are solely responsible for maintaining up to date and accurate information. Vendors may edit their profile at any time.

Please select the links below for more information.

[Contracting/Purchasing Opportunities](#)  
[Register as a bidder online](#)  
[Current list of category/commodity codes](#)  
[PO Terms and Conditions](#)  
[Regulatory Requirements](#)  
[How to do Business](#)

### Disadvantaged Business Enterprise (DBE) Program

Omnitrans administers a DBE program in accordance with 49 CFR Part 26: Participation by Disadvantaged Business Enterprises in U.S. Department of Transportation (DOT) Programs, as a condition of financial assistance agreements with the DOT.

[Omnitrans DBE Goal for Fiscal Years 2018/19 – 2020/21](#)  
[2017 Omnitrans DBE Program](#)

Note: In order to access the online bidding system, you must install Adobe flash player 10.1 or higher. Click here to download and install the latest [Adobe Flash Player](#).

## CONTACT US

**Omnitrans Headquarters**  
1700 W. Fifth Street  
San Bernardino, CA 92411  
(909) 379-7100

[Map & Directions](#)

### Office Hours

8:00 am to 5:00 pm  
weekdays.  
Closed weekends &  
holidays.

### Lost and Found

(909) 379-7100

### San Bernardino Transit Center

599 W. Rialto Avenue  
San Bernardino, CA 92401

[Map & Directions](#)

### Customer Service Hours

7:00 am to 6:00 pm  
weekdays,  
9:00 am to 5:00 pm  
weekends.

### Omnitrans Job Line

1 (888) 893-1604

### Omnitrans Bus Information

1 (800) 9-OMNIBUS or  
1 (800) 966-6428

### Hours of Operation

7:00 am to 6:00 pm  
weekdays,  
8:00 am to 5:00 pm  
weekends.

**OMNITRANS**  
**FEDERAL TRANSIT ADMINISTRATION DBE GOAL**  
**FEDERAL FISCAL YEARS 2018/19 – 2020/21**

In accordance with 49 CFR Part 26.45(g), Omnitrans, as a recipient of U.S. Department of Transportation (DOT) assistance, announces a proposed Federal Transit Administration (FTA) Disadvantaged Business Enterprise (DBE) project overall project goal of 1.0% for the project period. This race-neutral goal represents the percentage of work to be performed by certified DBE firms on Omnitrans FTA-assisted projects during each federal fiscal year of the project period.

The methodology used to determine the proposed goal will be available for public inspection for thirty (30) days from the date of this notice, Monday through Thursday from 8:00 a.m. to 4:00 p.m. at the following location:

Omnitrans  
1700 West Fifth Street  
San Bernardino, CA 92411  
Tel: (909) 379-7122

The U.S. DOT and Omnitrans will accept comments on this proposed goal for 30 days from the date of this notice.

Written comments to the Omnitrans DBE Liaison Officer, Eugenia Pinheiro, may be sent to the address above and/or emailed to [Eugenia.Pinheiro@omnitrans.org](mailto:Eugenia.Pinheiro@omnitrans.org). Written comments can also be sent directly to the FTA, Marisa Appleton, Civil Rights Officer, 200 W. Adams Street, Suite 320, Chicago, IL 60606. Written comments at both locations will be accepted until **June 20, 2018**.

## Attachment 2: Consultative Process Summary

Organization	Outreach Activity and Comments
American Indian Chamber of Commerce of California Tracy Stanhoff, President 714-898-6364 tracy@adproweb.com	6/5 Sent email with link to notice on Omnitrans website. 6/7 Spoke to Carla and provided contact information for follow-up. 6/12 Sent email with link to notice on Omnitrans website. 6/14 Spoke to Tracy and she informed us that she has not had a chance to review the document but once she does, she will provide us her comments. 6/19 Sent follow-up email to Tracy with link to notice on Omnitrans website.
American Business Women's Association - Inland Empire Connie Young, President 909-213-6053 c4eryoung@aol.com	6/5 Sent email with link to notice on Omnitrans website. 6/7 Left voicemail. 6/12 Sent email link to notice on Omnitrans website. 6/14 Left voicemail. 6/19 Sent follow-up email with link to notice on Omnitrans website.
Asian Business Association Inland Empire Deborah Kristianto, President 909-618-2616 president@abaie.org	6/5 Sent email with link to notice on Omnitrans website. 6/7 Left voicemail. 6/12 Sent email link to notice on Omnitrans website. 6/14 Spoke to Deborah and provided her background information. She will forward the goal methodology to the board for review and will contact us if they have any questions or comments. 6/19 Sent follow-up email with link to notice on Omnitrans website.
Black Chamber of Commerce Inland Empire Tammy Martin-Ryles, President 1-844-332-2243 info@bccinlandempire.com	6/5 Sent email with link to notice on Omnitrans website. 6/7 Left voicemail. 6/12 Sent email link to notice on Omnitrans website. 6/14 Left voicemail. 6/19 Sent follow-up email with link to notice on Omnitrans website.
Filipino-American Chamber of Commerce - Inland Empire (FACC-IE) Paul Claudio facc.inlandempire@gmail.com pac.lender@gmail.com 951-240-8911	6/5 Sent email with link to notice on Omnitrans website. 6/7 Left voicemail. 6/12 Sent email link to notice on Omnitrans website. 6/14 Spoke to Paul about the triennial goal methodology and provided background information on the purpose of the methodology. He has requested the document be provided to him for review. Sent email with link to access draft goal methodology on website. 6/19 Sent email with link to notice on Omnitrans website.
Greater Corona Hispanic Chamber of Commerce Nick Lopez, President 951-278-4755 info@gchcc.com George Beloz, Vice President gbeloz@sbcglobal.net	6/5 Sent email with link to notice on Omnitrans website. 6/7 Left voicemail. 6/12 Sent email link to notice on Omnitrans website. 6/14 Left voicemail. 6/18 Received response from George. He requested the document for review. Omnitrans provided him the draft goal methodology for his review. 6/19 Received response from Nick Lopez regarding the goal methodology. He stated that due to the amount of paper for a large project, small businesses are deterred from participating on the project. He is

Organization	Outreach Activity and Comments
	concerned that the amount of time and money committed to performing on public sector projects is difficult to maintain for small businesses. He suggests a technical assistance program to not only assist small businesses with the paper work but also provide business development classes. These opportunities will help small business establish standard practices when participating on these public works projects.
<p>Greater Riverside Hispanic Chamber of Commerce Cindy Roth, President 951-683-7100 Ext. 219 croth@riverside-chamber.com</p>	<p>6/5 Sent email with link to notice on Omnitrans website. 6/7 Left voicemail. 6/12 Sent email link to notice on Omnitrans website. 6/14 Left voicemail. 6/19 Sent follow-up email with link to notice on Omnitrans website.</p>
<p>High Desert Hispanic Chamber of Commerce Eric J Camarena, President 760-241-6661 *website portal for email</p>	<p>6/5 Submitted message via online portal with link to notice on Omnitrans website. 6/7 Left voicemail. 6/12 Submitted message via online portal with link to notice on Omnitrans website. 6/14 Left voicemail. 6/19 Submitted message via online portal with link to notice on Omnitrans website.</p>
<p>Inland Empire African American Chamber Carl Dameron 909-534-9500 carl@dameroncommunications.com</p>	<p>Chamber website was re-routed to Dameron Communications website. 6/7 Spoke with Carl regarding goal methodology. He expressed concerns with the triennial goal being set at 1% and requested the draft goal methodology. Omnitrans sent the draft triennial goal methodology for his review. 6/12 Sent email link to notice on Omnitrans website. 6/14 Spoke with Carl regarding the goal. He inquired about the percentage regarding the 541611: Administrative management and general management consulting services. Omnitrans explained that the weighted ratio is due to the large number of all firms performing work in that NAICS code to small numbers of DBE certified firms within the market area. 6/19 Sent email with link to notice on Omnitrans website.</p>
<p>National Association of Women in Construction - San Bernardino/Riverside Denise Bomhoff 909-383-9535 adbamma@sbcglobal.net Marilyn VanTassel 909-721-8220 mvantasselg@att.net Rena Truex 909-798-2222 rtruex@smc-cpas.com</p>	<p>6/5 Sent email with link to notice on Omnitrans website. Received bounce back for adbamma@sbcglobal.net. 6/7 Spoke with Marilyn and she informed Omnitrans that San Bernardino/Riverside has been disbanded due to membership enrollment being so low.</p>

Organization	Outreach Activity and Comments	
Ontario Hispanic Chamber of Commerce Martin Cueva, President 714-240-2559 martin@martincueva.com	6/5	Sent email with link to notice on Omnitrans website.
	6/7	Spoke to Martin about triennial goal methodology. He requested the document be provided to him for review. Omnitrans sent the draft triennial goal methodology for his review.
	6/12	Sent email link to notice on Omnitrans website.
	6/14	Spoke with Martin about the triennial goal methodology. He is still reviewing the document and will provide his comments once he has finished his review.
	6/19	Sent email with link to notice on Omnitrans website.
Southern California Black Chamber of Commerce Dee Goins, President 888-466-7408 Ext.23 dee@blackchamberofcommerce.org	6/7	Left voicemail.
	6/14	Spoke with Dee about the purpose of the triennial goal methodology. Omnitrans requested an email address from Dee in order for her to review the document.
	6/19	Sent email with link to notice on Omnitrans website.
Women in Transportation (WTS) - Inland Empire contactwtsie@gmail.com	6/5	Sent email with link to notice on Omnitrans website.
	6/12	Sent email with link to notice on Omnitrans website.
	6/19	Sent email with link to notice on Omnitrans website.

DRAFT

ITEM #           E4          

**DATE:** July 6, 2018

**TO:** Board Chair Ron Dailey and Members of the Executive Committee

**FROM:** P. Scott Graham, CEO/General Manager

**SUBJECT: CEO/GENERAL MANAGER’S REPORT**

8 June - The three-party agreement between Omnitrans, Metrolink and SBCTA was on the Metrolink Board of Directors agenda for consideration. The Metrolink Board gave the CEO the authority to continue to negotiate and execute the three party-agreement. As you know, we have been actively working on this agreement which defines the roles and responsibilities of each party as it relates to the Redlands Passenger Rail Service, “Arrow”. We will keep you updated on the progress.

18 June – Omnitrans welcomed the new Director of Human Resources, Suzanne Pfeiffer. Suzanne had the opportunity to work closely with Marjorie Ewing for a two-week transition period before Marge’s departure. Suzanne most recently served as Chief Human Resource Officer at C-Tran, which is the public transit agency in Vancouver, Washington.

20 June – As follow-up to a recent OSHA inspection at the West Valley facility, and as part of the appeals process, an informal hearing was held between Omnitrans staff and the OSHA District Manager. The informal hearing is an opportunity to provide additional documentation and discuss the citations issued. It was a very productive meeting, with robust discussion of the requirements and the various safety programs and practices Omnitrans has in place. We have filed the necessary paperwork and documentation to appeal the citations. We will keep you updated as we move through the appeals process.

I Street Property – Planning is underway to modify and upgrade the I Street facility to include a CNG fueling station. The CNG station is scheduled to be installed the first quarter of 2019. The design firm, STV, is still working on the preliminary site evaluation in coordination with the Gas Company. Omnitrans staff is working with consultant staff and the Gas Company to coordinate a site tour of the property. In addition, as part of this project there are adjacent parcels for sale that are under consideration for purchase. The appraisal from the property owners on the additional parcels is still pending.

Passenger Amenity Program – Marketing and Planning Department staff is working with our JPA member cities who participate in the Passenger Amenity Program to obtain each cities approval of the Passenger Amenity Program Agreement, which was approved by Omnitrans’ Board of Directors in March. It has been approved by six (6) out of twelve (12) cities thus far. Related to

this Agreement, Omnitrans staff provided a presentation to the City of Rialto Economic Development Committee on 27 June.

As you may be aware, the United States Supreme Court issued its decision in *Janus v. State, County, and Municipal Employees*. This decision stipulates that that neither an agency fee nor any other payment to a union may be deducted from a nonmember's wages, nor may any other attempt be made to collect such a payment, unless the employee affirmatively consents to pay. We have drafted a letter to both of the unions (Teamsters and ATU) to request to meet and confer regarding how this will impact our current processes.