

PIERCE TRANSIT BOARD MEETING

Training Center, Rainier Room

April 8, 2013

4:00 P.M.

AGENDA

Prior to this meeting, a work session on Vanpool Policy will be held at 3:00 p.m.

CALL TO ORDER

ROLL CALL

APPROVAL OF VOUCHERS

PUBLIC COMMENT

ACTION AGENDA

1. Authority to Execute a Revised Disadvantaged Business Enterprise (DBE) Policy (Revised to include Small Business Enterprise (SBE) per Federal Department of Transportation revised regulation (49 CFR 26).
Leona Moon Coldeen,
Contract Compliance
Administrator
2. Authority to Execute a Change Order to the Interlocal Agreement with the City of Tacoma for Traffic Signal Priority Project in Downtown Tacoma
Peter Stackpole,
Principal Planner
3. Authority to Purchase nineteen (19) 12 Passenger and six (6) 15-Passenger Vehicles From Washington State Contracts No. 07212 and No. 04311
Van Sawin,
Fleet Manager
4. Authority to Adopt Recommendations, Classification and Compensation Study for Non-Represented Positions
Alberto Lara,
VP of Administration and
Bruce Lawson, Fox Lawson & Associates

STAFF/POLICY DISCUSSIONS

Legal Services Analysis
Carol Mitchell, Public Relations Officer
Terence Artz, Risk Manager

EXECUTIVE SESSION

Evaluating Performance of CEO (RCW 42.30.110(1)(g)) not to exceed 30 minutes.

CONTINUED ACTION AGENDA

5. Amending the Terms of the Employment Contract for the CEO
Alberto Lara

ADJOURNMENT

FACT SHEET

TITLE: Authority to Execute a Revised Disadvantaged Business Enterprise (DBE) Policy (Revised to include Small Business Enterprise (SBE) per Federal Department of Transportation revised regulation (49 CFR 26).

DIVISION: Finance

ORIGINATOR: LeonaMoon Coldeen

PRECEDING ACTION:

COORDINATING DEPARTMENT: Purchasing

APPROVED FOR SUBMITTAL:

Vice President

APPROVED FOR AGENDA:

Chief Executive Officer

Legal Counsel

ATTACHMENTS:

Resolution

BUDGET INFORMATION

2013 Budget Amount
\$0

Required Expenditure
\$0

Impact
\$0

Explanation: This action is to accept the revised Disadvantaged Business Enterprise (DBE) Policy, which now includes the Small Business Enterprise (SBE) policy per 49 Catalog of Federal Requirements (CFR) part 26.39, and adopts the race-neutral language required for FTA recipients in the federal Ninth (9th) Circuit Court area. Prior to submission to the Board for approval of this revised policy, the FTA performed a technical review to ensure that the policy met the standards for approval. The revised policy is attached.

BACKGROUND: Federal Code revisions require Pierce Transit to update its DBE Policy to include a SBE policy. Additionally, Pierce Transit's DBE policy needed to be revised to remove race conscious and to include only race-neutral DBE goal attainment. The Federal Transit Administration (FTA) requires a Board approved revised policy from Pierce Transit by April 15, 2013. The proposed policy received a technical review from the FTA on March 29, 2013 to determine that it meets the revised CFR regulations and FTA determined that it did meet the regulations.

Additional future action needed: The Pierce Transit Code, Chapter 1.28, Disadvantaged Business Enterprise Program will need to be revised in order to comply with 49 CFR 26 and this resolution, after it is adopted.

ALTERNATIVES: There is no alternative to submitting a revised DBE policy at this time. Pierce Transit may revise its DBE policy in the future and resubmit to the Federal Transit Administration (FTA) for approval, should it desire to do so.

RECOMMENDATION: Accept the revised DBE policy as written.

RESOLUTION NO. 13-

1 A RESOLUTION of the Board of Commissioners of Pierce Transit
2 Authorizing a Revised Disadvantaged Business Enterprise (DBE) Policy incorporating a Small Business Enterprise
3 (SBE) element and race-neutral DBE goal attainment, in order to comply with 49 CFR 26.
4

5 WHEREAS, Pierce Transit must submit a Board-approved, revised Disadvantaged Business Enterprise
6 (DBE) Policy incorporating a Small Business Enterprise (SBE) element and race-neutral DBE goal attainment to
7 the Federal Transit Administration (FTA) for approval by April 15, 2013; and

8 WHEREAS, the FTA requires that implementation of the revised DBE policy be completed within
9 nine (9) months of FTA approval of the policy. Additionally, the FTA may require a shorter implementation
10 period; and

11 WHEREAS, the attached proposed policy has been reviewed by the FTA and found to meet the
12 federal governing requirements.

13 NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Pierce Transit as follows:

14 Section 1: The Board of Commissioners authorizes the adoption of the attached DBE policy;

15 Section 2: The Board of Commissioners authorizes implementation of the attached DBE policy as
16 soon as is feasible and within the FTA recommendations and/or requirements for implementation.

17 ADOPTED by the Board of Commissioners of Pierce Transit at a regular meeting thereof held on
18 the 8th day of April, 2013.

Marilyn Strickland, Chairman
Board of Commissioners

ATTEST:

Barbara B. Schatz, CMC
Acting Clerk of the Board

PIERCE TRANSIT

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

I. OBJECTIVES AND POLICY STATEMENT

Pierce County Public Transportation Benefit Area Corporation (hereinafter referred to as "PIERCE TRANSIT"), a municipal corporation, has established a Disadvantaged Business Enterprise (DBE) program in accordance with 49 CFR part 26. Pierce Transit receives federal financial assistance from the Federal Department of Transportation (DOT), and as a condition of receiving this assistance, Pierce Transit signed an assurance that it will comply with 49 CFR part 26. In order to ensure equal participation, Pierce Transit will set and review goals for participation by firms who have historically been socially and economically disadvantaged. Pierce Transit will attempt to meet these goals through race-neutral means.

It is the policy of Pierce Transit to ensure that DBEs as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

- to ensure nondiscrimination in the award and administration of DOT-assisted contracts;
- to create a level playing field on which DBEs can compete fairly for DOT assisted contracts;
- to ensure that the DBE Program is narrowly tailored in accordance with applicable law;
- to ensure that only firms that fully meet 49 CFR part 26 eligibility standards are permitted to participate as DBEs;
- to help remove barriers to the participation of DBEs in DOT-assisted contracts; and
- to support small businesses in general to ensure free and open access to Pierce Transit contracting opportunities.

The Vice President of Administration reports directly to Pierce Transit's Chief Executive Officer and will bear the responsibility, at this time, to assure that the objectives of Pierce Transit's DBE program are met. The DBE Liaison may be reassigned as necessary, however, this important duty will always report directly to Pierce Transit's Chief Executive Office. Additionally, the entire Executive and Management Staff shall have the responsibility of assisting the Vice President of Administration in carrying out the agency's DBE program and goals. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by Pierce Transit in its financial assistance agreements with the DOT.

Pierce Transit management is required to be thoroughly familiar with the program and program goals and will be informed of changes as they occur. In addition, Pierce Transit seeks participation from the community as a whole and from the DBE community in particular to ensure that Pierce Transit's DBE program provides a level playing field for all potential contractors.

The CEO has disseminated this policy statement to the Pierce Transit Board of Commissioners and all of the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts as an attachment to all formal procurements and annually to the firms in the procurement bidder's list. This program emphasizes Pierce Transit's commitment to providing maximum opportunity to all DBE businesses, including small business enterprises (SBEs), in accordance with 49 CFR part 26 and as amended.

Lynne Griffith
Chief Executive Officer

Date

II. DEFINITIONS

The terms used in this program have the meanings defined in 49 CFR 26.5 (See Appendix A). Additionally Pierce Transit will add and include any new and/or amended definitions as they are provided by DOT.

III. PROGRAM IMPLEMENTATION

A. Liaison Officer:

At this time, the Vice President of Administration will serve as the DBE Liaison Officer and as such shall have the responsibility for the coordination of Pierce Transit's Disadvantaged Business Program on a day-to-day basis. As liaison officer, reporting directly to Pierce Transit's Chief Executive Officer (CEO), he/she will have the responsibility to oversee overall DBE participation in Pierce Transit's contracting opportunities and will implement those policies necessary to meet the goals of Pierce Transit and the requirements of the Federal Transit Administration (FTA) in accordance with 49 CFR part 26. In this effort, the Vice President of Administration shall be supported by the Procurement Manager, who will devote part of her/his time to the program.

The DBE Liaison Officer, will be responsible for developing, implementing and monitoring the DBE program in coordination with other appropriate officials. The duties and responsibilities of the DBE Liaison Officer, or as delegated to the Procurement Manager or other designee, include the following:

1. Gather and report statistical data and other information as required by the FTA.
2. Review third party contracts and purchase requisitions for compliance with this program.
3. Set overall annual goal.
4. Ensure that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Analyze Pierce Transit's progress toward goal attainment and identify ways to improve progress if needed.
6. Participate in pre-bid meetings.
7. Advise the Chief Executive Officer and the Board of Commissioners on DBE matters and achievements.
8. Facilitate DBE participation by providing assistance in areas of financial matters to include the setting of appropriate and reasonable insurance and bonding requirements and the development and enforcement of prompt payment procedures.
9. Provide assistance to DBEs in the understanding of specifications and completing bid forms.

10. Obtain and maintain on file an up-to-date DBE directory from the Washington State Office of Minority and Women Business Enterprises (OMWBE) and maintain the ability to access OMWBE certification information on the internet.
11. Ensure that Pierce Transit's Management team is aware of the agency's policy and commitment to DBE participation.

Note: As a Ninth Circuit recipient, our DBE program is entirely race neutral.

B. Federal Financial Assistance Agreement Assurance:

Pierce Transit has signed the following assurance, applicable to all DOT-assisted contracts and their administration: "Pierce Transit shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE Program or the requirements of 49 CFR part 26. Pierce Transit shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. Pierce Transit's DBE Program, as required by 49 CFR part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to Pierce Transit of its failure to carry out its approved program, DOT may impose sanctions as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.)."

C. DBE Financial Institutions:

It is the policy of Pierce Transit to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in our community. While there is no such institution currently available in Washington State, Pierce Transit has identified some financial programs that may be available and of benefit to DBE/SBE firms in our area. This information is included in the Support Services Program area of the Small Business Participation section of this policy. If a DBE financial institution becomes available, we will research the services offered and utilize the institution within the requirements of State law, if the services meet Pierce Transit's needs.

If Pierce Transit identifies a DBE financial institution, we will make the name of the institution available to our contractors and encourage contractors to use such institution. Pierce Transit will research availability of DBE financial institutions on an annual basis.

D. DBE Directory:

Pierce Transit relies on the Washington State Office of Minority and Women Business Enterprises (OMWBE) to perform DBE certification and is able to download an electronic version of the current DBE Directory, issued by OMWBE, to keep on file. This directory is utilized in the development of mailing lists for IFBs, RFPs and other methods of procurement. In addition, the directory is used to provide assistance to potential bidders in the identification of available DBE subcontractors.

Assistance is available by contacting the following:

Pierce Transit	State of Washington
Purchasing Department	Office of Minority and Women's Business Enterprises
3701 96 th Street SW	406 South Water
P.O. Box 99070	P.O. Box 41160
Tacoma, WA 98496-0070	Olympia, WA 98504-1160
Tel: (253) 581-8086	Tel: (360) 753-9693
Fax (253) 581-8075	Fax (360) 586-7079

E. Over-Concentration of DBEs:

If Pierce Transit should determine there is an over-concentration of DBEs in certain business areas to the extent that small non-DBE businesses can no longer effectively participate in Pierce Transit's contracting opportunities, the agency will contact our FTA Office Administrator (OA) for approval of the over-concentration determination and to request assistance in devising measures to address the over concentration.

F. Quotas and Set-asides:

Pierce Transit will not use quotas in the administration of this DBE Program. Per 49 CFR 26.39, Pierce Transit will use set-asides in its Small Business Enterprise (SBE) Program due to the race and gender neutrality of the SBE Program.

CONTRACT PROVISIONS

A. Contract Assurance:

Pierce Transit will include in its third party contracts, and require prime contractors to include in their subcontracts, the following language:

"The contractor or subcontractor shall not discriminate on the basis of race, color, national origin or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49

CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as Pierce Transit deems appropriate.”

This rule and Pierce Transit’s DBE program will be made available to all on Piece Transit’s new website, currently under construction, within 9 months of FTA approval of this plan.

B. Prompt Payment:

Pierce Transit’s normal payment process is Net thirty (30) days from date of receipt of a correct invoice after work has been accepted. Progress payments are allowed under certain contracts and are handled on the same basis. Where deemed necessary, Pierce Transit may agree to shorter payment terms to reduce the cash flow burden on small businesses. When retainage is necessary, Pierce Transit’s policy is to request a retainage bond in lieu of retainage held, for federally funded contracts. Pierce Transit is also allowed, per RCW 39.04.155, to waive payment, performance and retainage bond requirements on Limited Public Works (LPW) projects (formerly small works), and will evaluate the positive and negative impacts of waiving this requirement.

Pierce Transit will include in its contracts a prompt payment clause as follows:

“The contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than thirty days from the receipt of each payment the prime contractor receives from Pierce Transit. The prime contractor agrees further to return retainage payments to each subcontractor within thirty days after the sub-contractor’s work is satisfactorily completed and mechanics and materialmen’s liens have been secured. Any delay or postponement of payment from the above time frames may occur only for good cause following written approval of Pierce Transit. This clause applies to both DBE and non-DBE subcontractors.”

C. Compliance Monitoring:

In order to ensure compliance with DBE requirements in its contracts, Pierce Transit’s project managers and representatives at job sites will monitor, on an ongoing basis, to ensure that work committed to being performed by DBEs is actually performed by the DBEs named in a contractor’s bid or proposal. A clause will be included in all contracts stating that the prime contractor cannot substitute subcontractors without Pierce Transit concurrence. In addition, if a DBE subcontractor is unable to perform the work contracted for, the prime contractor must either replace such

subcontractor with another DBE or show Pierce Transit that good faith efforts to do so have been made.

The Pierce Transit representative at the site will periodically report to the DBE Liaison Officer, or designee, the observations that DBE subcontractors actually are performing the amount and type of work committed.

We will bring to the attention of OMWBE and the FTA any false, fraudulent or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension or debarment or Program Fraud and Civil Penalties rules) provided in 26.109. We will also assist the Washington State OMWBE in the consideration of similar action under local legal authorities.

IV. GOAL SETTING

A. Annual Goals:

Pierce Transit's Liaison Officer will develop new overall annual DBE participation goals every three years. (Goals for FY 2012, 2013 and 2014 were established and submitted to FTA on August 1, 2011). The next annual goals must be developed and are due by August 1, 2014, for FY 2015, 2016 and 2017 and every three years thereafter. At this time goals are required to be race-neutral. Goals represent the level of DBE participation Pierce Transit expects to achieve during the upcoming fiscal year and reflect the level of DBE participation that could be expected based on a level playing field.

B. Method of establishing goal:

Most of the bidders competing for Pierce Transit contracts are from within Pierce and King Counties. Therefore, goals are established by comparing overall business availability for Pierce and King Counties from the U.S. Census Bureau database with Pierce/King County DBEs certified and capable of performing Pierce Transit contracts. DBE information is obtained by NAICS code from the DBE online catalog issued by the Washington State OMWBE.

Step One: To develop the base number of available DBEs, Pierce Transit first identifies the major NAICS codes applicable to Pierce Transit, and establishes a percentage of budget for each NAICS code. The number of available DBEs in each NAICS Code or group of NAICS codes are divided by the total number of businesses per NAICS code and multiplied by percent of budget. The results for

each NAICS code are added resulting in a base percentage number. (Attachment A. Sample Goal Setting)

Step Two: For step two Pierce Transit's experience and current project situation is examined. Historical information from the current and two previous years showing unsuccessful DBE or non-DBE subcontractors is reviewed and applied to the same NAICS categories and weighted as described in Step One above. The results are compared with Step One results. If substantially different, the methods and statistics used are reviewed and results adjusted as appropriate, i.e. use average of the two steps, review projects to be completed during the coming year.

C. Transit Vehicle Manufacturers (TVM):

Transit vehicle manufacturers (TVM) are required to develop their own DBE programs. Therefore Pierce Transit will require in its bid or proposal packages for transit vehicles a certification from each TVM that they have developed and submitted their own program to the FTA and that said program has been approved or not disapproved.

D. Outreach Process:

Pierce Transit submitted its overall goal to the FTA on August 1, 2011 for three(3) years covered by the respective goal period (2012, 2013, and 2014).

Before establishing its final overall goal for each year, Pierce Transit attempted to consult with the Washington State Office of Minority and Women Business Enterprises Catalog and the Census Bureau data base, and sought comment from other agencies and associations, such as NW Minority Supplier Development Council, Washington State Commission on Asian Pacific-American Affairs, Washington State Commission on African American Affairs, Washington State Commission on Hispanic Affairs, Minority Contractors Associations, local Urban League, local chapter of the Associated General Contractors, Subcontractors Associations and other business development centers that may be available to obtain information regarding DBE and non-DBE availability for the types of work Pierce Transit planned to procure during the three-year goal period.

This consultation occurred concurrently with the published notice of the proposed goal, and encompasses the following: Not later than June 15 of each goal-setting year, Pierce Transit will post its program including proposed annual goals on its web site and publish a notice of the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at Pierce Transit, 3701 96th Street SW, Tacoma, WA 98499 for thirty

(30) days following the date of the notice, and informing the public that Pierce Transit and DOT will accept comments on the goals for forty-five (45) days from the date of the notice. The notice will include addresses and websites where the program may be reviewed and to which comments may be addressed. Comments received will be considered and the program will be adjusted if appropriate.

Goal submission will include a summary of information and comments received during the public participation process and Pierce Transit's response to such input.

Unless other instructions are received from FTA, the overall goals established will be used beginning October 1 of each year.

E. Breakout of Estimated Race-Neutral and Race-Conscious Participation:

Pierce Transit will not use DBE quotas or set-asides to achieve the overall annual goal for DBE participation. Participation will be achieved by race-neutral means. **NOTE: DBE Contract goals are not permitted in Washington State at this time. If DBE contract goals are permitted in the future, they will be applied as described below.**

Race-Neutral Goals:

Pierce Transit's will review its DBE participation experience over the current and past two years. If the previous years' goals were achieved by race-neutral mean, the new annual goal will be a race-neutral goal only. Race-Neutral methods will include, but will not limited to, advertising of procurement packages in DBE and non-DBE publications, ensuring that DBEs are included on commodity vendor lists, ensuring that bid packages, bonding and insurance requirements are of a size and level appropriate for all small businesses, and prompt payment provisions in Pierce Transit and prime contractor contracts. Under race-neutral conditions DBEs will compete for Pierce Transit's contracts on a purely low-bid or best-proposal basis. DBE contract goals will not be set to achieve race-neutral participation.

Accountability: If Pierce Transit does not meet its approved DBE goal for a reporting period, we will:

- 1) Attempt to analyze in detail the reason for the difference between the overall goal and the achieved DBE participation;
- 2) Establish a plan to correct the problems identified in the analysis; and
- 3) Submit the correction plan within 90 days of the end of the affected fiscal year.

F. Replacement of DBE Subcontractors: Once a contractor has hired a DBE subcontractor, the prime contractor will be required to notify the DBE Liaison Officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation. In this situation, the prime contractor will be required to obtain Pierce Transit's prior approval of the substitute DBE and to provide copies of new or amended subcontracts. If the contractor fails or refuses to comply in the time specified, the purchasing office may issue an order stopping all or part of payment/work until satisfactory action has been taken. (The prime contractor may not be allowed an extension of the completion date for work days lost if such stop order is issued and may become subject to liquidated damages.) If the contractor still fails to comply, Pierce Transit may issue a termination for default proceeding.

G. Counting DBE Participation:

1. When a DBE is participating in a DOT-assisted contract, only the work performed by the DBE will be counted toward Pierce Transit's annual goals and toward the prime contractor's contract goals.

Pierce Transit will count DBE participation toward overall and contract goals as provided in 49 CFR part 26.55.

V. DISADVANTAGED BUSINESS ENTERPRISE CERTIFICATION

A. Certification:

In Washington State, the Washington State Office of Minority and Women-Owned Business Enterprises (OMWBE) has legislative authority to perform all minority, women and disadvantaged business enterprise certifications for all public agencies in the State. For DBE certifications the office is required to utilize certification procedures that meet all federal requirements as defined in 49 CFR Part 26 and as amended, to ensure eligibility of certified firms for DOT projects. Pierce Transit has participated in the past in the annual funding of the OMWBE. At this time, Pierce Transit is not required to participate in the funding of the OMWBE certification services. Access to the directory of certified DBEs published by the Office and updated on a regular basis, is currently available on-line without a fee. Pierce Transit has the most recent directory available in electronic form and makes this information available to interested parties.

B. Challenge:

A third party may challenge a firm's presumed eligibility or a firm's certification as a DBE. Pierce Transit shall immediately review the information received and determine if grounds exist to pursue the challenge. If the challenge appears to have merit, Pierce Transit will notify the Washington State Office of Minority and Women's Business Enterprises who will have the authority to investigate and resolve the challenge in accordance with the certification requirements of 49 CFR part 26 and as amended. Pierce Transit will provide all available information for investigation and identify the third party challenger. The challenged party shall submit rebutting information to the OMWBE for their consideration. Pierce Transit shall actively participate with the OMWBE, if needed, until the investigation is concluded and a determination has been finalized.

C. Decertification:

In addition to the performance of the certification function for all public agencies in the State of Washington, the OMWBE is responsible for decertification if a DBE no longer qualifies for the program under 49 CFR part 26 and SBA small business criteria. Pierce Transit will cooperate with OMWBE as needed to assist in the decertification process. Once decertified, a DBE contractor will no longer be counted towards the agency's overall annual goals.

VI. SMALL BUSINESS PARTICIPATION**A. General:**

Pierce Transit is committed to providing equal and open access for small businesses and ensuring all businesses receive adequate opportunities to participate in our contracting, consulting and procurement activities. Pierce Transit is required by 49 Code of Federal Regulation (CFR) Subsection 26.39 to implement a Small Business Enterprise (SBE) Program. The SBE Program is an element of the Disadvantaged Business Enterprise (DBE) Program. This includes DBE, Minority Business Enterprises (MBE), Women-Owned Business Enterprises (WBE) and other businesses that meet the DOT SBE criteria.

B. Small Business Set Asides:

Per 49 CFR part 26.39, SBE Program set-asides are allowable due to the race and gender neutrality of the SBE Program. The laws of Washington State, Revised Code of Washington (RCW) 39.04.155, allow Pierce Transit to utilize a Limited Public Works (LPW) Roster. This statute allows Pierce Transit to award LPW under thirty five thousand dollars (\$35,000.00) to businesses with gross

receipts less than one million dollars (\$1,000,000.00). To ensure that firms with gross receipts less than one million dollars (\$1,000,000.00) are legitimately of this size, they will be required to be certified by the OMWBE, (see the following section E). Pierce Transit will utilize this roster to solicit quotes from a minimum of three (3) firms for projects under thirty five thousand dollars (\$35,000.00). Other businesses may be invited to provide quotes or bids for these projects only if a small business is not available for participation or if no quotes are received from the small businesses invited. End users obtaining their own quotes will provide the list of SBE and non-SBE firms invited and the quotes received, to Pierce Transit procurement for contract finalization and record keeping. Pierce Transit will begin using this process for firms of this size within nine months of FTA approval of this plan.

C. Unbundling & Ensuring Contracts are of a Reasonable Size for Small Businesses:

To determine if unbundling was a viable option to encourage small business participation, Pierce Transit evaluated the formal procurements conducted in 2009, 2010, and 2011. Most of the federally funded purchases at Pierce Transit are let on an informal procurement basis through a purchase order (PO) process and are for purchases of less than thirty five thousand dollars (\$35,000.00). An evaluation of the formal procurements determined that the mean amount of a contract during the stated time period was \$65,970.25, with a high of \$1,709,000 and a low of \$1,290.00. The largest contract was for the Compressed Natural Gas Refueling Station Improvements, and a contract of this size is not normal for our agency. Based on this information, Pierce Transit will not be implementing any unbundling measure due to our determination that our projects are already reasonably sized for small business inclusion.

D. Small Business Goals:

On DOT-aided projects Pierce Transit's FTA approved, race neutral goal for DBE participation is one percent (1%). Pierce Transit will adopt this one percent (1%) goal for SBE participation of SBEs on DOT-assisted projects.

While Pierce Transit cannot require the prime contractor, consultant or recipient to provide documentation illustrating that they will be meeting the SBE aspiration goal of one percent (1%), we will include SBE aspiration goal language in the procurement documents. The SBE goal will be effective as soon as possible and within nine (9) months of approval from FTA.

E. Small Business Certification:

The SBE Certification Program will be administered by OMWBE in a manner similar to the administration of the DBE Certification Program. The certification criteria (49 CFR Part 26) will remain similar to that of the DBE Program, without the consideration of gender and/or ethnicity. For example, the firm will be required to be:

- Fifty one percent (51%) or more owned and controlled by an economically disadvantaged individual. All owners claiming to be economically disadvantaged shall be required to submit a Personal Net Worth Form.
- The firm will have to be considered a small business concern; with the overall size standard of twenty-two million four hundred and ten thousand dollars (\$22.41) million in average (three year) gross receipts.
- Regardless of gender and ethnicity of the firm's owner, the company and OMWBE will follow the certification procedures and application process outlined in 49 CFR part 26. However, the certification determination will not be appealable to the DOT. After initial appeal to OMWBE, all certification determinations will be binding.

The Washington State Department of Transportation (WSDOT) is working with OMWBE to develop a fee-based SBE certification program that includes the Micro-Small Business Enterprise (firms with less than one million dollars (\$1,000,000.00) in average gross receipts) designation in order to take advantage of the LPWs set asides for projects under thirty five thousand dollars (\$35,000.00). The OMWBE has stated to Pierce Transit that their goal is to provide SBE certification throughout the state on a fee basis (fees charged to the agencies, not the businesses). DOT has approved the WSDOT SBE plan to use OMWBE for SBE certifications, and Pierce Transit would like to note that the Washington State OMWBE has stated that its M/WBE Program is entirely race-neutral. The OWMBE is planning an un-publicized opening of the SBE certification process on May 1, 2013. Pierce Transit has been in contact with OMWBE and will continue to work with WSDOT and OWMBE to either put a new agreement in place to use OMWBE SBE certification and the additional Micro-Small Business Enterprise designation, or to piggyback on the WSDOT agreement with OMWBE. Once the agreement is in place, Pierce Transit will publicize its availability to small businesses in our area through our new DBE webpage and other outreach activities. The agreement will set forth the certification criteria, in accordance with 49 CFR part 26, procedures and fee schedule. Pierce Transit will begin utilizing the OMWBE certifications within nine (9) months of

approval from FTA. Additionally, upon FTA approval of this plan, all firms that are certified as DBEs will automatically be certified as SBEs unless the firm opts not to participate in this program.

E. Small Business Support:

Pierce Transit is currently downsizing due to a loss of revenue caused by the recession and a reduction of its service area. During this time of downsizing, Pierce Transit is not able to engage in the development and sustenance of a new Small Business Support Program. However, we note that King County, WSDOT, and OWMBE have ample programs available to assist DBE and small businesses. Pierce Transit is in the process of developing a new agency website. As part of this website, we are developing a new DBE webpage that links to the following Small Business Support Programs:

1) Seattle Business Assistance Center (SBAC) doing business as (dba) Community Capital Development (CCD): CCD's mission is to create, sustain, and grow entrepreneurial opportunities and livable wage jobs through the provision of financial education and loan capital for low income individuals, women, minorities, and other disadvantaged populations that have historically experienced difficulties in accessing business financing and economic development services.

<http://www.seattlefoundation.org/npos/Pages/SeattleBusinessAssistanceCenterdbaCommunityCapitalDev.aspx>

2) The Washington State OMWBE general website: www.omwbe.wa.gov and the Linked Deposit Program: A Program that links the deposit of state funds to loans made by participating financial institutions to qualified M/WBE businesses, for the purpose of providing the borrowers (the businesses) a loan interest-rate reduction of up to two percent (2%).

<http://www.omwbe.wa.gov/financing/ldp/index.shtml>

3) The King County Small Contractors and Suppliers (SCS) Program: This program assists small business with SBE certification, training and development.

<http://www.kingcounty.gov/exec/BusinessDev/disadvantaged.aspx>

4) WSDOT has a Small Business Services Program webpage with information on training and support (some of the information duplicates what is provided here) located at:

<http://www.wsdot.wa.gov/Business/opportunities/BusinessServices.htm>

5) The USDOT Small Business webpage that provides additional information on programs available to businesses: <http://www.osdbu.dot.gov/about/customers.cfm>

In addition to the links listed above, Pierce Transit would include links to our current procurement opportunities, our DBE policy, and other pertinent information. This webpage will be available for public use within nine (9) months of FTA approval.

Pierce Transit will also continue to participate in the Greater Pierce County Purchasing Forum, the Annual Regional Contracting Forum Attachment B) and similar forums offered by King County, WSDOT, and others that seek to reach out to DBEs and SBEs.

VII. INFORMATION COLLECTION AND REPORTING

A. Bidders List:

Pierce Transit will continue to annually update its bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. Pierce Transit will make a comparison on an annual basis of the certified DBEs/SBEs in our area (Pierce and King Counties) and our bidders list in order to keep our list up-to-date. The purpose of this is to allow the use of the bidder's list approach in calculating overall goals. The bidders list will include the name, address, phone number, email address, DBE/SBE, non-DBE/SBE status, age and range indicating the annual gross income of firms.

The information will be collected in the following ways:

- Successful bidders will be required to provide to Pierce Transit, within forty-eight hours after bid opening, the name and address of all subcontractors that have submitted bids whether accepted by the prime contractor or not.
- Additional information to be submitted by the prime contractor or to be obtained by Pierce Transit directly will be subcontractors' status as DBE/SBE or non-DBE/SBE, age of firm and annual gross receipts. (Attachment C)

B. Monitoring Payments to DBEs

Pierce Transit shall use the prime contractor's list of subcontractor participation to determine if any DBEs/SBEs are anticipated on the project. However, the DBE/SBE participation shall not be counted until actual payment has been made to the DBE/SBE subcontractors involved. Therefore, contractors shall be required to submit with each payment request the amounts earned by DBE/SBE subcontractors and to be paid to DBE/SBE subcontractors upon receipt of Pierce Transit's payment or progress payment. Pierce Transit may perform audits of contract payments to DBEs/SBEs. The

audit will review payments to subcontractors to ensure that the actual amount paid to DBE/SBE subcontractors equals or exceeds the dollar amounts provided with payment requests and that DBE/SBEs are paid on a timely basis.

C. Reporting to FTA:

Pierce Transit will report DBE/SBE participation to the FTA on a semi-annual basis as required by 49 CFR part 26. The reports will reflect payments actually made to DBEs/SBEs on DOT-assisted contracts.

D. Confidentiality:

Pierce Transit will safeguard from disclosure to third parties information that may reasonably be regarded confidential business information consistent with federal, state and local law.

Notwithstanding any contrary provisions of state or local law, Pierce Transit will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submitter.

Attachments:

APPENDIX A: Copy of 49 CFR part 26.5

- A. Organizational Chart of Executive Leadership
- B. Sample Goal Setting, Step One and Step Two
- C. The Greater Pierce County Purchasing Forum
- D. DBE Participation Reporting

Office of the Secretary of Transportation

§ 26.5

or Titles I, III, and V of the Transportation Equity Act for the 21st Century (TEA-21), Pub. L. 105-178, 112 Stat. 107.

(2) Federal transit funds authorized by Titles I, III, V and VI of ISTEA, Pub. L. 102-240 or by Federal transit laws in Title 49, U.S. Code, or Titles I, III, and V of the TEA-21, Pub. L. 105-178.

(3) Airport funds authorized by 49 U.S.C. 47101, *et seq.*

(b) [Reserved]

(c) If you are letting a contract, and that contract is to be performed entirely outside the United States, its territories and possessions, Puerto Rico, Guam, or the Northern Marianas Islands, this part does not apply to the contract.

(d) If you are letting a contract in which DOT financial assistance does not participate, this part does not apply to the contract.

§ 26.5 What do the terms used in this part mean?

Affiliation has the same meaning the term has in the Small Business Administration (SBA) regulations, 13 CFR part 121.

(1) Except as otherwise provided in 13 CFR part 121, concerns are affiliates of each other when, either directly or indirectly:

(i) One concern controls or has the power to control the other; or

(ii) A third party or parties controls or has the power to control both; or

(iii) An identity of interest between or among parties exists such that affiliation may be found.

(2) In determining whether affiliation exists, it is necessary to consider all appropriate factors, including common ownership, common management, and contractual relationships. Affiliates must be considered together in determining whether a concern meets small business size criteria and the statutory cap on the participation of firms in the DBE program.

Alaska Native means a citizen of the United States who is a person of one-fourth degree or more Alaskan Indian (including Tsimshian Indians not enrolled in the Metlakatla Indian Community), Eskimo, or Aleut blood, or a combination of those bloodlines. The term includes, in the absence of proof

of a minimum blood quantum, any citizen whom a Native village or Native group regards as an Alaska Native if their father or mother is regarded as an Alaska Native.

Alaska Native Corporation (ANC) means any Regional Corporation, Village Corporation, Urban Corporation, or Group Corporation organized under the laws of the State of Alaska in accordance with the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601, *et seq.*).

Compliance means that a recipient has correctly implemented the requirements of this part.

Contract means a legally binding relationship obligating a seller to furnish supplies or services (including, but not limited to, construction and professional services) and the buyer to pay for them. For purposes of this part, a lease is considered to be a contract.

Contractor means one who participates, through a contract or sub-contract (at any tier), in a DOT-assisted highway, transit, or airport program.

Department or *DOT* means the U.S. Department of Transportation, including the Office of the Secretary, the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and the Federal Aviation Administration (FAA).

Disadvantaged business enterprise or *DBE* means a for-profit small business concern—

(1) That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals; and

(2) Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

DOT-assisted contract means any contract between a recipient and a contractor (at any tier) funded in whole or in part with DOT financial assistance, including letters of credit or loan guarantees, except a contract solely for the purchase of land.

DOT/SBA Memorandum of Understanding or MOU, refers to the agreement signed on November 23, 1999, between the Department of Transportation (DOT) and the Small Business Administration (SBA) streamlining certification procedures for participation in SBA's 8(a) Business Development (8(a) BD) and Small Disadvantaged Business (SDB) programs, and DOT's Disadvantaged Business Enterprise (DBE) program for small and disadvantaged businesses.

Good faith efforts means efforts to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the program requirement.

Immediate family member means father, mother, husband, wife, son, daughter, brother, sister, grandmother, grandfather, grandson, granddaughter, mother-in-law, or father-in-law.

Indian tribe means any Indian tribe, band, nation, or other organized group or community of Indians, including any ANC, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, or is recognized as such by the State in which the tribe, band, nation, group, or community resides. See definition of "tribally-owned concern" in this section.

Joint venture means an association of a DBE firm and one or more other firms to carry out a single, for-profit business enterprise, for which the parties combine their property, capital, efforts, skills and knowledge, and in which the DBE is responsible for a distinct, clearly defined portion of the work of the contract and whose share in the capital contribution, control, management, risks, and profits of the joint venture are commensurate with its ownership interest.

Native Hawaiian means any individual whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

Native Hawaiian Organization means any community service organization serving Native Hawaiians in the State of Hawaii which is a not-for-profit organization chartered by the State of Hawaii, is controlled by Native Hawai-

ians, and whose business activities will principally benefit such Native Hawaiians.

Noncompliance means that a recipient has not correctly implemented the requirements of this part.

Operating Administration or OA means any of the following parts of DOT: the Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA). The "Administrator" of an operating administration includes his or her designees.

Personal net worth means the net value of the assets of an individual remaining after total liabilities are deducted. An individual's personal net worth does not include: The individual's ownership interest in an applicant or participating DBE firm; or the individual's equity in his or her primary place of residence. An individual's personal net worth includes only his or her own share of assets held jointly or as community property with the individual's spouse.

Primary industry classification means the North American Industrial Classification System (NAICS) designation which best describes the primary business of a firm. The NAICS is described in the *North American Industry Classification Manual—United States, 1997* which is available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA, 22161; by calling 1 (800) 553-6847; or via the Internet at: <http://www.ntis.gov/product/naics.htm>.

Primary recipient means a recipient which receives DOT financial assistance and passes some or all of it on to another recipient.

Principal place of business means the business location where the individuals who manage the firm's day-to-day operations spend most working hours and where top management's business records are kept. If the offices from which management is directed and where business records are kept are in different locations, the recipient will determine the principal place of business for DBE program purposes.

Program means any undertaking on a recipient's part to use DOT financial assistance, authorized by the laws to which this part applies.

Race-conscious measure or program is one that is focused specifically on assisting only DBEs, including women-owned DBEs.

Race-neutral measure or program is one that is, or can be, used to assist all small businesses. For the purposes of this part, *race-neutral* includes gender-neutrality.

Recipient is any entity, public or private, to which DOT financial assistance is extended, whether directly or through another recipient, through the programs of the FAA, FHWA, or FTA, or who has applied for such assistance.

Secretary means the Secretary of Transportation or his/her designee.

Set-aside means a contracting practice restricting eligibility for the competitive award of a contract solely to DBE firms.

Small Business Administration or *SBA* means the United States Small Business Administration.

SBA certified firm refers to firms that have a current, valid certification from or recognized by the SBA under the 8(a) BD or SDB programs.

Small business concern means, with respect to firms seeking to participate as DBEs in DOT-assisted contracts, a small business concern as defined pursuant to section 3 of the Small Business Act and Small Business Administration regulations implementing it (13 CFR part 121) that also does not exceed the cap on average annual gross receipts specified in § 26.65(b).

Socially and economically disadvantaged individual means any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who is—

(1) Any individual who a recipient finds to be a socially and economically disadvantaged individual on a case-by-case basis.

(2) Any individual in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged:

(i) “Black Americans,” which includes persons having origins in any of the Black racial groups of Africa;

(ii) “Hispanic Americans,” which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or

Portuguese culture or origin, regardless of race;

(iii) “Native Americans,” which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians;

(iv) “Asian-Pacific Americans,” which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), the Commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga, Kiribati, Juvalu, Nauru, Federated States of Micronesia, or Hong Kong;

(v) “Subcontinent Asian Americans,” which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka;

(vi) Women;

(vii) Any additional groups whose members are designated as socially and economically disadvantaged by the SBA, at such time as the SBA designation becomes effective.

Tribally-owned concern means any concern at least 51 percent owned by an Indian tribe as defined in this section.

You refers to a recipient, unless a statement in the text of this part or the context requires otherwise (i.e., ‘You must do XYZ’ means that recipients must do XYZ).

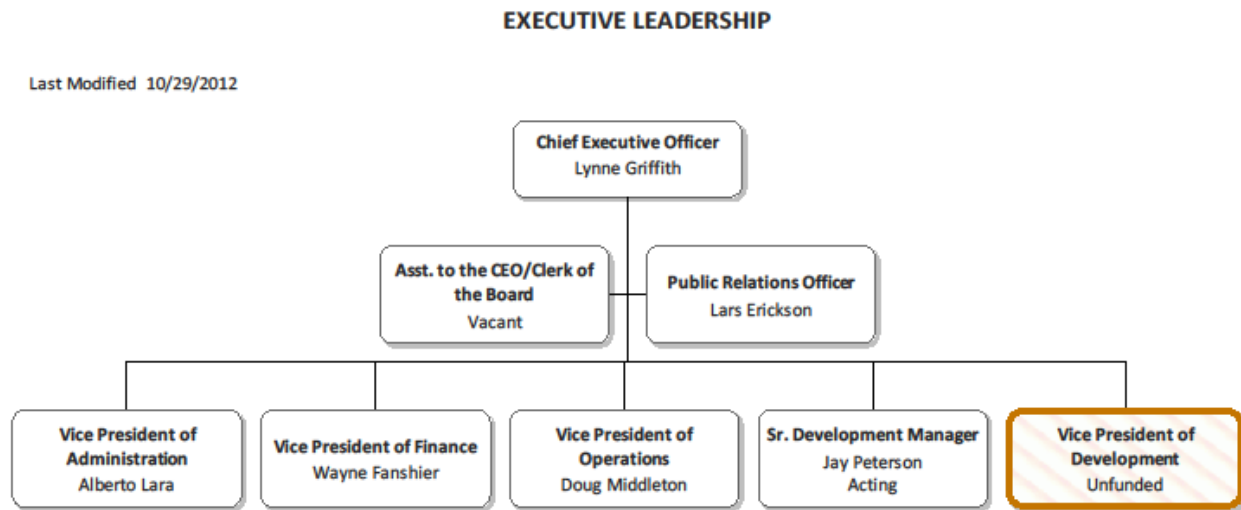
[64 FR 5126, Feb. 2, 1999, as amended at 64 FR 34570, June 28, 1999; 68 FR 35553, June 16, 2003]

§ 26.7 What discriminatory actions are forbidden?

(a) You must never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by this part on the basis of race, color, sex, or national origin.

(b) In administering your DBE program, you must not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of

ATTACHMENT A. Organizational Chart of Executive Leadership



B. Sample Goal Setting, Step One and Step Two

**GOAL DEVELOPMENT FOR 2012, 2013 and 2014 DBE
PARTICIPATION
METHODOLOGY SUMMARY
Revised 12-6-11**

To determine appropriate goals for DBE participation for FY 2012, 2013 and 2014 the following steps were performed:

Step One Calculation:

- Due to the economy Pierce Transit is operating on a continuation budget by utilizing the operating budget developed for 2010 with some adjustments. Operating and capital budgets for 2012 have not yet been developed. Therefore in projecting expenditures which include federal funds the continuation budget for 2011 was used as a basis and inflated by three percent (3%) a year compounded for 2012, 2013 and 2014, to arrive at total projected operating expenses for the three years, the most recent six-year plan was used to determine expected capital investments for a grand total of \$31,240,916 of expenditures supported by federal funds. The major operating categories were supplies, parts and small equipment, consultant and misc. services, facilities maintenance and equipment maintenance. Due to the current economic situation nearly all capital projects have been postponed. Expected revenue vehicle acquisitions were not included in the calculation or the resulting goal.
- Pierce Transit's major area of doing business are Pierce and King Counties, Washington. This determination is based on a review of Pierce Transit's vendor list. A majority of our vendors is located in those counties.
- Once the major applicable NAICS codes were identified, the Census Bureau Data Base was used to determine total number of businesses available in King and Pierce Counties under those codes.

The following NAICS codes were used to determine both the total number of businesses available in King and Pierce County and the number of certified DBEs available in those counties:

236220	Commercial and institutional Building Construction
238110	Poured Concrete foundation and structure
238150	Glass and Glazing Contractors
23821	Electrical Contractors or other wiring installation contractors
23822	Plumbing, heating and air-conditioning contractors
23831	Drywall and insulation contractors
23832	Painting and wall covering contractors
23833	Flooring Contractors
23835	Finish Carpentry Contractors
23899	All other specialty trade contractors

441310	Automotive parts and accessories stores
44411	Home centers
45321	Office supply and Stationary Stores
42312	Motor vehicle supplies and new parts wholesalers
423390	Other construction material wholesalers
42343	Computer and software wholesalers
42371	Hardware wholesalers
42372	Plumbing equipment wholesalers
42373	HVAC equip wholesalers
423990	Other misc. durable goods wholesalers
42412	Stationary and office supply wholesalers
4247	Petroleum and petroleum products wholesalers
42495	Paint., varnish and supplies wholesalers
8111	Automotive repair and maintenance
5411	Legal Services
5413	Architectural, engineering and related services
541512	Computer system design services
541611	Administrative management consulting services
485991	Special needs transportation
485999	All other transit and ground passenger transportation

- To determine the availability of DBEs under the identified NAICS codes in King and Pierce Counties the data base of the Washington State Office of Minority and Women Business Enterprises (OMWBE) was searched.

Step One of the goal setting calculation is based on total King/Pierce County businesses under the identified NAICS versus available DBEs in the two counties weighted by the dollars expected to be expended in each category without consideration of Pierce Transit's actual historical experience resulting in potential DBE availability of .8%. (Total DBEs divided by total businesses x weight of expenditures)(See attached spreadsheet - Step One).

Step Two Calculation:

In Step Two, Pierce Transit's vendor list from 2010 was used to compare total businesses with DBE firms resulting in a participation rate of .5%. In addition total expenditures in 2010 were compared with DBE expenditures resulting in a DBE participation level of .8%. (see attached spreadsheet – Step Two)

The average of the Step One and Step Two Calculation is .8%, therefore the goal for FY 2012, 2013 and 2014 has been set at 1%.

The DBE goal was not adjusted after completion of the Step Two because both calculations resulted in an expected participation rate of .8% rounded to 1%. In addition DBE participation for FY 2010 was .8% and we are on track to achieve 1% participation


for FY 2011. Based on these considerations a 1% overall annual goal appears to be fair and achievable.

Since contract goals cannot be utilized in Washington State, the goal is entirely based on race-neutral efforts. A separate race-neutral determination was therefore not conducted.

Goal Advertising:

Pierce Transit DBE Participation goal of 1% was advertised on July 19 and August 22, 2011 in the Tacoma News Tribune, the Tacoma Daily Index, the Seattle Daily Journal of Commerce, Siete Dias Latino News (July 20 and August 3, 2011) and Seattle Facts (July 26, 2011) providing information on how to obtain Pierce Transit's DBE policy and inviting comments. No requests or comments were received to date. Final comments are required by September 1, 2011. Should comments be received that prompt revision of the goal, we will notify FTA accordingly.

C. The Greater Pierce County Purchasing Forum



Guest Speakers:

Joyce McDonald
Pierce County Council Chair

Pat McCarthy
Pierce County Executive

When:
Friday, October 12th

Where:
9850 64th St W
University Place, WA

Map and Directions

Registration:
FREE!

Click here to register
or call Hans Kueck at:
253.798.2335

The Greater Pierce County Purchasing Forum

How to win and grow government contracts

The Pierce County Economic Development Department and Purchasing Division, with their partners, are hosting a Purchasing Forum for local businesses. There is no charge to attend. Learn of new and existing business opportunities with government and other agencies. The Forum will offer your business a chance to:

- Participate in a workshop to learn about:
 - The new federal government procurement System for Award Management (SAM)
 - How to view the federal marketplace
 - Market research strategies
 - How to find federal opportunities & market your firm
- Learn first-hand how to register and compete for contracts with state, and local government agencies
- Ask questions of a panel of government purchasing agents
- Meet one-on-one with purchasing agents
- Meet and interact with other Pierce County business owners and managers

Participating Agencies:

- City of Tacoma
- Pierce County
- Washington State Department of Transportation
- Procurement Technical Assistance Center (PTAC)
- U.S. Naval Fleet & Industrial Supply (Bremerton)
- U.S. General Services Administration (GSA)
- U.S. Army Corps of Engineers
- U.S. Naval Underwater Warfare Center
- Joint Base Lewis McChord
- Port of Tacoma
- Tacoma Public Schools
- Pierce Transit
- Pacific NW Defense Coalition
- Northwest Minority Supplier Development Council
- Go Local Tacoma
- Washington Community Alliance for Self-Help (C.A.S.H.)

Registration is Free!

When: Friday, October 12th, 2012
Registration: 8:00 a.m.
Program: 8:30 a.m. to noon

Where: Environmental Services Building (Adjacent to Chambers Bay Golf Course)
9850 64th Street West
University Place, WA 98467
Map and Directions

How: **Click here to register** or call Hans Kueck at: 253.798.2335

**You are cordially invited to the
11th Annual Regional Contracting Forum**



Tuesday, April 2, 2013 8:00am - 3:30pm
[Washington State Convention Center](#)

800 Convention Place, Seattle, WA 98101
NEW Segment! Education Workshop
Participation is FREE

Participants and Attendees: [Click here to Register](#)

***One on One Sessions with Prime Contractors, Consultants and Suppliers:** **Pre-Registration Required:** [Click here to Register](#)

*Highly encouraged for MWBE, DBE and SCS certified firms

What to expect at the Forum:

- ✓ Participate in one-on-one conversations with procurement representatives!
- ✓ Connect with business resources and expand business networks!
- ✓ Learn about current and upcoming contracting opportunities!
- ✓ Meet the procurement and contracting representatives within agencies!
- ✓ Meet with industry peers and others to initiate business relationships!
- ✓ Learn how the government contracting process works and so much more!

We look forward to your full participation!

Sponsored by: University of Washington, Port of Seattle, City of Seattle, Sound Transit, King County, WA Department of Transportation (WSDOT), Port of Tacoma, WA State Office of Minority and Women's Business Enterprises (OMWBE), and State of WA Department of Enterprise Services (DES) along with contributing partners to include neighboring cities, counties, port authorities, transit authorities, state and federal agencies, contractors, consultants, and suppliers.

Small, Minority, Women, Veteran owned and Disadvantaged businesses, are highly encouraged to attend this forum.

D. DBE Participation Reporting

DISADVANTAGED BUSINESS PARTICIPATION

Specification No. PT-XX-XX
Section 00300 – Bid Proposal

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of FTA-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as Pierce Transit deems appropriate.

Pierce Transit's goal for disadvantaged business enterprise (DBE) participation for this contract is one (1) percent, to be achieved through race-neutral means. Pierce Transit's aspirational goal for small business enterprise (SBE) participation for this contract is one (1) percent, to be achieved through active recruitment. The national goal for DBE (including SBE) participation is ten (10) percent.

Contractors who have difficulty identifying disadvantaged or small business subcontractors for this project or have questions in regard to Pierce Transit disadvantaged business policies should contact Leona Coldeen, 253-984-8153.

To be eligible for award of this Contract, the Bidder must submit with its Bid the completed disadvantaged/small business tables of utilization below listing the DBEs and SBEs to be contracted with, including all information required. DBEs listed must be certified by the Washington State Office of Minority and Women Business Enterprises (OMWBE) at the date and time bids/proposals are due. OMWBE certification of SBE's is available after May 1, 2013. The successful Contractor shall enter into a Contract with the firms identified on these tables as successful Subcontractors.

Failure to complete this section of the BID proposal or the inclusion of false information shall be considered as evidence that the proposal is nonresponsive to the invitation to bid and shall not receive further consideration.

DISADVANTAGED BUSINESS UTILIZATION TABLE

<u>Name Of Subcontractor</u>	<u>Please mark DBE or SBE</u>	<u>Address</u>	<u>Telephone</u>	<u>Description of Work To Be Performed</u>	<u>Will Contract Be Awarded: (Yes/No)</u>	<u>\$ Value Of Subcontract</u>	<u>Percent of Subcontract Work Actually Performed by DBE Subcontractor</u>
TOTAL DISADVANTAGED BUSINESS UTILIZATION						\$	%

NOTE: Written confirmation from each DBE firm, that it is participating in the contract as shown above, must be received by Pierce Transit within 48 hours after the bid due date and time.

Note: In the category of supplies, please inform Pierce Transit if the business is the dealer, broker, repackager, or manufacturer. PIERCE TRANSIT will verify eligibility of disadvantaged business and small business subcontractors.

LIST OF ALL INTERESTED SUBCONTRACTORS

Within 48 hours after the bid due date and time, the bidder must submit the following information for all subcontractors who bid on this project, whether the subcontractor was successful or not. Failure to submit this information may make the bid/proposal non-responsive and may result in the rejection of the bid/proposal.

Subcontractor Name	Address	Telephone #

The following checklist must be completed by the Contractor. It will be used to assist PIERCE TRANSIT in determining if good faith efforts have been made by the Contractor to award subcontracts under this project to Small Business Enterprises.

	YES	NO
1. Did Contractor notify Small Businesses in writing that bids were being solicited?	_____	_____
2. Did Contractor follow up initial contact to determine if Small Businesses were interested?	_____	_____
3. Did Contractor allow sufficient time for Small Businesses to respond effectively?	_____	_____
4. Were portions of work to be subcontracted of a type and size to facilitate Small Businesses participation?	_____	_____
5. Did Contractor provide to the Small Businesses sufficient information about the plans, specifications and requirements of the contract?	_____	_____
6. Did Contractor reject interested Small Businesses as unqualified without sound reason based on investigation of their capabilities?	_____	_____

Additional Required Bidder Disclosure (per 49 CFR 26.11):

Is this company (the prime bidder) a certified Disadvantaged Business Enterprise (DBE) or a certified Small Business Enterprise (SBE)? No ____ Yes ____ DBE __ SBE __

Certification No.: _____

How many years has this company been in business? _____ years.

What are the annual gross receipts for this company? (Please Circle One Item.)

Less than \$500,000	\$500,000-\$1,000,000
\$1,000,000-\$2,000,000	\$2,000,000 to \$5,000,000
\$5,000,000-\$10,000,000	\$10,000,000-\$23,000,000
\$23,000,000-\$50,000,000	Greater than \$50,000,000

FACT SHEET

TITLE: Authority to Execute a Change Order to the Interlocal Agreement with the City of Tacoma for Traffic Signal Priority Project in Downtown Tacoma.

DEPARTMENT: Transit Development
ORIGINATOR: Peter Stackpole

PRECEDING ACTION: Resolution No. 10-030, Authority to Execute an Interlocal Agreement with the City of Tacoma For Coordination, Construction, Implementation and ongoing Operations of Traffic Signal Priority Equipment.

COORDINATING DIVISION: Operations Planning, Purchasing

APPROVED FOR SUBMITTAL:

Vice President

APPROVED FOR AGENDA:

Chief Executive Officer

Legal Counsel

ATTACHMENTS: Resolution

BUDGET INFORMATION

2010 Agreement Amount
\$297,908.00

Required Increase
\$49,576.58

Impact
\$49,576.58

Explanation: The increase changes the Interlocal Agreement amount from \$297,908 to \$347,484.58. The required funds are available from the original FTA CMAQ grant of \$2,763,246. This grant funds 100% of the project, no match is required.

BACKGROUND: This resolution requests authority to execute a change order in the amount of \$49,576.58 to the Interlocal agreement with the City of Tacoma to complete install and maintain signal prioritization equipment in the Downtown Tacoma project area.

The Downtown Tacoma Transit Signal Priority Project was developed as a collaborative interagency effort to identify the needs and potential technologies that would improve traffic flow, reduce transit delay, and provide for the optimum management of available resources. A primary objective is the development of an integrated traffic signal system that can be managed to provide optimum benefit for transit, light rail, pedestrians, and general traffic. This project builds upon the technologies and investments already made by Pierce Transit.

To accomplish implementation of the Signal Priority Project, coordination with the City of Tacoma via Interlocal agreement was needed to perform work on Tacoma-owned intersections. Work conducted under the Interlocal agreement includes installation of transit signal priority equipment provided by Pierce Transit and technical field work conducted in accordance with the Transit Signal Priority Project.

Pierce Transit Staff has been coordinating with the City of Tacoma regarding completion of signal priority work in the project area. We drafted an agreement that meets Tacoma's requirements and Pierce Transit project needs. Under the agreement the City completed field installations of Opticom detection equipment, upgrading of controller software and replacement of older controllers and cabinets in intersections not compatible with the project. A controller software update, however, was required to fully integrate transit priority and pedestrian access at light rail intersections without severely impacting light rail operations. This change necessitated additional work from City of Tacoma crews to install and test the upgraded software from the vendor. The cost of this work exceeds the amount specified in the Interlocal agreement.

Staff is requesting that the Board authorize an increase of \$49,576.58 to the Interlocal agreement amount with the City of Tacoma for signal priority work in Downtown Tacoma as described. Total project costs for work provided by Tacoma under the agreement shall not exceed \$347,484.58. This project is 100% grant funded and no local match is required.

ALTERNATIVES: Not authorize the increase and lose signal priority and general traffic flow benefits at light rail intersections in the Downtown core.

RECOMMENDATION: Authorize an increase of \$49,576.58 to the Interlocal agreement with the City of Tacoma for coordination, construction, implementation and ongoing operations of traffic signal priority equipment in Downtown Tacoma.

RESOLUTION NO. 13-

A RESOLUTION of the Board of Commissioners of Pierce Transit
Authorizing Execution of a Change Order to the Interlocal Agreement with the City of Tacoma for the Traffic
Signal Priority Project in Downtown Tacoma

WHEREAS, by Resolution No. 10-030, approved on the 8th day of November, 2010, the Board of Commissioners of Pierce Transit authorized an Interlocal Agreement with the City of Tacoma For Coordination, Construction, Implementation and ongoing Operations of Traffic Signal Priority (TSP) Equipment; and

WHEREAS, Pierce Transit and the City of Tacoma have coordinated closely to develop a scope of work, implementation plan, and a funding plan to provide TSP and related traffic engineering services and upgrades in Downtown Tacoma; and

WHEREAS, the complexity of operating transit signal priority at intersections that also accommodate light rail, general purpose traffic and pedestrian activities required a signal controller software upgrade; and

WHEREAS, the software upgrade necessitated additional work from City of Tacoma crews for installation and testing beyond the amount specified in the Interlocal Agreement; and

WHEREAS, a collaboration between Pierce Transit and the City on the development and implementation of TSP improvements and other technologies in the Downtown Tacoma project area would directly benefit transit service speed and reliability; and

WHEREAS, the required funds are available from the original Federal Transit Administration CMAQ grant that funds one-hundred percent (100%) of the project and requires no local match; and

WHEREAS, the Board of Commissioners of Pierce Transit finds it in the best interest of Pierce Transit to authorize an increase of \$49,576.58 to the Interlocal Agreement with the City of Tacoma supporting the installation and implementation of TSP equipment in the Downtown Tacoma project area where light rail, general purpose traffic and pedestrian activities operate;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Pierce Transit as follows:

Section 1 The Chief Executive Officer is hereby authorized to execute an increase of \$49,576.58 to the Interlocal Agreement with the City of Tacoma in order to install and implement the transit signal priority equipment in the Downtown Tacoma project area where light rail, general purpose traffic and pedestrian activities operate;

.

ADOPTED by the Board of Commissioners of Pierce Transit at a regular meeting thereof held on the 8th day of April 2013.

Marilyn Strickland, Chair
Board of Commissioners

ATTEST:

Barbara Schatz, CMC
Acting Clerk of the Board

FACT SHEET

TITLE: Authority to Purchase nineteen (19) 12 Passenger and six (6) 15-Passenger Vehicles From Washington State Contracts No. 07212 and No. 04311

DIVISION: Finance

ORIGINATOR: Van Sawin

PRECEDING ACTION: Resolution No. 12-035, Adoption of the 2013 Budget

COORDINATING DEPARTMENT: Finance

APPROVED FOR SUBMITTAL:

Vice President

APPROVED FOR AGENDA:

Chief Executive Officer

Legal Counsel

ATTACHMENTS: Resolution

BUDGET INFORMATION

2013 Capital Budget Amount
\$1,447,727

Required Expenditure
\$682,074

Impact
\$765,653
Under Budget

Explanation: Purchase 25 vanpool vans in accordance with the replacement schedule. The remaining budgeted vans will be purchased in the fall of 2013.

BACKGROUND: This resolution seeks authority to purchase nineteen (19) 12-Passenger and six (6) 15-passenger vehicles from Washington State Contracts No. 07212 and No. 04311.

The agency budget for 2013 includes funding for nineteen (19) 12-Passenger and six (6) 15-passenger vanpool vans as replacements (Replacement policy: 7 years or 120,000 miles). The State of Washington has established vehicle contracts that allow use by political subdivisions. Staff has reviewed the contracts available and has identified the vehicles appropriate for our intended purpose. State Contract pricing is obtained on a competitive bid basis and is considered to be fair and reasonable.

ALTERNATIVES: The alternative would be to develop specifications and solicit bids ourselves; however, in the past we were not able to achieve the deep discounts offered in the state contracts due to combined statewide volume.

RECOMMENDATION: Authorize purchase of nineteen (19) 12-Passenger and six (6) 15-passenger Vanpool Vans from Washington State Contracts No. 07212 and No. 04311.

1 **RESOLUTION NO. 13-**

2
3 A RESOLUTION of the Board of Commissioners of Pierce Transit
4 Authorizing the Purchase of Nineteen (19) 12-Passenger and Six (6) 15-
5 Passenger Vehicles from Washington State Contracts No. 07212 and No.
6 04311.
7

8
9 WHEREAS, by Resolution No. 12-035, approved on the 10th day of December, 2012, the
10 Board of Commissioners of Pierce Transit adopted the 2013 Budget; and

11 WHEREAS, the 2013 Budget contains funds for replacement vehicles; and

12 WHEREAS, these twenty-five (25) vehicles will replace vehicles that have reached the end of
13 their useful life; and

14 WHEREAS, Washington State Contracts No. 07212 and No. 04311 provide for a variety of
15 vehicles and permits participation by political subdivisions; and

16 WHEREAS, the contract includes specifications and options for nineteen (19) Ford Econoline
17 XL Club Wagon vans at a total cost of \$518,376.24 (\$27,282.96 each); six (6) Chevrolet Express Extended Maxi
18 Vans at a total cost of \$163,697.76 (\$27,282.96 each) that meet Pierce Transit's requirements; and

19 WHEREAS, pricing available from State of Washington contracts has been arrived at
20 competitively and is considered to be fair and reasonable; and

21 WHEREAS, the Board of Commissioners of Pierce Transit finds it in the best interest of Pierce
22 Transit to purchase nineteen (19) 12-Passenger and six (6) 15-passenger vehicles from Washington State
23 Contracts No. 07212 and No. 04311;

24 NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Pierce Transit as
25 follows:

26 Section 1. The Chief Executive Officer is hereby authorized to purchase said vehicles for a
27 total of \$682,074.00 from State Contracts No. 07212 and No. 04311.

28 ADOPTED by the Board of Commissioners of Pierce Transit at a regular meeting thereof held
29 on the 8th day of April 2013.

30
31
32 ATTEST:

Marilyn Strickland, Chairman
Board of Commissioners

33
34
35 _____
36 Barbara B. Schatz, CMC
Acting Clerk of the Board

FACT SHEET

TITLE: Adopt Recommendations, Classification and Compensation Study for Non-Represented Positions

DIVISION: Administration

ORIGINATOR: Alberto Lara

PRECEDING ACTION: Resolution No. 03-043, Authorizing Adoption of Consultant's 2002/2003 Final Report and Recommendations, Classification and Compensation Study for Non-Represented Positions

COORDINATING DEPARTMENT: Human Resources

APPROVED FOR SUBMITTAL:

Vice President

APPROVED FOR AGENDA:

Chief Executive Officer

Legal Counsel

ATTACHMENTS: (1)Market Analysis (2)Proposed Salary Structure (3)Proposed Classification System (4)Resolution

BUDGET INFORMATION

2013 Budget Amount	Required Expenditure	Impact
\$10,782,381	\$10,782,381	\$0

Explanation: Proposed implementation effective with 2014 budget cycle; no budget impact in 2013.

BACKGROUND: It has been 10 years since the existing classification and compensation program was implemented. A need has existed for some time to improve internal alignment, recalibrate the salary structure and increase flexibility. In 2012, through a competitive bid process, Fox Lawson & Associates (FLA) was contracted to conduct the classification and compensation study for non-represented positions. The purpose of the study was to:

1. Survey similar jobs in the comparable external market to assess competitiveness of the Agency's pay rates and to recommend a salary model reflective of market conditions.
2. Analyze and evaluate each position for appropriate internal equity and alignment in relationship to essential functions and responsibilities.
3. Develop and recommend a broader more flexible classification and compensation structure to better serve the needs of a changing organization.
4. Provide a salary system that enables the Agency to recruit and retain needed professional skills.

In conducting the compensation study, 34 Pierce Transit positions were selected as representative benchmarks for each classification. Agency salary ranges were then compared to the 50th percentile of salaries for comparable

positions in private and public organizations. External information was derived from data contained in the following surveys:

- Towers Watson Surveys
- Mercer Surveys
- Utah Transit Salary Survey
- 2012 Public Transportation (APTA) Management Compensation Report
- Corporate Compensation Strategies Transit Survey and Management Survey
- Hays Local Area Survey

FLA's analysis of the data revealed that, on average, salary ranges for Pierce Transit's non-represented positions are approximately 8.6% below market. As with any study, there are individual classifications below the minimum and above the maximum of the surveyed market.

The existing compensation plan contains ranges with incremental steps of 5% for salary progression. The proposed structure replaces the stepped model with wide salary bands with the minimum, midpoint and maximum salary identified. Employee progression through the range would be based on documented performance with annual increases from 0% to a maximum of 3%. In alignment with the proposed compensation program, the classification structure is also broadened with the number of classifications reduced from 21 to 16. Positions with similar duties have been collapsed into occupational categories. The updated specifications reflect the type and level of work performed as opposed to the specific tasks of an assignment. As proposed, the broad banded compensation and classification system increases the Agency's ability to meet changing needs and demands.

The Executive/Finance Committee reviewed this information during the April 3, 2013 meeting.

ALTERNATIVES: The alternative would be to not adopt the recommendations. However, existing inequities relative to internal alignment would continue and the salary schedule would not reflect current market data. We are facing an agency restructure in the fall of 2013; having an aligned classification and compensation program in place would assist in a smoother transition for those impacted.

RECOMMENDATION: Adopt Fox Lawson & Associates' recommendations and establish a new classification and compensation system for non-represented positions. Employee salaries will be brought into alignment with the new structure effective January 1, 2014, the beginning of the 2014 budget cycle.

RESOLUTION NO. 13-

A RESOLUTION of the Board of Commissioners of Pierce Transit
authorizing adoption of Recommendations, Classification and Compensation for Non-Represented Positions

WHEREAS, Fox Lawson & Associates was contracted to conduct a classification and compensation study for non-represented positions; and

WHEREAS, Fox Lawson & Associates has completed an analysis of Pierce Transit's salary structure relative to the comparable external market; and

WHEREAS, Fox Lawson & Associates has evaluated non-represented positions for appropriate internal equity and alignment in relationship to essential functions and responsibilities; and

WHEREAS, Fox Lawson & Associates has recommended a revised compensation and classification system as reflected by the proposed salary structure and classification system attached to this resolution;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Pierce Transit as follows:

Section 1 The salary structure model attached with this resolution is adopted as the salary schedule for non-represented positions effective January 1, 2014 with employee salaries adjusted as recommended on this date.

Section 2 The classification system is revised to reflect broader banding in order to increase the Agency's ability to adjust to changing demands.

ADOPTED by the Board of Commissioners of Pierce Transit at a regular meeting thereof held on the 8th day of April, 2013.

Marilyn Strickland, Chairman
Board of Commissioners

ATTEST:

Barbara B. Schatz, CMC
Acting Clerk of the Board

FACT SHEET

TITLE: Board Resolution to Supersede the Chief Executive Officer's current Employment Agreement and replace it with a new Employment Agreement

DIVISION: Administration

ORIGINATOR: Alberto Lara

PRECEDING ACTION: Resolution No. 10-009, Authorizing the Board to Enter into Employment Agreement with Chief Executive Officer

COORDINATING DEPARTMENT: Human Resources

APPROVED FOR SUBMITTAL:

Vice President

APPROVED FOR AGENDA:

Chief Executive Officer

Legal Counsel

ATTACHMENTS:

Resolution

BUDGET INFORMATION

2013 Budget Amount
\$9984.00

Required Expenditure
\$13,000.00

Impact
\$3016.00

Explanation: Supersede the Chief Executive Officer's current Employment Agreement which will expire on April 17, 2014, and enter into a new Employment Agreement. The terms of the new Employment Agreement would increase to the Agency's contribution into the CEO's 401(a) retirement account. The total contribution amount requested equals \$500.00 per pay period compared to \$384.00 that is contributed currently. The amount of paid personal days would increase by three (3) days. In the event that the Board of Commissioners elects to provide a cost of living adjustment to other employees, the Chief Executive Officer's salary would be automatically adjusted as well. Certain terms of the proposed new Employment Agreement would be adjusted as if the proposed Employment Agreement was entered on January 1, 2013.

BACKGROUND: The Board of Commissioners of Pierce County Public Transportation Benefit Area Corporation ("Pierce Transit") is authorized under RCW 36.57A and under Pierce Transit Code, \$2.2.010 and \$2.28.010, to enter into contracts on behalf of Pierce Transit and to appoint and fix the compensation of its Chief Executive Officer.

Linda M. (Lynne) Griffith ("Executive") serves as Chief Executive Officer for Pierce Transit.

By virtue of the fact that neither Pierce Transit nor the Chief Executive Officer gave written notice of intent to terminate or modify the Chief Executive Officer's April 17, 2010 Employment Agreement at least 75 days before its April 17, 2013 expiration, pursuant to the provisions of that Employment Agreement, the term was automatically extended for a one

FACT SHEET

PAGE 2

year period, subject to its termination provisions. The Chief Executive Officer's current Employment Agreement is now set to expire on April 17, 2014.

Pierce Transit wishes to supersede the current Employment Agreement with the Chief Executive Officer by entering into a new Employment Agreement with the Chief Executive Officer and the Chief Executive Officer wishes to hold this position, under the terms and conditions of a new Employment Agreement, in the form attached hereto, and of the Pierce Transit Personnel Manual Section 2.2.2.

If the proposed new Employment Agreement is not approved, then the current Employment Agreement will continue until April 17, 2014, with applicable severance payment obligations (Sections 5.b. and 6.b.) depending upon the circumstances of termination. If the proposed new Employment Agreement is approved, then a new term will commence and extend through December 31, 2015 and severance payment obligations (if any) would be extended for the term.

The term of the proposed Employment Agreement would run concurrent with the calendar year, instead of being based on the anniversary date of employment. Certain terms of the proposed new Employment Agreement would be adjusted as if the proposed Employment Agreement was entered on January 1, 2013. In addition, the proposed new Employment Agreement provides for an increase to the Agency's contribution into the CEO's 401(a) retirement account, an additional three (3) paid personal days for the Chief Executive Officer, an automatic compensation adjustment in the event that other Pierce Transit employees receive a cost of living adjustment (in addition to the Board's discretion to adjust the Chief Executive Officer's compensation), and such other terms as provided in the redline copy of the current Employment Agreement attached to this Fact Sheet.

ALTERNATIVES:

- 1) Do not adopt the resolution, which would leave in place the Chief Executive Officer's current Employment Agreement;
- 2) Adopt an alternative resolution;
- 3) Modify the proposed Employment Agreement and resolution; or,
- 4) Adopt the resolution as presented.

RESOLUTION NO. 13-

A RESOLUTION of the Board of Commissioners of
Pierce Transit to Renew Chief Executive Officer's
Employment Agreement

WHEREAS, the Board of Commissioners of Pierce County Public Transportation
Benefit Area Corporation ("Pierce Transit") is authorized under RCW 36.57A and under
Pierce Transit Code, §2.2.010 and §2.28.010, to enter into contracts on behalf of Pierce
Transit and to appoint and fix the compensation of its Chief Executive Officer; and

WHEREAS, Linda M. (Lynne) Griffith ("Executive") serves as Chief Executive Officer
for Pierce Transit; and

WHEREAS, Pierce Transit wishes to continue to employ Executive as Chief Executive
Officer, and Executive wishes to hold this position, under the terms and conditions of a new
Employment Agreement, in the form attached hereto, and of the Pierce Transit Personnel
Manual Section 2.2.2.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Pierce
Transit as follows:

Pierce Transit, through its Board of Commissioners, hereby approves the attached
Employment Agreement and authorizes Marilyn Strickland, Chairman of the Board of
Commissioners, to execute such Employment Agreement on behalf of Pierce Transit.

ADOPTED by the Board of Commissioners of Pierce Transit at a regular meeting
thereof held on the eighth day of April, 2013.

Marilyn Strickland, Chairman
Board of Commissioners

ATTEST:

Barbara B. Schatz, CMC
Acting Clerk of the Board



Monthly Financial & Performance Dashboard

February 2013
Prepared April 3, 2013

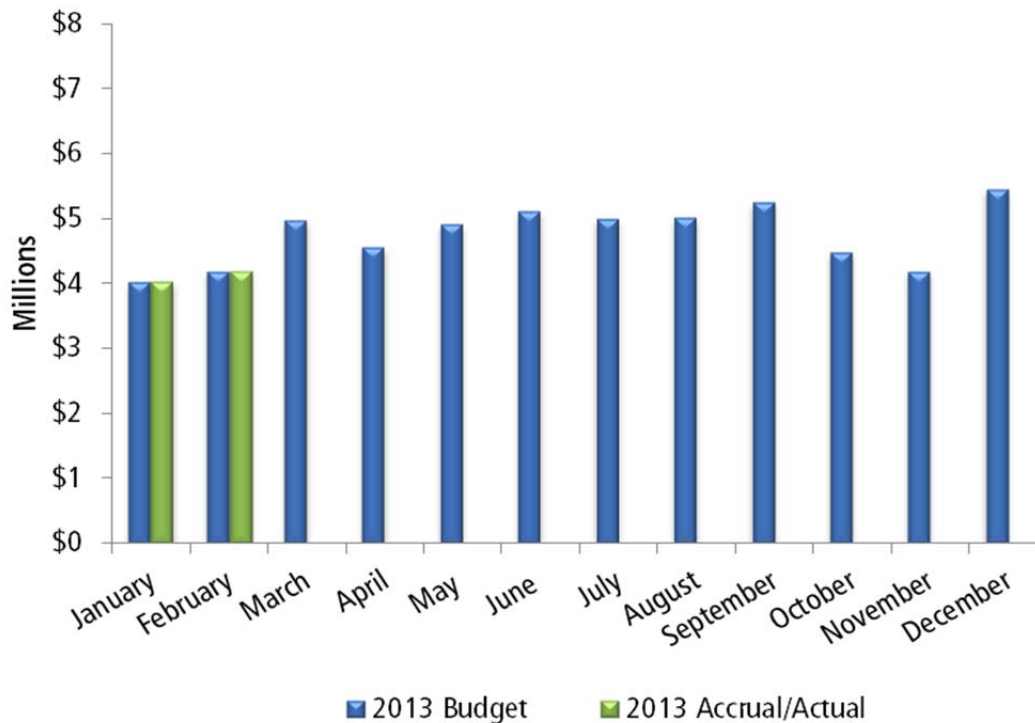


Sales Tax

Month	2013 Budget	2013 Accrual/Actual (Bold)	Variance
January	\$ 4,018,908	\$ 4,018,908	\$ -
February	4,177,549	4,177,549	-
March	4,966,008	-	-
April	4,543,773	-	-
May	4,904,239	-	-
June	5,105,953	-	-
July	4,980,919	-	-
August	5,000,739	-	-
September	5,232,468	-	-
October	4,465,501	-	-
November	4,164,521	-	-
December	5,443,285	-	-
	\$ 57,003,863	\$ 8,196,457	\$ -

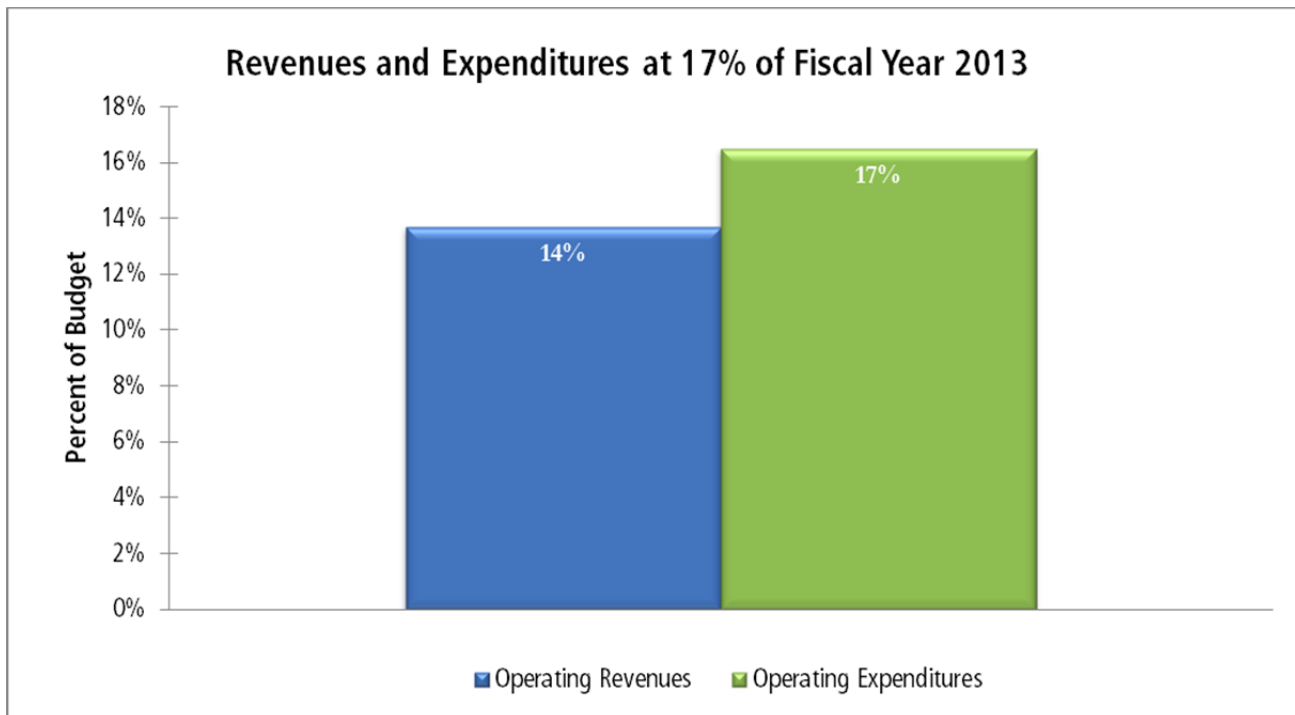
Source: Pierce Transit sales tax report. Actuals are shown for month collected not month distributed to Pierce Transit.

2013 Sales Tax Monthly Budget to Accrual/Actual



- Revenues collected reflect a two month lag for distribution.

Revenues and Expenditures



✚ Revenues

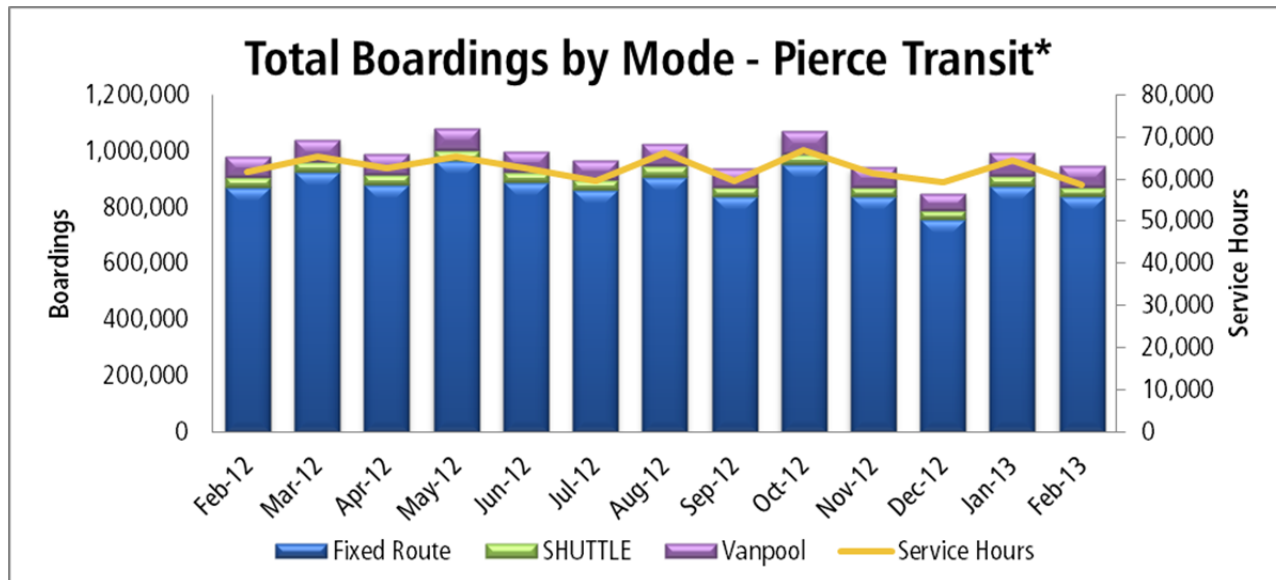
- Federal/State revenues will be received on approval
- Land sales have not yet occurred

✚ Expenses

- Expenditure amounts are on target

Boardings

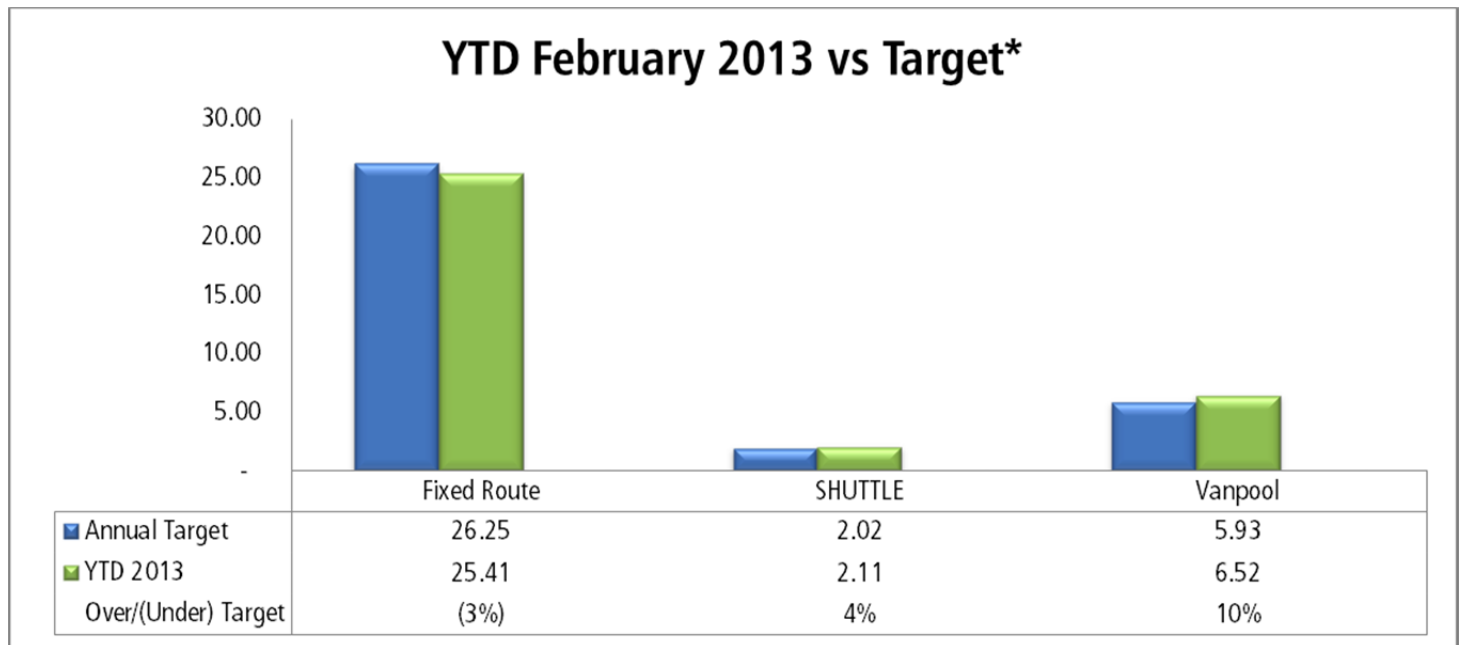
Boardings: The total number of people boarding a Pierce Transit vehicle during a given period.



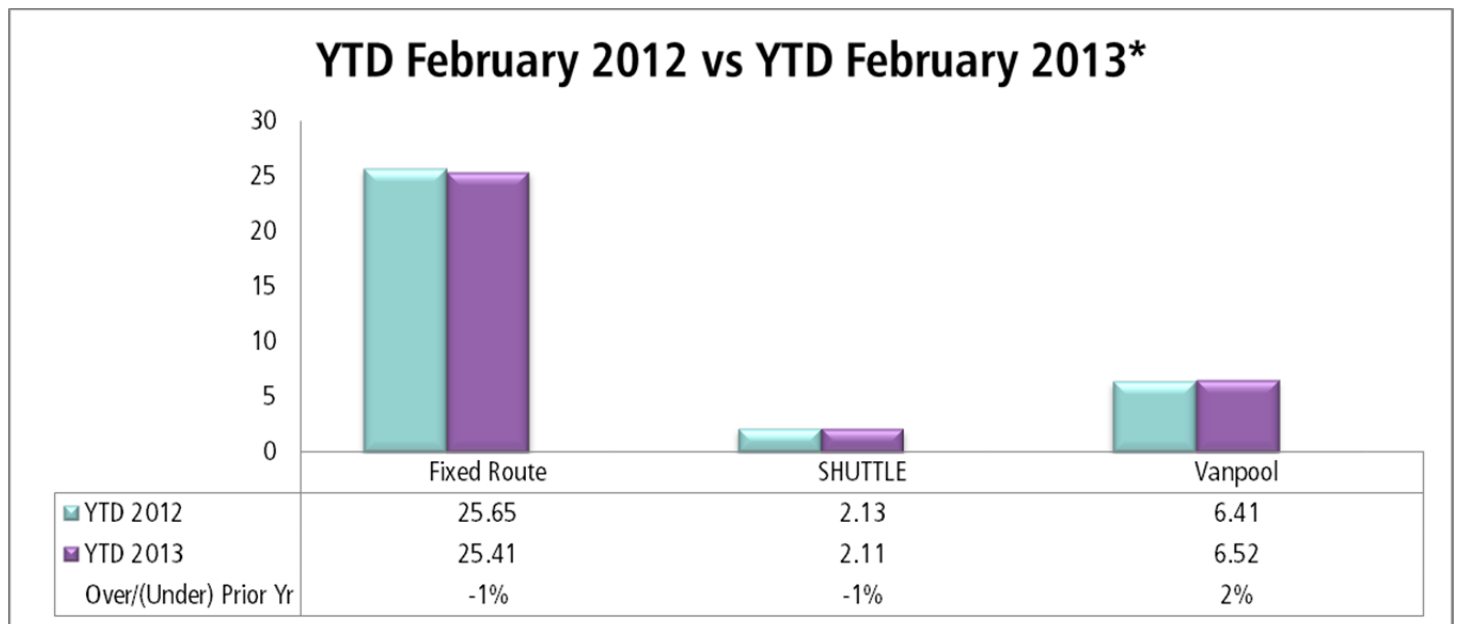
*Excludes Sound Transit

Pierce Transit	Jan-13	Feb-13	YTD
Fixed Route	877,644	841,176	1,718,820
SHUTTLE	34,887	31,517	66,404
Vanpool	81,793	74,565	156,358
Total	994,324	947,258	1,941,582
Monthly Target	1,015,367	1,015,367	2,030,734
% of Target	98%	93%	96%

Passengers per Service Hour



*Excludes Sound Transit

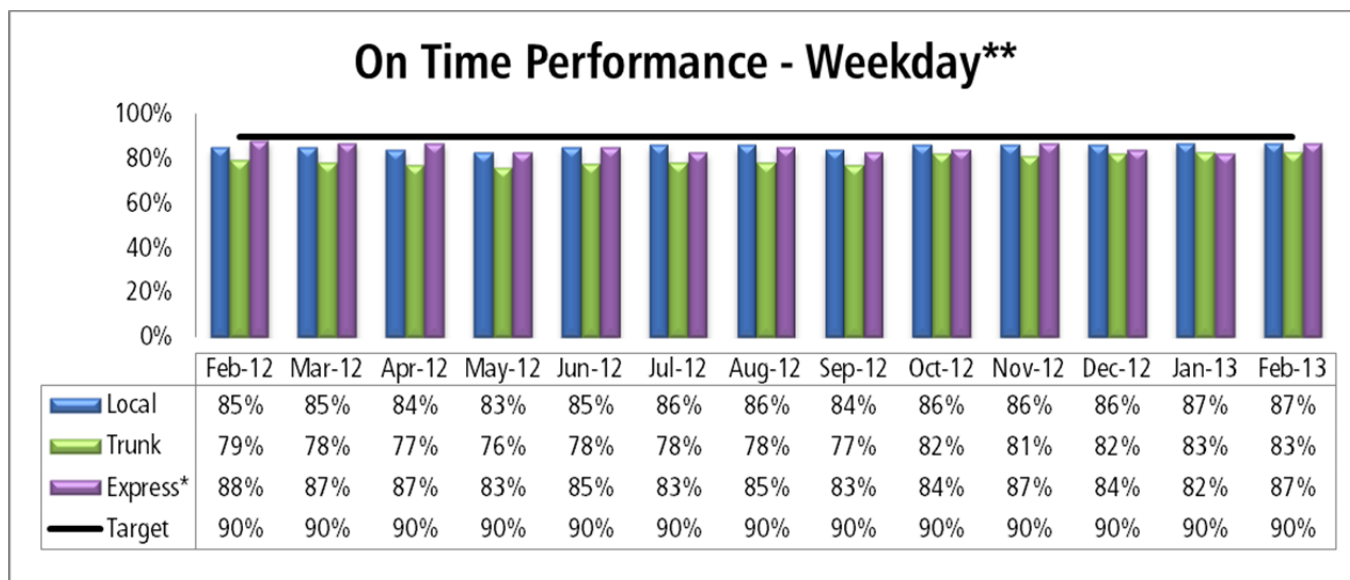


*Excludes Sound Transit

Passengers per Service Hour: The total boardings reported during the month divided by the total service hours.

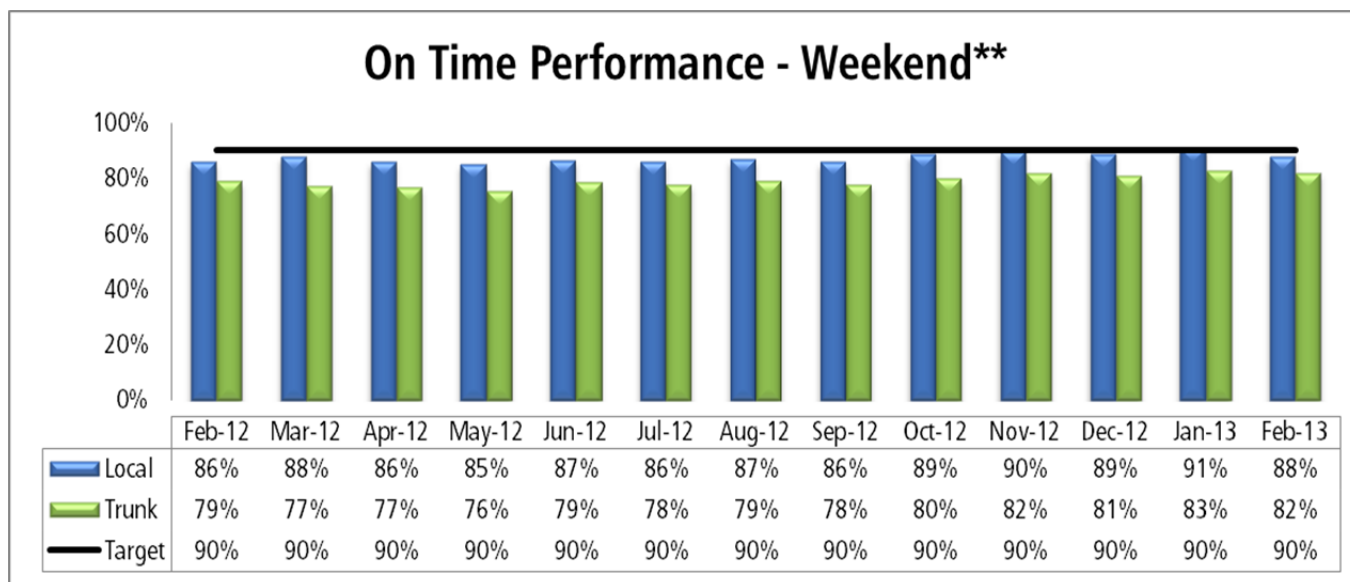
On Time Performance

On Time Performance: To be considered on time a vehicle must be no more than 1 minute early or 5 minutes late. **Local** – Fixed Route bus service that travels within the local service area and makes regular and frequent stops. **Trunk** – Fixed Route services that are designed to serve Pierce Transit’s urbanized areas. Trunk routes are characterized by their frequency – at least every 15 minutes on weekdays – and directness operating along arterial streets. **Express** – A segment of Fixed Route service that operates between major commuting centers without intermediate stops. We currently have one Express route.



**Excludes Sound Transit

*Adjusted for estimated time points



**Excludes Sound Transit

- Service reductions have led to more passengers per bus also extending dwell¹ times.

¹ Dwell time is the time a bus spends loading and unloading passengers