The Chickasaw Nation Disadvantaged Business Enterprise (DBE) Goal Setting Methodology Report 2022

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INTRODUCTION

This document constitutes the Chickasaw Nation's submission for its Transportation Department's, Disadvantaged Business Enterprise (DBE) Goal Setting Methodology Report to the United States Department of Transportation, Federal Transit Administration (FTA).

The report has been prepared in compliance with:

- DBE Regulations, 49 CFR 26.45, as amended, http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr26 main 02.tpl
- USDOT, "Tips for Goal Setting in the DBE Program"
- https://www.transportation.gov/osdbu/disadvantaged-business-enterprise/tips-goal-setting-disadvantaged-business-enterprise

The four elements or steps of the goal setting process are outlined in 49 CFR 26.45(c-g) as follows:

- 1. The measurement of the actual relative availability of DBEs to perform anticipated contracting opportunities;
- 2. Adjustment factor analysis to evaluate evidence of the effects of discrimination in jurisdiction and determine whether an adjustment is necessary;
- 3. Calculation of the race/gender-conscious and neutral split for the goal attainment;
- 4. Consultation and publication regarding the goal to facilitate public input.

For more information, contact the Chickasaw Nation's Disadvantaged Business Enterprise Liaison Officer, Holly Bell, at DBELO@Chickasaw.net. A copy of this report is posted on the Chickasaw Nation Business Network's website ChickasawBusinessNetwork.com

EXECUTIVE SUMMARY

The Chickasaw Nation's DBE goal is 1.26% of the federal financial assistance it will expend in FTA-assisted contracts. This excludes FTA funds to be used in the construction of the Transportation Services Cleaning and Sanitization Building. The race-neutral goal split is 100%. A total of \$1,009,069.00 in FTA funds are anticipated to be awarded by the Chickasaw Nation on FTA-assisted contracts. A goal of 1.26% means that the Chickasaw Nation has set a goal of expending approximately \$12,714.27, with DBE firms. Of that amount, the race-neutral goal is \$12,714.27. This goal is based on budgeted expenditures in the Chickasaw Nation largest budgeting and accounting line items.

DESCRIPTION OF METHODOLOGY

Proposed DBE Goal

The Chickasaw Nation proposes the following initial goal for participation by DBEs on Federally assisted contracts as required by the applicable federal funding agency:

Race Neutral: 100%
Race Conscious: 0%

Total DBE Goal: 1.26%

Step One (1) – Relative Ability of DBE Firms - Base Figure Section 26.45(c)

In determining the available pool, the relative availability (percentage) of Disadvantaged Business Enterprise (DBE) firms within the Chickasaw Nation's thirteen (13) treaty territory counties; Bryan, Carter, Coal, Grady, Garvin, McClain, Pontotoc, Stephens, Johnston, Jefferson, Murray, Marshall and Love Counties, located in south-central Oklahoma that bid on contracts and submit letter of interests (LOIs) from solicitations was determined. In simplest terms, this percentage, or baseline ration, is calculated as follows:

Ready, Willing and Able DBEs
All Firms Ready, Willing and Able (DBEs and non-DBEs)

Data collected for this methodology was based on DBE availability versus all firms available in our market area. Research has been conducted through the Oklahoma Department of Transportation's Unified Certification Program (UCP) Disadvantaged Business Enterprise (DBE) Directory and the National 5 - digit NAICS codes located on the US Census Bureau's County Business Database website. The Chickasaw Nation used DBE Method One (1) to determine our goal.

The step one (1) calculation was performed by first determining the available pool of ready, willing and able DBE firms in each work category. Then the total number of all ready, willing, and able firms was determined. The total number of firms includes both DBE firms and non-DBE firms. Finally, the number of DBE firms was divided by the number of all firms to arrive at the baseline ratio for each work category. This provides the step one (1), or preliminary, calculation of the level of DBE participation one would expect absent the effects of discrimination. This ratio shows the percentage of federal dollars that one would expect to be spent directly or indirectly with DBE firms in each category.

Ready, Willing and Able DBEs (1)
All Ready, Willing and Able Firms (334)

Overall Availability of DBEs (Baseline Ratio) = 0.0030

NAICS CODE	CONTRACTOR/PROJECT TYPE	NUMBER OF DBES AVAILABLE TO PERFORM THIS WORK	NUMBER OF ALL FRMS AVAILABLE (INCLUDING DBES)	RELATIVE AVAILABILITY
54131	ARCHITECT/ENGINEER - TRANSPORTATION SERVICES CLEANING AND SANITIZATION BUILDING	0	4	0.000
23622	GENERAL CONTRACTOR - TRANSPORTATION SERVICES CLEANING AND SANITIZATION BUILDING	1	70	0.0143
23821	ELECTRICAL CONTRACTORS AND OTHER WIRING INSTALLATION CONTRACTORS - TRANSPORTATION SERVICES CLEANING AND SANITIZATION BUILDING	0	100	0.000
23822	PLUMBING, HEATING AND AIR-CONDITIONING CONTRACTORS - TRANSPORTATION SERVICES CLEANING AND SANITIZATION BUILDING	0	160	0.000
OVERALL AVAILABILITY OF DBEs		1	334	0.0030

Bidders List

A bidder's list was not used in the goal development. A bidder's list could not be used because the Chickasaw Nation's past purchasing records did not account for DBE utilization. However, we see an opportunity for DBE participation in future contracting activities, as well as an upcoming building project.

Use of Weighting

According to USDOT's "Tips for Goal Setting in the DBE Program," the use of weighting can help ensure the base figure is as accurate as possible. While weighting is not required by rule, it can make the goal calculation more accurate. The Chickasaw Nation chose to adopt a weighted approach in its DBE goal calculation. Once the percentage of work contracted by work category is determined, that percentage of work is then multiplied by the percentage availability of DBEs by each category. Those figures are then added together to determine the weighted based figure of 1.26%. This table and figure is located below.

	(Weight) x (Availability) = Weighted Base Figure			URE
NAICS CODE	CONTRACTOR/PROJECT TYPE	WEIGHT	AVAILABILITY	WEIGHTED BASED FIGURE
54131	ARCHITECT/ENGINEER - TRANSPORTATION SERVICES CLEANING AND SANITIZATION BUILDING	0.02504	0	0.000
23622	GENERAL CONTRACTOR - TRANSPORTATION SERVICES CLEANING AND SANITIZATION BUILDING	.87981	0.01429	0.0126
23821	ELECTRICAL CONTRACTORS AND OTHER WIRING INSTALLATION CONTRACTORS - TRANSPORTATION SERVICES CLEANING AND SANITIZATION BUILDING	.04507	0	0.000
23822	PLUMBING, HEATING AND AIR-CONDITIONING CONTRACTORS - TRANSPORTATION SERVICES CLEANING AND SANITIZATION BUILDING	.05008	0	0.000
Weighted Based Figure				1.26%

The Chickasaw Nation elected not to continue with a step two (2) adjustment to the weighted base figure. The Chickasaw Nation is not aware of any disparities in financing, bonding, and insurance or effects of past discrimination. As far as the Chickasaw Nation is aware a disparity study has not been conducted within the sole boundaries of the Chickasaw Nation.

Step Two (2) – Adjustment Factor Analysis Past Participation

A prominent factor in an adjustment consideration is past participation. Past participation is the volume of work DBEs have performed on contracts in recent years. The Chickasaw Nation has not recorded DBE contract spend in the past. Therefore, DBEs past participation data is not available. Given the lack of calculable data, using past participation as a goal setting method will not be possible in this case. In conclusion, we were not able to use past participation, as a factor, so at this point the step one (1) weighted based figure of 1.26%, remains unchanged. The Chickasaw Nation remains committed to contracting with DBEs to the extent that they are ready, willing and able. Despite a lack of success in tracking DBE participation in the past, this issue will be addressed in our shortfall analysis and in step three (3) of this goal setting report.

Race Neutral and Race Conscious Projections

Consideration for the use of race-conscious means in addition to race-neutral means to facilitate DBE participation is another aspect of goal setting.

USDOT "Tips for Goal Setting in the DBE Program" lists the following considerations to evaluate:

- Consider the Amount by Which You Exceeded Your Goals in the Past
- Consider Past Participation by DBE Prime Contractors
- Consider Past Participation by DBE Subcontractors on Contracts without Goals

Race Neutral - Race Conscious Goals

The Chickasaw Nation compared the draft goal from step two (2) to past participation by DBE prime contractors. Due to the lack of DBE contract tracking data, our initial goal set will be set at 100% for race/gender-neutral means of contracting.

The Chickasaw Nation's preferred option to reach our race neutral/race conscious goals is to divide our procurements into routine purchases where we deal primarily with prime contractors on the building project where there is a far greater opportunity to use sub-contractors.

As a result, of the newly implemented DBE program, the race neutral/race conscious split has a higher race-neutral goal of 100% for the transportation building project.

With this race/gender-neutral goal in mind, the Chickasaw Nation is improving its race/gender-neutral DBE program efforts by taking proactive steps so that potential DBEs know about the Chickasaw Nation DBE program and its specific purchasing and contracting opportunities. Using the Chickasaw Nation Business Networks Preferred Vendor Program's resources, our aim is to become acquainted with more potential DBEs so they feel encouraged to participate as a DBE contractor. These efforts are elaborated on in detail in the next section.

Implementation of Race Neutral Methods

The Chickasaw Nation will continue its current procedures for ensuring the participation of DBEs in all of its contracting activities. These processes consist of, but are not limited to:

- Free technical assistance and other services will be provided through the Chickasaw Business Network, that will assist DBE firms and make them more marketable to prime contractors and prime consultants
- Advertisement of the DBE program through the Chickasaw Nation Business Network's website and preferred vendor events in order to increase the number of certified DBE firms
- Facilitate communication and relationships between DBE firms, the Chickasaw Nation and primes
- Identify areas of training to enhance DBE firm capabilities
- Facilitate opportunities for DBE firms
- Make the program stronger to increase overall DBE utilization goals
- Advise the department on suggested changes to the DBE program, policies, specifications and special provisions

Step Four (4): Public Participation and Consultation - Public Outreach Section 26.45(g)

The Chickasaw Nation will use two different approaches in order to receive public input regarding the proposed DBE goals. In establishing an overall goal, we must provide for public participation. Public participation must include the two following steps: consultation with interested parties and a published notice.

Consultation

Minority, women's and general contractor groups, community organizations and other officials or organizations may provide information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Chickasaw Nation's efforts to establish a level playing field for the participation of DBEs.

A public meeting for the Chickasaw Nation's Business Networks Preferred Vendors in Ada, Oklahoma. In addition, the certified DBEs found during step one of the DBE Program's Goal Setting Methodology, will be invited to attend. The preferred vendor program increases business opportunities for qualified minority owned business enterprises. The Chickasaw Nation's Business Network supports and encourages the participation of all Chickasaw Nation divisions in seeking out and taking necessary steps to assure economic opportunities within our sphere of influence for these minority businesses.

The preferred vendor program works to manage a process that supports the growth, development, expansion and increased utilization of business enterprises owned by First American tribal citizens, African Americans, Asian Americans, Hispanic Americans, disabled veterans and woman owned businesses.

In a good faith effort to support future DBEs, an agent from the State of Oklahoma's UCP will be attending the above mentioned public meeting to inform and assist with new DBE certifications. Information in regards to the public meeting will be posted on the Chickasaw Business Network's website ChickasawBusinessNetwork.com and the Ada News. The public meeting is being held Nov. 1, 2022, at 10 a.m. CDT on Zoom via publicized invitation.

At the event, information on the goal-setting process, the anticipated projects and availability of firms will be available. The Chickasaw Nation's DBELO, Chickasaw Business Networks Manager, and agent from the Tribal Procurement Department facilitated a discussion to obtain participant input. In a good faith effort to support future DBEs, an agent from the state of Oklahoma's UCP will be attending the above mentioned public meeting to inform and assist with new DBE certifications. All appropriate forms were on hand.

Published Notice

The DBE Final Rule, which became effective Nov. 3, 2014, requires posting a notice on the agency's website announcing the proposed overall goal before submission to FTA. The notice may also be posted in any other sources (e.g., minority-focused media, trade association publications). Public notices announcing the DBE process and seeking public comment were published in the main daily local paper and two minority publications. We posted the notice on our web page. Upon establishment of the draft goal, public notices were issued by the Chickasaw Nation to provide the opportunity for public comment.

The proposed goal methodology report along with an electronic comment form will be posted on the Chickasaw Business Network's website ChickasawBusinessNetwork.com and published in the Ada News, on Oct. 20, 2022. The notice informs the public of the proposed goal and its rationale. The notice also stated that the report was available for inspection during normal business hours and that comments will be accepted until Nov. 19, 2022. Documentation of publication of the notices are provided in Appendix C. Any comments received by the end of the 30-day public comment period are listed in Appendix C. No issues were identified with the methodology report to warrant further analysis of a step two (2) goal adjustment. Communications to foster DBE participation are ongoing as part of our DBE program efforts.

Implementation of Race Neutral Methods

The Chickasaw Nation will continue its current procedures for ensuring the participation of DBEs in all of its contracting activities. These processes consist of, but are not limited to:

- Free technical assistance and other services will be provided through the Chickasaw Business Network, that will assist DBE firms and make them more marketable to prime contractors and prime consultants
- Advertisement of the DBE program through the Chickasaw Nation Business Network's website and preferred vendor events in order to increase the number of certified DBE firms
- Facilitate communication and relationships between DBE firms, the Chickasaw Nation and primes
- Identify areas of training to enhance DBE firm capabilities
- Facilitate opportunities for DBE firms
- Make the program stronger to increase overall DBE utilization goals
- Advise the department on suggested changes to the DBE program, policies, specifications and special provisions

Appendix A. Weighting Based Figure

Step 1 - Determine the weight of each type of work by NAICS Code:

* Enter all the FTA-assisted projects below. Project amounts should be assigned relevent NAICS Code(s).

	NAICS Code		Amount of DOT funds on	% of total DOT funds
		Project	project:	(weight)
	54131	ARCHITECT/ENGINEER - TRANSPORTATION SERVICES	\$25,000.00	0.0250
1)		CLEANING AND SANITIZATION BUILDING		
	23622	GENERAL CONTRACTOR - TRANSPORTATION SERVICES	\$878,400.00	0.8798
2)		CLEANING AND SANITIZATION BUILDING		
	23821	ELECTRICAL CONTRACTORS AND OTHER WIRING	\$45,000.00	0.0451
		INSTALLATION CONTRACTORS - TRANSPORTATION		
3)		SERVICES CLEANING AND SANITIZATION BUILDING		
		PLUMBING, HEATING AND AIR-CONDITIONING	\$50,000.00	0.0501
		CONTRACTORS - TRANSPORTATION SERVICES CLEANING		
4)		AND SANITIZATION BUILDING		
5)				0.0000
6)				0.0000
7)				0.0000
8)				0.0000
	Total FTA-Ass	isted Contract Funds	\$998,400.00	1

Appendix A. Weighting Based Figure

Step 2 - Determine the relative availability of DBE's by NAICS Code:

* Use DBE Directory, census data and/or a bidders list to enter the number of available DBE firms and the number of available firms.

NAICS Code	Project	Number of DBEs available	Number of all firms	Relative	
		to perform this work	available (including	Availability	
			DBEs)		
54131	ARCHITECT/ENGINEER - TRANSPORTATION SERVICES	0	4	0.0000	
1)	CLEANING AND SANITIZATION BUILDING				
23622	GENERAL CONTRACTOR - TRANSPORTATION SERVICES	1	70	0.0143	
2)	CLEANING AND SANITIZATION BUILDING				
23821	ELECTRICAL CONTRACTORS AND OTHER WIRING	0	100	0.0000	
	INSTALLATION CONTRACTORS - TRANSPORTATION				
3)	SERVICES CLEANING AND SANITIZATION BUILDING				
23822	PLUMBING, HEATING AND AIR-CONDITIONING	0	160	0.0000	
	CONTRACTORS - TRANSPORTATION SERVICES CLEANING				
4)	AND SANITIZATION BUILDING				
5)					
6)					
7)					
8)					
				0.0030	
	Combined Totals	1	334		a

Appendix A. Weighting Based Figure

Step 3 - (Weight) x (Availability) = Weighted Base Figure

	NAICS Code	Project	Weight	X	Availability	Weighted Base Figure
	54131	ARCHITECT/ENGINEER - TRANSPORTATION SERVICES CLEANING	·····g-···	-		
1)		AND SANITIZATION BUILDING	0.02504	X		
	23622	GENERAL CONTRACTOR - TRANSPORTATION SERVICES CLEANING				
2)		AND SANITIZATION BUILDING	0.87981	X	0.01429	0.0126
	23821	ELECTRICAL CONTRACTORS AND OTHER WIRING INSTALLATION				
		CONTRACTORS - TRANSPORTATION SERVICES CLEANING AND				
3)		SANITIZATION BUILDING	0.04507	X		
	23822	PLUMBING, HEATING AND AIR-CONDITIONING CONTRACTORS -				
		TRANSPORTATION SERVICES CLEANING AND SANITIZATION				
4)		BUILDING	0.05008	X		
5)				X		
6)				X		
7)				X		
8)				X		
					Total	0.0126
					Weighted Base Figure (expressed	

as a %):

1.26%



Public Consultation: The Chickasaw Nation Disadvantaged Business Enterprise Program Goal and Methodology FY 2022-2024

DBE Program

- Purpose: Allow for public comment on the Chickasaw Nations Disadvantaged Business Enterprise (DBE) Goal for FY 2022-2024
- Per the Federal Transit Administration's (FTA) regulations, when setting a DBE Goal, recipients of federal funds, must include a "scheduled, direct and interactive exchange" with the public to obtain feedback
- Schedule: Background

Methodology

Next Steps and Public Comments/Questions

DBE Program (Cont.)

- The Chickasaw Nation Tribal Procurement Department has an established Disadvantaged Business Enterprise (DBE) program and overall goal per the Federal Transit Administration's (FTA) requirements on federally funded contracts
- The DBE requirement applies to the Chickasaw Nation because we receive federal funds from the Federal Transit Administration (FTA)

DBE Program (Cont.)

- Our proposed DBE Goal for FY 2022-2024 is 1.26%
- The DBE goal setting methodology is prescribed by the federal regulation in 49 CFR Part 26 and can be found at ChickasawBusinessNetwork.com
- All FTA funded agencies must follow the same methodology to reach their DBE goal

DBE Goal Setting

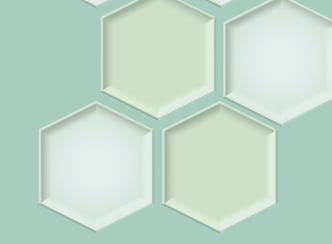
The four elements or steps of the goal setting process are outlined in 49 CFR 26.45(c-g) as follows:

- 1. The measurement of the actual relative availability of DBEs to perform anticipated contracting opportunities
- 2. Adjustment factor analysis to evaluate evidence of the effects of discrimination in jurisdiction and determine whether an adjustment is necessary
- 3. Calculation of the race/gender-conscious and neutral split for the goal attainment
- 4. Consultation and publication regarding the goal to facilitate public input

The DBE Goal and Consultation has been prepared in compliance with:

- DBE Regulations, 49 CFR 26.45, as amended, ecfr.gov
- USDOT, "Tips for Goal Setting in the DBE Program"

 Tips for Goal Setting in the DBE Program



DBE Goal Setting (Cont.) Step 1: Developing a Base Figure

In determining the available pool, the relative availability (percentage) of Disadvantaged Business Enterprise (DBE) firms within the Chickasaw Nation's thirteen (13) treaty territory counties in Oklahoma:

Bryan County

- Carter County

- Coal County

- Grady County

- Garvin County

McClain County - Pontotoc County

- Stephens County - Johnston County - Love County

Jefferson County

- Murray County

- Marshall County

NAICS CODE	CONTRACTOR/PROJECT TYPE	NUMBER OF DBES AVAILABLE TO PERFORM THIS WORK	NUMBER OF ALL FIRMS AVAILABLE (INCLUDING DBES)	RELATIVE AVAILABILITY
54131	ARCHITECT/ENGINEER - TRANSPORTATION SERVICES CLEANING AND SANITIZATION BUILDING	0	4	0.000
23622	GENERAL CONTRACTOR - TRANSPORTATION SERVICES CLEANING AND SANITIZATION BUILDING	1	70	0.0143
23821	ELECTRICAL CONTRACTORS AND OTHER WIRING INSTALLATION CONTRACTORS - TRANSPORTATION SERVICES CLEANING AND SANITIZATION BUILDING	0	100	0.000
23822	PLUMBING, HEATING AND AIR-CONDITIONING CONTRACTORS - TRANSPORTATION SERVICES CLEANING AND SANITIZATION BUILDING	0	160	0.000
OVERALL AVAILABILITY OF DBEs	19	1	334	0.0030

DBE Goal Setting (Cont.) Step 1: Developing a Base Figure

- The step one (1) calculation was performed by first determining the available pool of ready, willing and able DBE firms in each work category
- Then the total number of all ready, willing and able firms was determined. The total number of firms includes both DBE firms and non-DBE firms
- Finally, the number of DBE firms was divided by the number of all firms to arrive at the baseline ratio for each work category

Ready, Willing and Able DBEs (1)
All Ready, Willing and Able Firms (334)

Overall Availability of DBEs (Baseline Ratio) = 0.0030

DBE Goal Setting (Cont.) Step 1: Developing a Base Figure

	(Weight) x (Availability) = Weighted Base Figure			URE
NAICS CODE	CONTRACTOR/PROJECT TYPE	WEIGHT	АУАП.АВП	WEIGHTED BASED FIG
54131	ARCHITECT/ENGINEER - TRANSPORTATION SERVICES CLEANING AND SANITIZATION BUILDING	0.02504	0	0.000
23622	GENERAL CONTRACTOR - TRANSPORTATION SERVICES CLEANING AND SANITIZATION BUILDING	.87981	0.01429	0.0126
23821	ELECTRICAL CONTRACTORS AND OTHER WIRING INSTALLATION CONTRACTORS - TRANSPORTATION SERVICES CLEANING AND SANITIZATION BUILDING	.04507	0	0.000
23822	PLUMBING, HEATING AND AIR-CONDITIONING CONTRACTORS - TRANSPORTATION SERVICES CLEANING AND SANITIZATION BUILDING	.05008	0	0.000
Weighted Based Figure				1.26%

- A bidder's list was not used in the goal development. A bidder's list could not be used because the Chickasaw Nation's past purchasing records did not account for DBE utilization
- The Chickasaw Nation sees an opportunity for DBE participation in future contracting activities, as well as an upcoming building project
- The Chickasaw Nation chose to adopt a weighted approach in its DBE goal calculation
- Those figures are then added together to determine the weighted based figure of 1.26%

DBE Goal Setting (Cont.) Step 2: Adjustment Factor Analysis

- The Chickasaw Nation elected not to continue with a step two (2) adjustment to the weighted base figure
- A prominent factor in an adjustment consideration is past participation. Past participation is the volume of work DBEs have performed on contracts in recent years
- The Chickasaw Nation has not recorded DBE contract spend in the past. Therefore, DBE's past participation data is not available
- We were not able to use past participation, as a factor, so at this point the step one (1) weighted based figure of 1.26%, remains unchanged

Appendix B.

DBE Goal Setting (Cont.) Step 3: Race Neutral – Race Conscious Goals

- The Chickasaw Nation compared the draft goal from step two (2) to past participation by DBE prime contractors
- Due to the lack of DBE contract tracking data, our initial goal set will be set at 100% for race/gender-neutral means of contracting
- Using the Chickasaw Nation Business Network's Preferred Vendor Program's resources, our aim is to become acquainted with more potential DBEs so they feel encouraged to participate as a DBE contractor

DBE Goal Setting (Cont.) Step 4: Public Consultation

Questions and Comments:

The question and comment period is open for 30 days. You may email your questions and comments to: DBELO@Chickasaw.net

APPENDIX C. RECORD OF PUBLIC INVOLVEMENT

This section will be completed at the end of the comment period. Appeared in Legal Notices Oct. 20, 2022 in The Ada News local daily paper.

PUBLIC NOTICE

The Chickasaw Nation Disadvantaged Business Enterprise (DBE) Goal

The Chickasaw Nation, herby notifies the public that it is seeking input on setting a DBE participation rate goal on contracts assisted by the Federal Transit Administration (FTA). The current goal is 1.26%.

Further information is available at the Chickasaw Nation Business Network website: <u>ChickasawBusinessNetwork.com</u>. Under the heading "Disadvantaged Business Enterprise (DBE) Program."

Comments and questions may be directed to Holly Bell, DBELO, 1009 N. Country Club Road, Ada, OK 74820, or via email at DBELO@Chickasaw.net. Comments will be accepted until, Nov. 19, 2022.

Minority Publication: The Ada News

Agency Website: ChickasawBusinessNetwork.com

Comments: