



## Agenda Item No. 7

METROPOLITAN  
TRANSPORTATION  
COMMISSION

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### *Memorandum*

TO: Policy Advisory Council

DATE: March 7, 2012

FR: Denise Rodrigues

W.I. 1114

RE: Disadvantaged Business Enterprise (DBE) and Title VI Report

### **DBE Program Update**

On January 28, 2011, DOT published revisions to 49 Code of Federal Regulations (CFR) Part 26 to improve the administration of Disadvantaged Business Enterprise (DBE) programs. Among the changes included in the revised regulations is a requirement that recipients of Department of Transportation (DOT) funding take “all reasonable steps” to facilitate competition by small business concerns (not just DBEs). The DOT requires active implementation of this specific Small Business Enterprise (SBE) component as a means of increasing DBE participation on a race neutral basis. In 2006, the Metropolitan Transportation Commission (MTC) entered into an Implementation Agreement with the California Department of Transportation (Caltrans). Under this Agreement MTC agreed to implement the Caltrans DBE Program Plan. As such, MTC will adopt the Caltrans DBE SBE program upon its issuance/approval.

To continue to foster DBE and SBE participation on MTC contracts, MTC will also take the following steps: 1) advertise solicitations, schedule bid periods/opening times, package quantities, specifications, and delivery schedules in ways that facilitate DBE/SBE participation; 2) provide assistance to DBE/SBEs to overcome limitations or ability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, and providing services to help DBE/SBE firms obtain bonding and financing); 3) provide technical assistance and other services, on an as needed basis to DBE/SBEs; 4) provide information on MTC contracting procedures and specific MTC contract opportunities (e.g., ensuring the inclusion of DBE/SBEs on recipient mailing lists of bidders, and ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors including DBE/SBE); 5) actively participate in quarterly DBE/SBE workshops and outreach efforts, held in conjunction with Bay Area transit agencies; 6) publish all formal contracting opportunities on the MTC website ([www.mtc.ca.gov](http://www.mtc.ca.gov)); 7) review pending solicitations to determine the feasibility of breaking the proposed contract into smaller scopes of work in order to provide more opportunities for DBE/SBEs; 8) assist prospective contractors to identify DBE/SBE firms that are ready, willing, and able to subcontract; 9) mail notices of all formal procurements to DBE/SBEs; advertise (as necessary) in regional newspapers and publications targeted to minorities and women.

**DBE Participation**

Below is a summary of the cumulative DBE participation in all federally funded contracts awarded by MTC and SAFE for a five-year period:

<b>05-06</b>	<b>06-07</b>	<b>07-08</b>	<b>08-09</b>	<b>09-10</b>	<b>Average</b>
<b>6.2%</b>	<b>3.3%</b>	<b>4.8%</b>	<b>2.5%</b>	<b>7.0%</b>	<b>4.9%</b>

Fiscal Year (FY) 09-10 is the first FY following reinstatement of race-conscious goals in June 2009, and as anticipated the reinstatement of goals resulted in an increase of UDBE utilization. Detailed participation by UDBE ethnicity and gender for FY 09-10 is shown below:

<b>Ethnicity and Gender Breakdown of FY 09-10 DBE Participation</b>					
Female, Asian Pacific	2.7%	Female, Asian Subcontinent	0.0%	Female, Caucasian	0.3%
Female, Hispanic	0.0%	Female, African American	0.0%	Female, Native American	0.0%
Female, Other	0.0%	Male, Asian Pacific	2.1%	Male, Asian Subcontinent	0.0%
Male, Caucasian	0.0%	Male, Hispanic	1.9%	Male, African American	0.0%
Male, Native American	0.0%	Male, Other	0.0%	<b>Total FY 09/10:</b>	<b>7.0%</b>

**DBE & SBE Outreach**

MTC staff continues to work with other transportation partner agencies as the Business Outreach Committee (BOC) to implement race-neutral measures to increase small business and DBE participation in contracting. The BOC provides business outreach, networking events with prime contractors and agency procurement officers, a quarterly newsletter that includes upcoming procurement opportunities, and direct referral of DBEs to prime contractors. The most recent newsletter and flyer for the last outreach event are included as Attachment A to this memo.

MTC will also be assisting the Office of Small and Disadvantaged Business Utilization, U.S. Department of Transportation (US DOT) with the Bonding Education Program (BEP), which will be held this spring in the San Francisco Bay Area. The purpose of the BEP is to prepare DBE/SBEs interested in transportation contracts to become bondable (or to increase their bonding capacity).

The BEP consists of a comprehensive set of all-inclusive workshops designed to address what businesses need to do to become bond-ready, as well as one-on-one sessions with local surety bonding professionals to help in assembling the materials necessary for a complete bond application. This program is tailored to businesses competing for transportation-related contracts. For more detailed information on the BEP, please go to <http://osdbu.dot.gov/bap/bep.cfm>. The BEP program will be held over the course of six to eight weeks here at MTC, beginning in mid-April.

### **Draft Clipper® Title VI Report – Public Participation**

Staff presented the Draft Title VI Summary Report on the Clipper® fare media transitions to the Policy Advisory Council in October 2011 to get your input on the proposed approaches for public participation. Staff also worked with community-based organizations (CBOs) and consultants to conduct 12 community meetings from November to December 2011. These meetings were held to get feedback from low-income communities, communities of color, and persons with limited English proficiency on the proposed mitigation strategies for the Clipper® program, as well as on our general outreach strategy. The draft Summary Report was also posted on the MTC website for public comment (deadline for written comments was December 22, 2011). A report summarizing public comment received about the Clipper® fare media transitions and the proposed mitigation strategies is being drafted and will be provided to the Policy Advisory Council as soon as it is completed.

### **General Title VI Update**

MTC staff has taken the lead on establishing a Title VI working group, comprising transportation agency staff from around the country. The Title VI working group held its last quarterly meeting on October 21, 2011 and will hold its next meeting on March 9, 2012. One of the focuses of the next Title VI working group meeting will be the exploration of how transportation agencies located in the SF Bay Area can work together to meet Title VI requirements.

Staff continues to monitor Title VI compliance of subrecipients of JARC/New Freedom funds; on November 18, 2011, MTC sent a letter to subrecipients requesting that they provide MTC with a signed copy of the FY 2012 FTA Certifications and Assurances.

MTC has developed a web based Title VI and Language Assistance training program, and will provide the training for all MTC staff before the end of June 2012.

On September 21, 2011, the Federal Transit Administration (FTA) conducted a Title VI compliance review of MTC. Staff will return to the Policy Advisory Council with the results of the FTA compliance review once we receive them from FTA.

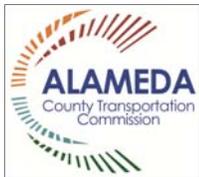
On November 14, 2011, staff assisted/co-hosted an Informational Session on proposed new FTA circulars for Environmental Justice and Title VI.

On December 2, 2011, MTC submitted comments to the FTA on the proposed new circulars on EJ and Title VI.

On December 9, 2011, MTC staff completed the Equity Analysis of Plan Bay Area Alternative Scenarios.

As part of Plan Bay Area outreach in January 2012, staff conducted 10 focus groups with representatives of communities of color and low-income residents in the Bay Area. The focus group participants were recruited by 13 Community-Based Organizations to assist with this outreach effort. More than 150 participants were asked questions that mirrored the content of the January 2012 Plan Bay Area public workshops. A report of their responses and comments will be presented at the March 9, 2012 Joint Planning Committee meeting, and can be found online at <http://apps.mtc.ca.gov/events/agendaView.akt?p=1834> (see page 21 and following). A more detailed report of all of the January 2012 outreach – including the community-based focus groups – can be found on the One Bay Area web site at [http://www.onebayarea.org/workshops/winter\\_2012\\_results.htm](http://www.onebayarea.org/workshops/winter_2012_results.htm).

Staff will be issuing the Draft Transportation Improvement Plan (TIP) in June, 2012. The federally required TIP is a comprehensive listing of surface transportation capital projects for the nine-county San Francisco Bay Area that receive federal funds or are subject to a federally required action or are regionally significant. To assist those in the LEP community in understanding the TIP, MTC will be translating the “Guide to the San Francisco Bay Area’s Transportation Improvement Plan, or TIP” and the “Overview to the TIP” into both Spanish and Chinese. MTC will translate any other TIP related documents upon request.



**SFMTA**



## California Unified Certification Program

### Disadvantaged Business Enterprise (DBE)

# CERTIFICATION WORKSHOP

## Including one-on-one certification assistance

The Business Outreach Committee (BOC), with co-sponsor Contra Costa Supervisor Federal Glover and City of Pittsburg, invites you to learn about the DBE Certification Program.

Date: Thursday, January 19, 2012

Time: 2:30 – 4:30 p.m.

Place: Pittsburg Senior Center  
300 Presidio Lane, Pittsburg, CA

For information on taking public transit to the event, please visit <http://www.511.org/>

### WHY ATTEND?

- Learn how a DBE certification can provide you access to federally-funded projects. New federal requirements coming into effect February 2012 make it even more important for your firm to be certified.
- Bring your DBE certification application or questions and receive one-on-one assistance. Download an application at [http://www.caltrans.ca.gov/hq/bep/downloads/pdf/DBE\\_Application.pdf](http://www.caltrans.ca.gov/hq/bep/downloads/pdf/DBE_Application.pdf)
- Receive information on upcoming projects from BOC member agencies.

### MINIMUM QUALIFICATIONS FOR DBE CERTIFICATION:

(Go to [www.CaliforniaUCP.com](http://www.CaliforniaUCP.com) for complete details)

- Firm must be at least 51% owned and controlled by one or more socially and economically disadvantaged individuals.
- Firm must be an independent business.
- Only existing for-profit “Small Business Concerns” as defined by the Small Business Act and Small Business Administration (SBA) regulations may be certified.
- SBA size standards apply.
- Personal Net Worth (PNW) of socially and economically disadvantaged owners must not exceed \$1.32 Million, excluding the individual’s ownership interest in the applicant firm and the equity in his/her primary residence.

To register online or sign up for future newsletters and event information, click link below (or copy to web browser), complete form, then click “submit form’:  
[https://docs.google.com/spreadsheets/viewform?hl=en\\_US&formkey=dDZWUu\\_g2ZF83blhPeTZSYUI5MXF4c0E6MQ#gid=0](https://docs.google.com/spreadsheets/viewform?hl=en_US&formkey=dDZWUu_g2ZF83blhPeTZSYUI5MXF4c0E6MQ#gid=0)

Certifying agencies include BART, SFMTA, Samtrans, and VTA.

## **What are the benefits of being a *CERTIFIED* Disadvantaged Business Enterprise?**

The U.S. Department of Transportation (DOT) requires that recipients of federal transportation dollars establish a Disadvantaged Business Enterprise (DBE) program as part of efforts to eliminate inequalities in contracting and procurement. The goal of these programs is to “level the playing field” so that minority-owned and women-owned businesses can compete successfully for contracts offered by transportation-related agencies such as transit districts, congestion management agencies, and cities and counties. Contracts run the gamut from highway construction projects, seismic retrofit of bridges, refurbishing of ferry vessels, and installation of underground tanks and other infrastructure, to design, engineering, and environmental projects, to other professional and non-professional services. There are opportunities for both prime contractors and subcontractors on many of these contracts.

Effective January 1, 2002, the California Unified Certification Program (UCP) went into effect, which created a *One Stop Certification* process. The UCP eliminated the need for firms to acquire multiple DBE certifications throughout California by the creation of a reciprocity agreement among all agencies (California UCP member agencies) that receive funding from DOT. Simply stated, a DBE certification issued to a firm in California will be accepted by all other California UCP member agencies. DBE certified firms are placed in the California UCP database maintained by the California Department of Transportation (Caltrans). All California UCP member agencies, as well as firms and agencies in both private and public sectors, use this database to locate DBE businesses.

Every three years, transportation agencies that receive federal funding are required to evaluate their federally-funded contracting opportunities and to determine the level of DBE participation that might be anticipated for these contracts. Overall goals are predicated on availability of DBE firms: the greater the number of DBE firms, the higher the DBE participation goal.

Although being a DBE does not guarantee a contract, it gives your firm expanded exposure. When marketing your company, you can use your certified status as a “foot in the door” when introducing your firm to prime contractors.

DBE certification can help you increase your business opportunities, such as being offered assistance and advice about procurements and procurement practices and policies, receiving advance notice of upcoming projects, participating in one-on-one contacts with agency staff, and being contacted by prime contractors to meet goal requirements.

Learn more about the Disadvantaged Business Enterprise program at [www.californiaucp.org](http://www.californiaucp.org).

To download a DBE certification application, visit:  
[http://www.caltrans.ca.gov/hq/bep/downloads/pdf/DBE\\_Application.pdf](http://www.caltrans.ca.gov/hq/bep/downloads/pdf/DBE_Application.pdf))

For more information, contact Gail Jackson, DBE Program Administrator  
Golden Gate Bridge, Highway and Transportation District  
(415) 257-4581 ✉ [gjackson@goldengate.org](mailto:gjackson@goldengate.org)



# Business Outreach Committee (BOC) Contracting Newsletter #15, January 2012

The goal of the BOC is to assist small and disadvantaged companies in doing business with Bay Area Transportation Agencies.

## California Unified Certification Program Disadvantaged Business Enterprise (DBE)

### CERTIFICATION WORKSHOP

The Business Outreach Committee (BOC), with co-sponsor Contra Costa Supervisor Federal Glover and City of Pittsburg, invites you to learn about the DBE Certification Program.

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Pittsburg Senior Center, 300 Presidio Lane, Pittsburg, CA

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- Firm must be at least 51% owned and controlled by one or more socially and economically disadvantaged individual.
- Firm must be an independent business.

To register online or sign up for future newsletters and event information visit:

<https://docs.google.com/spreadsheet/viewform?formkey=dDZWUg2ZF83blhPeTZSYUI5MXF4c0E6MQ>

#### UPCOMING CONTRACTING OPPORTUNITIES (SELECTED AGENCIES):

##### Alameda CTC

City of Alameda Webster Street Project	UDBE Goal: TBD	Issue Date*: TBD	Est. \$: TBD
I-580 Landscaping Project (Construction Mgmt & Construction	UDBE Goal: TBD	Issue Date* TBD	Est. \$: TBD
Early Right of Way Acquisition Services	UDBE Goal: TBD	Issue Date* TBD	Est. \$: TBD
1-580 Westbound HOT System Integrator	UDBE Goal: TBD	Issue Date* TBD	Est. \$: TBD
Transit Oriented Development Technical Assistance Program	UDBE Goal: TBD	Issue Date*: TBD	Est. \$: TBD
I-80 Procurement Contract	UDBE Goal: TBD	Issue Date*: TBD	Est. \$: TBD
I-580 WB High Occupancy Toll Project	UDBE Goal: TBD	Issue Date*: TBD	Est. \$: TBD

##### BART

Procurement of Wide Gauge Locomotives	UDBE Goal: TBD	Issue Date*: 1/12	Est. \$: TBD
Train Operator Uniforms	UDBE Goal: TBD	Issue Date*: 1/12	Est. \$: TBD
Fence Modifications at 1009 East 36 <sup>th</sup> Avenue	UDBE Goal: TBD	Issue Date*: 1/12	Est. \$: TBD
Procurement of eBART Rail Vehicles	UDBE Goal: TBD	Issue Date*: 1/12	Est. \$: TBD
Translation and Language Interpretation Services	UDBE Goal: TBD	Issue Date*: 1/12	Est. \$: TBD
Real Property Appraisal Services for District Products			
Title and Escrow Services	UDBE Goal: TBD	Issue Date*: 1/12	Est. \$: TBD
Battery Replacement for Train Control Rooms	UDBE Goal: TBD	Issue Date*: 1/12	Est. \$: TBD
EI Cerrito Plaza Station Sidewalk and Wayfinding Improvements	UDBE Goal: TBD	Issue Date*: 1/12	Est. \$: TBD
West Oakland Station Floor Elevation Change	UDBE Goal: TBD	Issue Date*: 1/12	Est. \$: TBD
Fire Alarm Renovation Phase 1, M-Line	UDBE Goal: TBD	Issue Date*: 1/12	Est. \$: TBD
Site Improvements at Various Stations	UDBE Goal: TBD	Issue Date*: 1/12	Est. \$: TBD

##### CITY OF RIO VISTA - DELTA BREEZE

Rio Vista Delta Breeze Transit Operations and Maintenance	DBE Goal: 1.5%	Issue Date*: 2/12	Est. \$: 500K
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##### GGBHTD

Printing of Golden Gate Transit Timetables and Guides	UDBE Goal: N/A	Issue Date*: 1/12	Est. \$: 45K
Improvements to Berths at San Francisco Ferry Terminal	UDBE Goal: N/A	Issue Date* 1/12	Est. \$350K
Armored Carrier Collection Services	UDBE Goal: N/A	Issue Date* TBD	Est. TBD
On Board Security Services for Golden Gate Ferry	UDBE Goal: N/A	Issue Date* TBD	Est. TBD

##### SAMTRANS

Insurance Broker Services	UDBE Goal: TBD	Issue Date*: TBD	Est. \$: TBD
Design Services and Design Review Services	UDBE Goal: TBD	Issue Date*: TBD	Est. \$: TBD
Two Packaged Heat Pumps	UDBE Goal: TBD	Issue Date*: TBD	Est. \$: TBD
Provide Ridership Research and Survey Services	UDBE Goal: TBD	Issue Date*: TBD	Est. \$: TBD

#### WHERE TO FIND CONTRACTING OPPORTUNITIES:

Alameda CTC: [http://www.alamedactc.com/app\\_pages/view/15](http://www.alamedactc.com/app_pages/view/15)  
 AC TRANSIT: <http://www.actransit.org/purchasing/>  
 BART: <http://www.bart.gov/about/business/contracts.asp>  
 CCCTA: <http://www.cccta.org/>  
 DELTA BREEZE: <http://www.riovistacity.com/whats-new>  
 GGBHTD: <http://www.goldengate.org/contracts/>  
 MTC: <http://www.mtc.ca.gov/jobs/>

SAMTRANS: <http://procurement.samtrans.com>  
 SFMTA: <http://www.sfgov.org/index.asp?page=359>  
 TJPA: <http://transbaycenter.org/tjpa/doing-business-with-the-tjpa>  
 VTA: <http://www.vta.org/procurement/solicitations/>  
 WETA: [http://www.watertransit.org/contract\\_opp.aspx](http://www.watertransit.org/contract_opp.aspx)  
 WESTCAT: <http://www.westcat.org>



### USDOT Guidance On Small Business Requirements

USDOT has issued new guidance documents to clarify certain provisions and requirements of their DBE Programs pursuant to 49 CFR Part 26. These DBE programs involve opportunities for small and disadvantaged businesses to bid on, and be involved as subcontractors in various transportation related construction projects. Under its Final Rule implemented in January of last year, the USDOT made mandatory a requirement that DBE programs include a small business element. The guidance documents address a number of issues, including questions regarding the requirements associated with the small business element of the program. Please visit for more details: [http://fta.dot.gov/documents/Guidance - Small Business Element 12-6-11.pdf](http://fta.dot.gov/documents/Guidance_-_Small_Business_Element_12-6-11.pdf)

### What are the Benefits of Being a Certified Disadvantage Business Enterprise?

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**Learn more about the Disadvantaged Business Enterprise program at [www.californiaucp.org](http://www.californiaucp.org).**

**To download a DBE certification application, visit:**

[http://www.caltrans.ca.gov/hq/bep/downloads/pdf/DBE\\_Application.pdf](http://www.caltrans.ca.gov/hq/bep/downloads/pdf/DBE_Application.pdf)

**Agencies that can certify include BART, SamTrans, SFMTA and VTA. Please contact those agencies directly.**

### MTC New Regional Agency Headquarters

The Bay Area Toll Authority (BATA) has purchased the building at 390 Main Street in San Francisco's South of Market area at a price of \$93 million and will contribute funds to the Bay Area Headquarters Agency (BAHA) to purchase and redevelop it into a regional agency headquarters. In that agreement, BATA agreed to contribute an additional amount of up to \$74 million to cover system and seismic upgrades to the facility, along with tenant improvements and relocation expenses, including contingencies. For more information about the Regional Agency Headquarters project and associated contract opportunities, please visit: [http://www.mtc.ca.gov/news/current\\_topics/9-11/headquarters.htm](http://www.mtc.ca.gov/news/current_topics/9-11/headquarters.htm)

The BOC wants your help to make sure this newsletter brings you the information you want. Send suggestion and topics to improve newsletter content to: John Andoh, City of Rio Vista at [jandoh@ci.rio-vista.ca.us](mailto:jandoh@ci.rio-vista.ca.us).

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#### WESTCAT: Laura Calica

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