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Primary Health Solutions

Mr. Corey Watt  
Resident

#### Executive Director

Mr. Matthew M. Dutkevicz

#### Legal Counsel

Mr. Gary Becker  
Dinsmore & Shohl, LLP

\* \* \* **PUBLIC MEETING NOTICE** \* \* \*

## **Butler County Regional Transit Authority Board of Trustees**

**The BCRTA Board of Trustees is scheduled to meet on Wednesday, August 19, 2020 at 8:00 a.m. In compliance with state mandates, this meeting will be held in the Board Room at the BCRTA office located at 3045 Moser Court, Hamilton, Ohio 45011 and will also be held electronically. Connection details may be found at: <https://www.butlercountyrta.com/about/board-meetings/>**

In accordance with the American Disabilities Act, if anyone has a disability and requires assistance or, in accordance with the Limited English Proficiency Executive Order, requires translation services, please call Ms. Vonda Partin at 513.785.5226 or 800.750.0750 (Ohio Relay Service).

For questions or more information regarding this meeting please call 513.785.5226 or e-mail [partinv@butlercountyrta.com](mailto:partinv@butlercountyrta.com).

**BUTLER COUNTY REGIONAL TRANSIT AUTHORITY BOARD OF TRUSTEES**

**August 19, 2020, 8:00 AM**

**Board Room – BCRTA Hamilton**

**3045 Moser Court, Hamilton, Ohio 45011**

Click to join video conference >> [Join Microsoft Teams Meeting](#) << Click to join video conference

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Conference ID: 693 965 090#

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**PRELIMINARY AGENDA**

- I. Call to Order & Roll
- II. Consideration of Absences
- III. Approval of the Agenda (Motion Requested)
- IV. Approval of the June 17, 2020 Meeting Minutes (Motion Requested)
- V. Comments from Citizens
- VI. Secretary/Treasurer’s Report – May/June 2020 (Motion Requested)
- VII. Committee & Staff Reports
  - a. OKI
  - b. Metrics
- VIII. Director’s Report
  - a. COVID 19 Update
  - b. Commuter Service Proposal
- IX. Action Items
  - a. **Resolution 20-08-01:** Adopting a Disadvantaged Business Enterprise (DBE) Goal of 0.29% for Federal Fiscal Years (FFY) 2021-2023.
  - b. **Resolution 20-08-02:** Adopting a Revised Disadvantaged Business Enterprise (DBE) Program.

**Next Meeting Date:**

**September 16, 2020 @ 8:00 AM**

**City of Oxford Polic Department**

**101 East High Street**

**Oxford, OH 45056**

**BUTLER COUNTY REGIONAL TRANSIT AUTHORITY BOARD OF TRUSTEES**

**August 19, 2020, 8:00 AM**

**Board Room – BCRTA Hamilton**

**3045 Moser Court, Hamilton, Ohio 45011**

- c. **Resolution 20-08-03:** Authorizing the Executive Director to Execute a Contract to Purchase Automatic Vertical Pivot Gate Installation, Electrical Installation and Access Control & Configuration.
  
- X. Adjourn (Motion Requested)

**Next Meeting Date:  
September 16, 2020 @ 8:00 AM  
City of Oxford Polic Department  
101 East High Street  
Oxford, OH 45056**

## 2020 Butler County RTA Board of Trustees Attendance

8/19/2020

	Jan	Feb	Mar*	Apr*	May	June	July	August	Sept	Oct	Nov	Dec
Bautz, Travis	X	X	X	X	X	X						
Chandler, Jessica	E	E	E	X	X	X						
Fehr, David	X	X	E	X	X	X						
Foster, Jim	E	X	X	X	X	X						
Gordon, Perry	X	X	X	X	X	X						
Lawson, Chris	X	X	X	A	X	X						
Schmitt, Nancy	X	E	X	X	X	X						
Scott Jones, Anita	A	E	X	A	A	X						
Watt, Corey	X	X	X	X	X	X						

X = Present

E = Excused

A = Absent

\*=Attendance via videoconference



April 2020, statements were included in the packet. For the month of April, Revenues were approximately \$56K over budget. Ms. Weidner explained that although BCRTA is under budget in Local funding due to Miami University service cuts, drawing 100% CARES Act funding for Operating expenses, receiving 100% funding from the City of Middletown due to CARES Act, and a BWC rebate have more than made up for any lost revenues due to service cuts. Expenses remain under budget due to service reductions effecting both wages and fuel needs. Low fuel prices also contributed to the \$71K under budget in expenses. These trends are also reflected in the year-ended April. Until full-service resumes, both wages and fringes, as well as fuel should remain under budget.

The Transaction logs were included in the packet presenting all cash transactions for the period. The balance sheet for April 2020, was presented with normal balances for assets, as well as liabilities and equity. Ms. Weidner briefly discussed the balance in the Accounts Receivable. Each of the three largest contributors of funds to BCRTA, although current, are reflected as owing two payments in April's balance due to the timing of receipts.

At the end of April, Available Funds were approximately \$2.4M. Due to CARES Act funding, the local match required for current grants can be extended over a longer period-of-time and was thus reduced. Current Non-Restricted Funds are shown at \$334K. Ms. Weidner explained that CARES Act funding was the primary driver of the increase in Non-Restricted Funds and that these funds are predicted to last for approximately 2 years. Also, with only current year and 2021 presented for Capital Replacement Funds, Non-Restricted Funds will be reduced when additional years of capital funding are added.

Mr. Lawson requested a motion to approve the April 2020 Treasurer's Report. Mr. Watt made a motion to approve the April 2020 Treasurer's Report. Mr. Fehr seconded the motion. The report was approved.

## **VII. Committee & Staff Reports**

### **a. OKI**

Mr. Lawson shared that at the recent OKI meeting there was the adoption of the 2020/2021 Fiscal Budget. The 2050 Transportation Plan was also adopted.

### **b. Metrics**

Mr. Morgan gave the Metrics Report for April 2020.

## **Leveraging Competitive Funding & Partnerships**

### **Average Fleet Age**

3.73 years – BCRTA received new vehicles and sold some others that have met their useful life. This is a decrease of 13.94 percent from April 2019.

### **Subsidy per Passenger**

The subsidy per passenger increased in April 2020 by \$75.97. This is directly related to COVID – 19 and reduced ridership.

**Admin Cost Per Revenue Hour**

Administrative Overhead cost per hour has increased by \$15.28 or 97.8 percent comparing April of 2019 to April of 2020.

**Enhancing Connectivity****Fixed Route EZfare Rides/ Total Rides**

BCRTA fixed route fares are suspended.

**BGo Efare/ BGo Fares**

8.44 percent of all BGO trips were paid for utilizing the mobile application.

**BGo App Rides/ Total BGo Rides**

7.58 percent of all BGO trips were booked using the mobile application.

**BGo App Downloads/ Rides**

4.41 percent of the app downloads for the month of April turned into a BGO ride.

**Improving Mobility & Eliminating Barriers****Passengers Per Revenue Hour**

Fixed and Commuter routes had 1.30 passengers per revenue hour in April of 2020, this is a 91.6 percent decrease.

Demand Response service had 1.68 passengers per revenue hour in April of 2020, this is a 9.8 percent increase.

**Accidents and Injuries**

**Fault Total** – BCRTA did not have any at fault accidents in April of 2020.

**No Fault Total** – Five -Four passenger falls, and another party struck a BCRTA vehicle.

**Operator Headcount/ Revenue Hours**

.01801 this number has increased by 34.2 percent since April of last year.

**Denials and Refusals/ Total BGo Trips**

0.9 percent of all requested BGO trips were either denied or refused. This is due to not having the capacity to complete the trip or the negotiated time would not work for the passenger.

**Supporting Employers****42x Park and Ride Total Trips**

The 42x had a total of 331 passengers in April of 2020, this is a 2,685 percent decrease from April of 2019.

**BGo Employment Trips**

BCRTA completed 675 BGO trips for the purpose of employment in April of 2020, this is a 100 percent increase from April of 2019.

**Developing Multimodal Infrastructure**

This field is to show the progress of our upcoming Chestnut Fields Multi-Modal Transit Station. BCRTA has secured funding for \$9,518,750 of our \$11,468,750 goal. We have a project completion date of 2.3 years. BCRTA is currently on track and anticipating hearing a response on a 5339-grant application.

## **VIII. Director's Report**

### **A. Metrics & Service**

#### **1. Quarantine Transportation**

As covered by the Journal News on June 9, BCRTA is negotiating with EMA and county administration to provide quarantine transportation from local hospitals to quarantine hotel facilities if the need arises. An agreement has not been reached yet. BCRTA expects ridership volume to be low.

#### **2. BCVSC**

The new provider for Cincinnati VA trips has started their operations. BCVSC reliance of BCRTA for Cincinnati trips has diminished since June 1. BCRTA continues to provide local and Dayton VAMC trips.

#### **3. Fixed Route Fares**

BCRTA has suspended all Fixed Route and ADA fares until October 1, 2020 due to the COVID 19 Pandemic.

#### **4. Onboard WiFi**

BCRTA has begun to receive onboard routers that were supported by ODOT grants. BCRTA will be installing units over the summer. Internal WiFi, to support onboard operations technologies and surveillance, will be implemented in the first phase followed by public WiFi opportunities later next year.

### **B. Staffing & Facility**

#### **1. Staffing**

BCRTA is currently seeking CDL and non-CDL drivers, maintenance technicians. A biweekly email digest of open positions is available. Please contact Kristin Fryer, BCRTA HR Manager (fryerk@butlercountyrta.com) if you would like to be added to the mailing list.

### **C. Planning**

#### **1. Chestnut Street Multimodal Station**

BCRTA was awarded \$2.6M in 5339 funds in April 2018 and \$4.5M in CMAQ funds in 2019 to be put toward the facility. CMAQ funds are programmed for FY 2024.

Information regarding conceptual plans and estimates on the Chestnut Street Multimodal Station is available at

<https://www.butlercountyrta.com/oxford-multimodal-facility/>.



to begin negotiating a land use/lease agreement and joint development agreement for the construction of the proposed facility.

BCRTA has drafted proposed documents and is continuing to negotiate with Miami.

## 2. 42X

Considering COVID 19, some 42X service has been eliminated to control operational costs in light of fare loss. Staff has amended the 2020 service agreement with SORTA to address needed changes. SORTA has calculated that the route will likely need to be suspended until mid-October to recoup fares lost during pandemic operations in March and April. BCRTA has received a small number of complaints regarding this service cut.

Staff recommend aggressive pursuit of a cost-sharing model in 2021 after SORTA has completed its ballot initiative.

BCRTA is also investigating the availability of OTP2 funds that would allow BCRTA and MTS to operate Cincinnati commuter bus service at a lower cost with more control and flexibility.

## D. Outreach & Communications

### 1. COVID-19

COVID 19 continues to dominate day-to-day activities. BCRTA is well-stocked on PPE and cleaning supplies although some things, like aerosol disinfectant, continue to be difficult to come by.

Staffing numbers are good, although several operators still remain on EFMLEA or paid sick leave. Many are now beginning to return. BCRTA did confirm one positive case among staff on June 4, 2020. The operator has been quarantined. Proper protocols were followed. BCRTA and Butler County Health Department view the risk of any exposure to be very low.

BCRTA has concluded all food deliveries that were taking place during March, April and May.

### 2. Art OnBoard

BCRTA staff are having initial discussions with Fitton Center officials regarding opportunities to wrap artwork on BCRTA buses, similar to the StreetSpark program. Discussions are preliminary at this time.

### 3. I-75 WorkLink Corridor

Due to inefficient ridership and the loss of funding from Premier Health in Q1 2020, BCRTA has recommended a demand-response model to serve WorkLink constituents in the Middletown-Monroe-Dayton corridor. Demand-response service between GDRTA's south hub and Butler County is now available.

### 4. List of Influencers

As part of addressing BCRTA's newly proposed vision, Mr. Dutkevicz would like to gather a list of relationships and influencers that our organization and Board of Trustees believe they can leverage if needed. Mr. Dutkevicz is asking staff and trustees to share persons and position/title information so we may create a database that may be used to influence decisions and opinions regarding BCRTA and public transit in our area. Please e-mail Vonda Partin with your information: [partinv@butlercountyrta.com](mailto:partinv@butlercountyrta.com).

## E. Funding & Discretionary Grant Availability

### 1. Integrated Mobility Innovation Demonstration Research Program

Stark Area Regional Transit Authority (SARTA) in partnership with committed partners, NEORide, CALSTART, Masabi and Cleveland State University (CSU), along with 9 additional transit agency stakeholders, including BCRTA were awarded \$2M to develop an innovative alternative payment system for mobility, business and personal applications targeted to significantly benefit unbanked, underbanked, low-income, disadvantaged, disabled, student, elderly and other underserved populations. SARTA and NEORide will be leading the project. [CARES ACT](#)

BCRTA will receive roughly \$5.8M in operational and capital funding from the CARES Act Apportionments to provide relief for COVID 19. BCRTA expects to receive additional funding as a result of Warren County's recent rejection of funds. The rejected dollars are part of the Cincinnati Urbanized area and must be used within the area.

### 2. MTS Funding

MTS was recently awarded more than \$3M to purchase four (4) commuter style coaches to operate Cincinnati commuter service. Staff are working closely with Middletown to use this project as a mechanism to flex regional funding into the Chestnut Fields Multimodal Station Project.

### 3. 2020 Section 5339 Bus and Bus Facility

Given the extension of deadline for 2020 Section 5339 applications due to COVID 19, BCRTA staff elected to submit an application for additional funding of the Chestnut Field Facility. Awards announcements are expected before year end.

### 4. State Funding from ODOT

State funding awards were made October 25, 2019. BCRTA received \$305,653 in Urban Transit Program funds, \$3,611 in Elderly and Disabled Subsidies, and \$474,383 in discretionary Transit Partnership Program (OTP2) funds for operating assistance and bus replacement match. BCRTA made 2021 applications for OTP2 in May, although staff do expect that most state revenue will be cut to some extent given the pandemic. As gas tax money cannot be spent on public transit, effects from loss of gas tax revenue should not affect state subsidy programs for BCRTA.

## F. On the Horizon ...

### 1. Accessible Meetings

In an effort to provide more accessible meetings to community members and disabled constituents, BCRTA will host the following Board of Trustees meetings this year in more convenient and accessible locations:

September 16, 2020  
City of Oxford Police Station  
101 East High Street, Oxford, OH 45056

### 2. Upcoming Procurements >\$25,000

- a. Enhanced Gate Security
- b. Heavy Duty Transit Coach Replacement/Expansion (Laketran)
- c. Mobile Communication Solution
- d. Chestnut Fields Architecture & Engineering
- e. Legal Services – Expires 12/31/2020
- f. IT Services – Expires 3/31/21
- g. Moser Court Landscape Renovations

## IX. Action Items

- a. **Resolution No. 20-06-01:** Adopting the FY2021 Planning Budget for the Butler County Regional Transit Authority (BCRTA) and Acceptance of the BCRTA Fiscal Officer's Certification of Funds and Estimation of Revenues.

Mr. Lawson requested a motion to accept Resolution No. 20-06-01. Mr. Bautz made a motion to approve and Ms. Scott Jones seconded the motion.

Upon a call of the roll, the vote resulted as follows:

Mr. Bautz	YES
Ms. Chandler	YES
Mr. Fehr	YES
Mr. Foster	YES
Mr. Gordon	YES
Mr. Lawson	YES
Ms. Schmitt	YES
Ms. Scott Jones	YES
Mr. Watt	YES

The resolution was adopted.

- b. **Resolution No. 20-06-02:** Adopting the Butler County Regional Transit Authority Public Transportation Agency Safety Plan (PTASP).

Mr. Lawson requested a motion to accept Resolution No. 20-06-02. Mr. Watt made a motion to approve and Mr. Foster seconded the motion.

Upon a call of the roll, the vote resulted as follows:

Mr. Bautz	YES
Ms. Chandler	YES
Mr. Fehr	YES
Mr. Foster	YES
Mr. Gordon	YES
Mr. Lawson	YES
Ms. Schmitt	YES
Ms. Scott Jones	YES
Mr. Watt	YES

The resolution was adopted.

**X. Executive Session**

Ms. Scott Jones made a motion to enter Executive Session to consider the appointment, employment, dismissal, discipline, promotion or compensation of a public employee or official. Mr. Gordon seconded the motion.

Upon a call of the roll, the vote resulted as follows:

Mr. Bautz	YES
Ms. Chandler	YES
Mr. Fehr	YES
Mr. Foster	YES
Mr. Gordon	YES
Mr. Lawson	YES
Ms. Schmitt	YES
Ms. Scott Jones	YES
Mr. Watt	YES

Executive session commenced at 8:37 AM.

Ms. Schmitt made a motion to end the Executive Session and Mr. Gordon seconded the motion. Upon a call of the roll, the vote resulted as follows:

Mr. Bautz	YES
Ms. Chandler	YES
Mr. Fehr	YES
Mr. Foster	YES
Mr. Gordon	YES
Mr. Lawson	YES
Ms. Schmitt	YES

Ms. Scott Jones	YES
Mr. Watt	YES

Executive session concluded at 8:54 AM.

Ms. Schmitt made a motion to approve a staff bonus per management discretion at an amount not to exceed \$35,000.00. Ms. Chandler seconded the motion. Upon a call of the roll, the vote resulted as follows:

Mr. Bautz	YES
Ms. Chandler	YES
Mr. Fehr	YES
Mr. Foster	YES
Mr. Gordon	YES
Mr. Lawson	YES
Ms. Schmitt	YES
Ms. Scott Jones	YES
Mr. Watt	YES

The motion was approved.

**XI. Adjourn**

Ms. Scott Jones moved to adjourn, and Mr. Fehr seconded. The motion carried. The meeting was adjourned at 8:55 AM.

Respectfully submitted,

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Matthew M. Dutkevicz, BCRTA Executive Director

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Approved, Chris Lawson, BCRTA Board President

**BCRTA**  
**Income Statement**  
**May 2020**

	<b>Current Month Budget</b>	<b>Current Month Actual</b>	<b>Change</b>	<b>Last Year Current Month</b>
<b>Revenues</b>				
Passenger Fares	10,223.00	4,514.18	(5,708.82)	8,792.47
Contract Service	19,665.00	10,088.60	(9,576.40)	19,565.60
Other Transit Rev.	100,000.00	126,170.37	26,170.37	95,539.08
Mgt./Cons. Services	10,220.00	20,440.00	10,220.00	10,220.00
Maintenance Services	-	-	-	-
Rentals	-	-	-	-
Interest & Other	2,230.33	53,725.69	51,495.36	4,932.07
Local Funding	195,441.84	73,533.07	(121,908.77)	235,751.60
State Funding	70,046.17	72,000.00	1,953.83	-
Federal Funding	148,556.00	196,402.00	47,846.00	141,403.00
In-Kind Items	-	-	-	-
<b>Total Revenues</b>	<b>556,382.34</b>	<b>556,873.91</b>	<b>491.57</b>	<b>516,203.82</b>
<b>Expenses</b>				
Wages	253,589.68	193,041.09	(60,548.59)	252,646.87
Fringes	88,490.58	81,538.83	(6,951.75)	83,128.88
Services	30,683.34	21,931.54	(8,751.80)	26,731.28
Materials & Supplies	57,521.67	32,480.46	(25,041.21)	42,997.31
Utilities	6,418.33	7,562.97	1,144.64	6,515.65
Insurance	19,462.33	18,664.41	(797.92)	19,119.99
Taxes	-	-	-	-
Purchased Transportation	45,449.17	45,449.16	(0.01)	42,052.38
Misc. Items	8,362.51	16,701.37	8,338.86	11,422.30
Leases & Rentals	-	-	-	-
<b>Total Expenses</b>	<b>509,977.61</b>	<b>417,369.83</b>	<b>(92,607.78)</b>	<b>484,614.66</b>
Gain / (Loss)	46,404.73	139,504.08	93,099.35	31,589.16
Local Share Depreciation		21,742.19		
<b>Gain / (Loss) with Local Depr.</b>		<b>117,761.89</b>		

**BCRTA**  
**Income Statement**  
**May 2020**

	<b>Year to Date Budget</b>	<b>Year to Date Actual</b>	<b>Change</b>	<b>Year to Date Last Year</b>
<b>Revenues</b>				
Passenger Fares	52,324.00	45,185.43	(7,138.57)	46,344.28
Contract Service	80,979.00	64,794.44	(16,184.56)	80,555.33
Other Transit Rev.	500,000.00	577,312.86	77,312.86	483,531.64
Mgt./Cons. Services	51,100.00	71,540.00	20,440.00	51,100.00
Maintenance Services	-	-	-	-
Rentals	-	-	-	-
Interest & Other	11,503.65	83,866.58	72,362.93	18,439.34
Local Funding	986,731.20	799,381.44	(187,349.76)	979,225.60
State Funding	305,653.00	363,611.00	57,958.00	95,854.00
Federal Funding	772,434.00	833,916.00	61,482.00	649,231.00
In-Kind Items	-	-	-	-
<b>Total Revenues</b>	<b>2,760,724.85</b>	<b>2,839,607.75</b>	<b>78,882.90</b>	<b>2,404,281.19</b>
<b>Expenses</b>				
Wages	1,280,324.06	1,157,615.60	(122,708.46)	1,194,563.23
Fringes	376,550.76	388,056.91	11,506.15	344,694.80
Services	153,416.70	197,032.80	43,616.10	125,485.70
Materials & Supplies	295,656.35	189,285.30	(106,371.05)	230,142.70
Utilities	36,272.65	35,111.32	(1,161.33)	38,853.60
Insurance	97,311.65	81,928.91	(15,382.74)	93,440.50
Taxes	-	-	-	-
Purchased Transportation	227,245.85	227,245.80	(0.05)	210,261.90
Misc. Items	48,612.55	57,037.82	8,425.27	61,897.67
Leases & Rentals	-	-	-	-
<b>Total Expenses</b>	<b>2,515,390.57</b>	<b>2,333,314.46</b>	<b>(182,076.11)</b>	<b>2,299,340.10</b>
Gain / (Loss)	245,334.28	506,293.29	260,959.01	104,941.09
Local Share Depreciation		21,742.19		
<b>Gain / (Loss) with Local Depr.</b>		<b>484,551.10</b>		

Date	Reference	Jrnl	Trans Description	Debit Amt	Credit Amt	Balance
<b>Checking - PNC (National City)</b>						
5/1/20			Beginning Balance			65,551.73
5/1/20	185579	CRJ	GovDeals.com	1,250.00		
5/1/20	5657051	CRJ	BCRTA Items	53,664.90		
5/1/20	04/15-04/30/2020	CRJ	Farebox Receipts	1,481.25		
5/5/20	OH2018021	CRJ	Federal Transit Administration	165,500.00		
5/6/20	9062	CDJ	BCRTA Petty Cash		387.14	
5/6/20	9063	CDJ	Dinsmore & Shohl LLP		2,304.00	
5/6/20	9064	CDJ	Fuller Ford		4,150.09	
5/6/20	9065	CDJ	Interstate Billing Service		576.09	
5/6/20	9066	CDJ	KOI Enterprises, Inc.		2,046.07	
5/6/20	9067	CDJ	My Parts Express		1,020.80	
5/6/20	9068	CDJ	PowerClean Equipment Co		324.43	
5/6/20	9069	CDJ	RICOH USA, INC		33.92	
5/6/20	9070	CDJ	Verizon Wireless		1,322.17	
5/6/20	199502	CRJ	Easter Seals TriState	305.00		
5/6/20	667166503	CRJ	Ohio Transit Risk Pool	216.48		
5/6/20	01067268	CRJ	Butler County Veterans Service	3,486.48		
5/6/20	01067267	CRJ	Butler County CDBG	25,000.00		
5/12/20	9071	CDJ	Auditor of State		7,820.75	
5/12/20	9072	CDJ	Affordable Pest Control Inc.		48.00	
5/12/20	9073	CDJ	Alpine Valley Water		23.85	
5/12/20	9074	CDJ	Cincinnati Bell Any Distance		1,548.66	
5/12/20	9075	CDJ	Cummins Bridgeway LLC		764.88	
5/12/20	9076	CDJ	Cintas Corporation		1,233.73	
5/12/20	9077	CDJ	CenterGrid, LLC		346.61	
5/12/20	9078	CDJ	GemCity Tires, Inc		1,618.80	
5/12/20	9079	CDJ	Kleem Inc.		682.20	
5/12/20	9080	CDJ	Millennium Business Systems		324.85	
5/12/20	9081	CDJ	Mobilcomm		180.00	
5/12/20	9082	CDJ	Ohio Deferred Compensation		1,240.00	
5/12/20	9083	CDJ	Office Depot Inc.		335.04	
5/12/20	9084	CDJ	Ohio Dept. of Jobs & Family Se		2,193.30	
5/12/20	9085	CDJ	Rumpke Of Ohio Inc.		218.09	
5/12/20	9086	CDJ	SuperFleet Mastercard Program		10,935.74	
5/14/20	PRWE 05/08/20	GENJ			15,167.65	
5/14/20	PRWE 05/08/20	GENJ	#1347		165.54	
5/14/20	PRWE 05/08/20	GENJ			85,135.87	
5/14/20	PRWE 05/08/20	GENJ	#1349		780.22	
5/14/20	PRWE 05/08/20	GENJ	#1348		23.08	
5/14/20	PRWE 05/08/20	GENJ	#1345		428.07	
5/14/20	PRWE 05/08/20	GENJ	#1346		262.00	
5/14/20	AT 5/14/20	CDJ	Paycom		999.00	
5/14/20	9004898869	CRJ	Maternal Child Health Center	50.00		
5/14/20	9087	CDJ	Ohio Deferred Compensation		620.00	
5/14/20	AT 625266	CDJ	BCRTA PNC Card Purchases		7,897.90	
5/15/20	CASH 5/15/2020	CRJ	Community Building Institute	60.00		
5/15/20	05/1-05/14/2020	CRJ	Farebox Receipts	1,504.46		
5/18/20	ACH 0369836	CRJ	Miami University - Accounts Pa	2,057.22		
5/18/20	270123	CRJ	City of Middletown	119,279.51		
5/18/20	0042327455	CRJ	Ohio Dept of Medicaid	1,690.00		
5/20/20	1592	CRJ	Boys & Girls Club WC	1,680.00		
5/20/20	9088	CDJ	Aunt Flow		1,930.00	
5/20/20	9089	CDJ	Bryce's Lawncare & Landscaping		1,400.00	
5/20/20	9090	CDJ	City of Hamilton - Utilities		2,400.38	
5/20/20	9091	CDJ	Cornett's Pressure Cleaning		1,357.00	
5/20/20	9092	CDJ	J&N Auto Electric Inc.		49.77	
5/20/20	9093	CDJ	Office Depot Inc.		349.58	
5/20/20	9094	CDJ	PERS		51,722.22	
5/20/20	9095	CDJ	Ports Petroleum Co Inc		1,064.00	
5/20/20	9096	CDJ	Talawanda School District		2,698.53	



5/20/20	9097	CDJ	Woodhull			187.62	
5/20/20	AT 05/20/2020	CDJ	Peachtree by Sage			375.90	
5/26/20	0996156895	CRJ	Federal Transit Administration	4,474.00			
5/26/20	0996157573	CRJ	Federal Transit Administration	45,701.00			
5/26/20	0996157697	CRJ	Federal Transit Administration	159,174.00			
5/27/20	036720	CRJ	SELF	40.00			
5/27/20	0042351134	CRJ	Ohio Department of Transportation	114,383.00			
5/27/20	9098	CDJ	Cincinnati Bell			142.40	
5/27/20	9099	CDJ	Cummins Bridgeway LLC			2,540.17	
5/27/20	9100	CDJ	Cornett's Pressure Cleaning			458.00	
5/27/20	9101	CDJ	Ecolane USA Inc			7,498.75	
5/27/20	9102	CDJ	GemCity Tires, Inc			615.34	
5/27/20	9103	CDJ	M&M Cleaning			820.00	
5/27/20	9104	CDJ	Mighty Auto Parts			12.50	
5/27/20	9105	CDJ	Minuteman Press - Fairfield			1,435.32	
5/27/20	9106	CDJ	Ohio Deferred Compensation			620.00	
5/27/20	9107	CDJ	Overhead Door of Greater Cincinnati			67.00	
5/27/20	9108	CDJ	Preferred Fire Protection			436.50	
5/27/20	9109	CDJ	Rose Chevrolet			288.67	
5/27/20	9110	CDJ	Security Lock Company			350.00	
5/27/20	9111	CDJ	Tristate Cleaning			400.00	
5/27/20	9112	CDJ	Verizon Wireless			182.37	
5/28/20	AT 5/28/2020	CDJ	Paycom			1,015.75	
5/28/20	PRWE 05/22/20	GENJ				87,224.67	
5/28/20	PRWE 05/22/20	GENJ	#1350			428.07	
5/28/20	PRWE 05/22/20	GENJ				15,430.61	
5/28/20	PRWE 05/22/20	GENJ	#1351			262.00	
5/28/20	PRWE 05/22/20	GENJ	#1353			23.08	
5/28/20	PRWE 05/22/20	GENJ	#1352			198.31	
5/29/20	238840	CRJ	BCRTA Items	150,000.00			
5/29/20	9113	CDJ	Myers Equipment Corporation			495,300.00	
5/31/20	05/31/20	GENJ	Service Charge			14.00	
			Current Period Change	850,997.30	832,457.05		18,540.25
5/31/20			Ending Balance				84,091.98
<b>Savings - PNC (National City)</b>							
5/1/20			Beginning Balance				55,134.43
5/14/20	CC 04/30/2020	CRJ	BCRTA Items	127.57			
5/29/20	BT 4/30-5/29/202	CRJ	Farebox Receipts	843.01			
5/31/20	05/31/20	GENJ	Interest Income	2.19			
5/31/20	05/31/20	GENJ	Service Charge			2.94	
			Current Period Change	972.77	2.94		969.83
5/31/20			Ending Balance				56,104.26
<b>Savings - PNC Bank</b>							
5/1/20			Beginning Balance				1,433,753.70
5/29/20	238840	CRJ	BCRTA Items - From Savings		150,000.00		
5/31/20	05/31/20	GENJ	Interest Income	56.60			
			Current Period Change	56.60	150,000.00		-149,943.40
5/31/20			Ending Balance				1,283,810.30

**BCRTA  
Balance Sheet  
May 2020**

**Assets**

Current Assets		*Other Assets		
Checking - PNC	84,091.98	Net Pension Asset	13,997.00	
Savings - PNC	56,104.26	Deferred Outflows-Pensions	1,585,594.00	
Savings - PNC	1,283,810.30	Deferred Outflows-OPEB	200,220.00	
Bid Deposit	-			
M&S Inventory	27,080.28			
Petty Cash	1,000.00	Property & Equipment		
Accounts Receivable	1,512,841.44	Vehicles	10,971,697.26	
Prepays	65,808.62	Buildings & Land	2,794,595.53	
		Furniture & Equipment	915,039.81	
		Amenities & Misc.	95,313.84	
		WIP-35' Buses	1,103,676.00	
		WIP-Website	35,000.00	
		Accum. Depr.	(6,068,031.40)	
	<u>3,030,736.88</u>		<u>11,647,102.04</u>	Total Assets
				<u>14,677,838.92</u>

**Liabilities & Equity**

Current Liabilities		*Long-term Liabilities		
Accounts Payable	125,247.57	Net Pension Liability	4,962,975.00	
Payroll Payables	62,123.48	Net OPEB Liability	2,452,250.00	
Other Payables	-	Deferred Inflows-Pensions	72,903.00	
Accrued PTO	97,771.89	Deferred Inflows-OPEB	31,488.00	
Reserve ACA Fines	143,334.99			
FTA Vehicle Funds	68,131.00	Equity		
Future Match Funds	33,958.34	Balance Equity	2,861,645.23	
Unearned Tickets	27,125.00	Federal & State Capital	13,575,325.00	
Unearned MU Funds	-	Local Capital	89,410.00	
		Retained Earnings	(10,432,142.87)	
		Net Income	506,293.29	
	<u>557,692.27</u>		<u>14,120,146.65</u>	Total Liabilities and Capital
				<u>14,677,838.92</u>

\*For fiscal year 2018, Bcrta adopted GASB Statement 75, "Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions," which significantly revises accounting for costs and liabilities related to other postemployment benefits (OPEB).

**BCRTA****Cash Reserves**

May 2020

Current Assets	3,030,736.88
Current Liabilities	<u>(557,692.27)</u>
<b>Available Funds</b>	<b>2,473,044.61</b>

**Board Reserves**

Local Share Grant Obligations		
OH-2018-021-00	1,072,327.50	
FFY Pending Federal	91,610.50	
Oxford Facility Match Pledge	200,000.00	
Less Projected Local Match	<u>(668,748.00)</u>	MU, MED, R6, VA
Match Required or (Overmatch)	695,190.00	
FTA Grants	695,190.00	Match Required
Working Capital Funds (2 Mths.)	929,124.50	
Capital Replacement Funds	1,182,882.40	2020 - 2024 Local Share of Projects Not Yet on Grants
Contingency Funds	<u>-</u>	
<b>Total Board Reserves</b>	<b>2,807,196.90</b>	
<b>Non-Restricted Funds</b>	<b>(334,152.29)</b>	

**BCRTA**  
**Income Statement**  
**June 2020**

	<b>Current Month Budget</b>	<b>Current Month Actual</b>	<b>Change</b>	<b>Last Year Current Month</b>
<b>Revenues</b>				
Passenger Fares	11,372.00	6,958.20	(4,413.80)	8,615.96
Contract Service	15,455.00	8,094.60	(7,360.40)	15,410.68
Other Transit Rev.	100,000.00	135,723.32	35,723.32	91,875.03
Mgt./Cons. Services	10,220.00	20,440.00	10,220.00	10,220.00
Maintenance Services	-	-	-	-
Rentals	-	-	-	-
Interest & Other	2,285.33	5,638.03	3,352.70	6,171.95
Local Funding	191,615.84	100,588.63	(91,027.21)	182,574.76
State Funding	-	-	-	-
Federal Funding	140,684.00	275,966.00	135,282.00	130,022.00
In-Kind Items	-	-	-	-
<b>Total Revenues</b>	<b>471,632.17</b>	<b>553,408.78</b>	<b>81,776.61</b>	<b>444,890.38</b>
<b>Expenses</b>				
Wages	214,602.68	225,201.33	10,598.65	187,098.79
Fringes	74,999.55	99,977.06	24,977.51	67,191.35
Services	30,683.34	45,441.52	14,758.18	32,030.85
Materials & Supplies	58,318.67	32,397.38	(25,921.29)	44,436.76
Utilities	6,483.33	6,450.95	(32.38)	6,880.64
Insurance	19,462.33	22,914.41	3,452.08	19,119.99
Taxes	-	-	-	-
Purchased Transportation	45,449.17	45,449.16	(0.01)	42,052.38
Misc. Items	9,862.51	8,454.42	(1,408.09)	9,711.65
Leases & Rentals	-	-	-	-
<b>Total Expenses</b>	<b>459,861.58</b>	<b>486,286.23</b>	<b>26,424.65</b>	<b>408,522.41</b>
Gain / (Loss)	11,770.59	67,122.55	55,351.96	36,367.97
Local Share Depreciation		21,742.19		
<b>Gain / (Loss) with Local Depr.</b>		<b>45,380.36</b>		

**BCRTA**  
**Income Statement**  
**June 2020**

	<b>Year to Date Budget</b>	<b>Year to Date Actual</b>	<b>Change</b>	<b>Year to Date Last Year</b>
<b>Revenues</b>				
Passenger Fares	63,696.00	52,143.63	(11,552.37)	54,960.24
Contract Service	96,434.00	72,889.04	(23,544.96)	95,966.01
Other Transit Rev.	600,000.00	713,036.18	113,036.18	575,406.67
Mgt./Cons. Services	61,320.00	91,980.00	30,660.00	61,320.00
Maintenance Services	-	-	-	-
Rentals	-	-	-	-
Interest & Other	13,788.98	89,504.61	75,715.63	24,611.29
Local Funding	1,178,347.04	899,970.07	(278,376.97)	1,161,800.36
State Funding	305,653.00	363,611.00	57,958.00	95,854.00
Federal Funding	913,118.00	1,109,882.00	196,764.00	779,253.00
In-Kind Items	-	-	-	-
<b>Total Revenues</b>	<b>3,232,357.02</b>	<b>3,393,016.53</b>	<b>160,659.51</b>	<b>2,849,171.57</b>
<b>Expenses</b>				
Wages	1,494,926.74	1,382,816.93	(112,109.81)	1,381,662.02
Fringes	451,550.31	488,033.97	36,483.66	411,886.15
Services	184,100.04	242,474.32	58,374.28	157,516.55
Materials & Supplies	353,975.02	221,682.68	(132,292.34)	274,579.46
Utilities	42,755.98	41,562.27	(1,193.71)	45,734.24
Insurance	116,773.98	104,843.32	(11,930.66)	112,560.49
Taxes	-	-	-	-
Purchased Transportation	272,695.02	272,694.96	(0.06)	252,314.28
Misc. Items	58,475.06	65,492.24	7,017.18	71,609.32
Leases & Rentals	-	-	-	-
<b>Total Expenses</b>	<b>2,975,252.15</b>	<b>2,819,600.69</b>	<b>(155,651.46)</b>	<b>2,707,862.51</b>
Gain / (Loss)	257,104.87	573,415.84	316,310.97	141,309.06
Local Share Depreciation		21,742.19		
<b>Gain / (Loss) with Local Depr.</b>		<b>551,673.65</b>		

Date	Reference	Jrnl	Trans Description	Debit Amt	Credit Amt	Balance
<b>Checking - PNC (National City)</b>						
6/1/20			Beginning Balance			84,091.98
6/1/20	0002147778	CRJ	Federal Transit Administration	269,694.00		
6/1/20	0002147875	CRJ	Federal Transit Administration	126,546.00		
6/1/20	05/15-05/31/2020	CRJ	Farebox Receipts	1,914.72		
6/3/20	9114	CDJ	Auditor of State		3,267.70	
6/3/20	9115	CDJ	Alpine Valley Water		33.75	
6/3/20	9116	CDJ	BCRTA Petty Cash		523.20	
6/3/20	9117	CDJ	Bethesda Healthcare Inc.		1,498.90	
6/3/20	9118	CDJ	Blashock Plumbing Inc.		141.00	
6/3/20	9119	CDJ	Middletown Treasury Divison		114.00	
6/3/20	9120	CDJ	Ohio Transit Risk Pool		40,601.00	
6/3/20	9121	CDJ	RICOH USA, INC		13.61	
6/3/20	9122	CDJ	Treasurer State of Ohio		236.25	
6/3/20	9123	CDJ	Verizon Wireless		14,614.14	
6/5/20	01068550	CRJ	Butler County Veterans Service	4,571.06		
6/5/20	1601	CRJ	Boys & Girls Club WC	1,890.00		
6/8/20	270444	CRJ	City of Middletown	157,107.07		
6/8/20	0042447214	CRJ	Ohio Department of Taxation	8,101.52		
6/8/20	0042447215	CRJ	Ohio Department of Taxation	9,730.50		
6/8/20	537875	CRJ	BCRTA Items		200,000.00	
6/10/20	9124	CDJ	Affordable Pest Control Inc.		48.00	
6/10/20	9125	CDJ	Cincinnati Bell Any Distance		1,548.66	
6/10/20	9126	CDJ	CenterGrid, LLC		346.61	
6/10/20	9127	CDJ	epluno LLC		334.90	
6/10/20	9128	CDJ	KOI Enterprises, Inc.		1,568.76	
6/10/20	9129	CDJ	Millennium Business Systems		342.85	
6/10/20	9130	CDJ	Myers Equipment Corporation		1,323.37	
6/10/20	9131	CDJ	Mobilcomm		180.00	
6/10/20	9132	CDJ	Port Technology LLC		9,980.49	
6/10/20	9133	CDJ	SuperFleet Mastercard Program		14,201.57	
6/10/20	9134	CDJ	Talawanda School District		1,957.95	
6/10/20	9135	CDJ	Bryce's Lawncare & Landscaping		1,820.00	
6/10/20	9136	CDJ	Cummins Bridgeway LLC		1,132.54	
6/10/20	9137	CDJ	Cintas Corporation		1,759.53	
6/10/20	9138	CDJ	Fuller Ford		722.66	
6/10/20	9139	CDJ	Fleet Pride		122.71	
6/10/20	9140	CDJ	Luxurious Wraps, LLC		3,600.00	
6/10/20	9141	CDJ	Miami University Office of the		10,480.80	
6/10/20	9142	CDJ	Orkin Commercial Services		1,000.00	
6/10/20	9143	CDJ	Ohio Newspapers, Inc.		84.30	
6/10/20	9144	CDJ	Rumpke Of Ohio Inc.		176.02	
6/11/20	PRWE 06/05/20	GENJ	1354		428.07	
6/11/20	PRWE 06/05/20	GENJ			14,483.12	
6/11/20	PRWE 06/05/20	GENJ	1355		262.00	
6/11/20	PRWE 06/05/20	GENJ	1358		836.27	
6/11/20	PRWE 06/05/20	GENJ	1356		223.61	
6/11/20	PRWE 06/05/20	GENJ	1357		23.08	
6/11/20	PRWE 06/05/20	GENJ			81,682.29	
6/11/20	PRWE 06/05/20	GENJ	COVID19 Credit	249.58		
6/11/20	AT 6/11/2020	CDJ	Paycom		1,024.24	
6/12/20	01068759	CRJ	Butler County Veterans Service	3,995.36		
6/12/20	01068758	CRJ	BCDD Master Billing	304.50		
6/12/20	0042447193	CRJ	Ohio Dept of Medicaid	625.00		
6/12/20	9004903821	CRJ	Maternal Child Health Center	60.00		
6/15/20	06/01-06/14/2020	CRJ	Farebox Receipts	2,164.33		
6/17/20	2238	CRJ	Jobs Plus Employment Network	150.00		
6/17/20	12026	CRJ	BCRTA Items	500.00		
6/17/20	01068959	CRJ	BCDD Master Billing	189.00		
6/17/20	9145	CDJ	City of Hamilton - Utilities		2,308.18	
6/17/20	9146	CDJ	Clarke Power Services		2,056.00	

6/17/20	9147	CDJ	Frank's Heavy Truck Collision		887.00	
6/17/20	9148	CDJ	Fastsigns 220901		26.00	
6/17/20	9149	CDJ	Heritage-Crystal Clean LLC		310.39	
6/17/20	9150	CDJ	Jake Sweeney Chrysler Jeep		916.40	
6/17/20	9151	CDJ	Ohio Deferred Compensation		620.00	
6/17/20	9152	CDJ	Refitt's LLC		450.00	
6/19/20	PRWE 06/19/20	GENJ	COVID19 Credit	2,136.55		
6/24/20	AT 5/30/2020	CDJ	BCRTA PNC Card Purchases		5,523.32	
6/24/20	9153	CDJ	Cincinnati Bell		142.40	
6/24/20	9154	CDJ	CDW Government Inc.		1,156.00	
6/24/20	9155	CDJ	Franks Glass		149.90	
6/24/20	9156	CDJ	GemCity Tires, Inc		1,130.00	
6/24/20	9157	CDJ	J&N Auto Electric Inc.		54.60	
6/24/20	9158	CDJ	M&M Cleaning		770.00	
6/24/20	9159	CDJ	Ohio Deferred Compensation		720.00	
6/24/20	9160	CDJ	Ohio Dept. of Jobs & Family Se		3,414.49	
6/24/20	9161	CDJ	Ohio Newspapers, Inc.		194.77	
6/24/20	9162	CDJ	PERS		52,078.47	
6/24/20	9163	CDJ	Verizon Wireless		186.46	
6/25/20	PRWE 06/19/20	GENJ	#1362		23.08	
6/25/20	PRWE 06/19/20	GENJ	#1359		428.07	
6/25/20	PRWE 06/19/20	GENJ			110,620.79	
6/25/20	PRWE 06/19/20	GENJ			21,095.78	
6/25/20	PRWE 06/19/20	GENJ	#1361		291.20	
6/25/20	PRWE 06/19/20	GENJ	#1360		262.00	
6/25/20	AT 06/25/2020	CDJ	Paycom		1,057.24	
6/26/20	2440152 OOWD	CRJ	BCRTA Items	180.00		
6/29/20	0030145813	CRJ	Federal Transit Administration	154,528.00		
6/29/20	0030145486	CRJ	Federal Transit Administration	52,513.00		
6/30/20	06/30/20	GENJ	Service Charge		3.00	
			Current Period Change	<u>797,150.19</u>	<u>619,613.49</u>	177,536.70
6/30/20			Ending Balance			<u>261,628.68</u>
<b>Savings - PNC (National City)</b>						
6/1/20			Beginning Balance			56,104.26
6/10/20	PP CC 05/31/2020	CRJ	BCRTA Items	117.56		
6/30/20	BT 06/30/2020	CRJ	Farebox Receipts	1,358.58		
6/30/20	06/30/20	GENJ	Interest Income	2.49		
6/30/20	06/30/20	GENJ	Service Charge		2.80	
			Current Period Change	<u>1,478.63</u>	<u>2.80</u>	1,475.83
6/30/20			Ending Balance			<u>57,580.09</u>
<b>Savings - PNC Bank</b>						
6/1/20			Beginning Balance			1,283,810.30
6/8/20	537875	CRJ	BCRTA Items - TO SAVINGS	200,000.00		
6/30/20	06/30/20	GENJ	Interest Income	62.41		
			Current Period Change	<u>200,062.41</u>		200,062.41
6/30/20			Ending Balance			<u>1,483,872.71</u>

**BCRTA**  
**Balance Sheet**  
**June 2020**

**Assets**

Current Assets		*Other Assets		
Checking - PNC	261,628.68	Net Pension Asset	13,997.00	
Savings - PNC	57,580.09	Deferred Outflows-Pensions	1,585,594.00	
Savings - PNC	1,483,872.71	Deferred Outflows-OPEB	200,220.00	
Bid Deposit	-			
M&S Inventory	30,102.31			
Petty Cash	1,000.00	Property & Equipment		
Accounts Receivable	1,234,591.10	Vehicles	10,971,697.26	
Prepays	80,336.53	Buildings & Land	2,794,595.53	
		Furniture & Equipment	1,021,856.85	
		Amenities & Misc.	95,313.84	
		WIP-35' Buses	1,103,676.00	
		WIP-Website	35,000.00	
		Accum. Depr.	(6,068,031.40)	
	<u>3,149,111.42</u>		<u>11,753,919.08</u>	Total Assets
				<u>14,903,030.50</u>

**Liabilities & Equity**

Current Liabilities		*Long-term Liabilities		
Accounts Payable	244,498.17	Net Pension Liability	4,962,975.00	
Payroll Payables	86,731.41	Net OPEB Liability	2,452,250.00	
Other Payables	-	Deferred Inflows-Pensions	72,903.00	
Accrued PTO	97,771.89	Deferred Inflows-OPEB	31,488.00	
Reserve ACA Fines	149,545.82			
FTA Vehicle Funds	68,131.00	Equity		
Future Match Funds	30,000.01	Balance Equity	2,861,645.23	
Unearned Tickets	27,775.00	Federal & State Capital	13,586,633.00	
Unearned MU Funds	-	Local Capital	89,410.00	
		Retained Earnings	(10,432,142.87)	
		Net Income	573,415.84	
	<u>704,453.30</u>		<u>14,198,577.20</u>	Total Liabilities
				and Capital
				<u>14,903,030.50</u>

\*For fiscal year 2018, Bcrta adopted GASB Statement 75, "Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions," which significantly revises accounting for costs and liabilities related to other postemployment benefits (OPEB).



**BCRTA****Cash Reserves**

June 2020

Current Assets	3,149,111.42
Current Liabilities	<u>(704,453.30)</u>
<b>Available Funds</b>	<b>2,444,658.12</b>

**Board Reserves**

Local Share Grant Obligations		
OH-2018-021-00	1,031,263.50	
FFY Pending Federal	91,610.50	
Oxford Facility Match Pledge	200,000.00	
Less Projected Local Match	<u>(668,748.00)</u>	MU, MED, R6, VA
Match Required or (Overmatch)	654,126.00	
FTA Grants	654,126.00	Match Required
Working Capital Funds (2 Mths.)	929,124.50	
Capital Replacement Funds	1,182,882.40	2020 - 2024 Local Share of Projects Not Yet on Grants
Contingency Funds	<u>-</u>	
<b>Total Board Reserves</b>	<b>2,766,132.90</b>	
<b>Non-Restricted Funds</b>	<b>(321,474.78)</b>	

## Director's Notes – August 2020

### A. Metrics & Service

#### 1. Onboard Wifi

BCRTA is currently implementing onboard wifi routers. Internal wifi, to support onboard operations technologies and surveillance, will be implemented in the first phase followed by public wifi opportunities later next year. Staff are discovering that pricing is increasing from original projections. Options will be gathered to consider with budgets for 2021.

#### 2. Quarantine Transportation

An agreement has been reached. BCRTA expects ridership volume to be low. No rides have been provided at this time.

#### 3. Fixed Route Fares

BCRTA has suspended all Fixed Route and ADA fares until October 1, 2020 due to the COVID 19 Pandemic.

### B. Staffing & Facility

#### 1. Staffing

BCRTA is currently seeking CDL and non-CDL drivers, maintenance technicians, and an accountant. A biweekly email digest of open positions is available. Please contact Kristin Fryer, BCRTA HR Manager ([fryerk@butlercountyrta.com](mailto:fryerk@butlercountyrta.com)) if you would like to be added to the mailing list.

### C. Planning

#### 1. 42X

Considering COVID 19, 42X service has been eliminated to control operational costs in light of fare loss. Staff has amended the 2020 service agreement with SORTA to address needed changes. SORTA has calculated that the route will likely need to be suspended until mid-October to recoup fares lost during pandemic operations in March and April. BCRTA has received a small number of complaints regarding this service cut.

BCRTA is currently making BGo rides available to 42X riders affected by the service change. A very limited numbers of reservations have been made suggesting service demand is still weak. Staff will re-evaluate a 42X service start approaching the October break-even date and ongoing thereafter.

Staff are recommending a new strategy to provide Cincinnati commuter service beginning in 2022.

## Director's Notes – August 2020

### 2. Chestnut Street Multimodal Station

Information regarding conceptual plans and estimates on the Chestnut Street Multimodal Station is available at

<https://www.butlercountyrta.com/oxford-multimodal-facility/>.

BCRTA staff have been working closely with BCRTA legal counsel and Miami University to begin negotiating a land use/lease agreement and joint development agreement for the construction of the proposed facility.

BCRTA has drafted proposed documents and is continuing to negotiate with Miami. Due to the pandemic, negotiations have slowed. Miami has assured BCRTA they are still committed to the project.

## D. Outreach & Communications

### 1. COVID-19

COVID 19 continues to dominate day-to-day activities. BCRTA is well-stocked on PPE and cleaning supplies although some things, like aerosol disinfectant, continue to be difficult to come by.

Staffing numbers are good, although several operators still remain on EFMLEA or paid sick leave. Many are now beginning to return. BCRTA did confirm one positive case among staff on June 6/4/2020. The operator was quarantined. Proper protocols were followed. BCRTA and Butler County Health Department view the risk of any exposure to be very low.

Because social distancing can be very difficult onboard transit vehicles, BCRTA is investigating onboard air sanitation option. Staff continue to enforce mask use and sanitize vehicles frequently. Additional equipment has been purchased to increase speed and effectiveness of disinfection protocols.

### 2. BGo Awareness Campaign

BCRTA staff will be implementing a direct mail campaign this fall to increase awareness of the BGo program. City of Oxford will support portions of City mailings financially and create the local match to draw grant funds that support additional county-wide mailings.

### 3. Art OnBoard

BCRTA staff are having initial discussions with Fitton Center officials regarding opportunities to wrap artwork on BCRTA buses, similar to the StreetSpark program. Discussions are preliminary at this time.

### 4. I-75 WorkLink Corridor

Due to inefficient ridership and the loss of funding from Premier Health in Q1 2020, BCRTA recommended a demand-response model to serve WorkLink constituents in the

## Director's Notes – August 2020

Middletown-Monroe-Dayton corridor. Demand response service between GDRTA's south hub and Butler County is now available. Ridership is steady but limited.

### 5. List of Influencers

As part of addressing BCRTA's newly proposed vision, I would like to gather a list of relationships and influencers that our organization and Board of Trustees believe they can leverage if needed. I am asking staff and trustees to share persons and position/title information so we may create a database that may be used to influence decisions and opinions regarding BCRTA and public transit in our area. Please email Vonda Partin with your information: [partinv@butlercountyrta.com](mailto:partinv@butlercountyrta.com).

## E. Funding & Discretionary Grant Availability

### 1. 2020 Section 5339 Bus and Bus Facility

Given the extension of deadline for 2020 Section 5339 applications due to COVID 19, BCRTA staff elected to submit an application for additional funding of the Chestnut Field Facility. Awards were announced on August 11, 2020 and BCRTA received an additional \$2M for the Oxford facility project.

### 2. State Funding from ODOT

BCRTA recently executed a contract for 2021 Urban Transportation Program formula funds in the amount of \$308,969. ODOT also announced discretionary Ohio Transit Partnership awards on August 12. More than \$115.5M was received in applications and only \$30.4 was awarded. BCRTA received \$110K to replace a model year 2009 maintenance pick-up truck with a more suitable heavy-duty service vehicle with onboard tools and equipment.

### 3. Integrated Mobility Innovation Demonstration Research Program

Stark Area Regional Transit Authority (SARTA) in partnership with committed partners, NEORide, CALSTART, Masabi and Cleveland State University (CSU), along with 9 additional transit agency stakeholders, including BCRTA were awarded \$2M to develop an innovative alternative payment system for mobility, business and personal applications targeted to significantly benefit unbanked, underbanked, low-income, disadvantaged, disabled, student, elderly and other underserved populations. SARTA and NEORide will be leading the project.

### 4. CARES ACT

BCRTA will receive roughly \$5.8M in operational and capital funding from the CARES Act Apportionments to provide relief for COVID 19. BCRTA expects to receive additional funding as a result of Warren County's recent rejection of funds. The rejected dollars are part of the Cincinnati Urbanized area and must be used within the area.

### 5. MTS Funding

MTS was recently awarded more than \$3M to purchase four (4) commuter style coaches to operate Cincinnati commuter service. Staff are working closely with Middletown to use this project as a mechanism to flex regional funding into the Chestnut Fields

# Director's Notes – August 2020

## Multimodal Station Project.

### F. On the Horizon ...

#### 1. Real-Time Signage Pilot

In concert with the BCRTA Board of Trustees' strategic plan, BCRTA has cooperated with the City of Oxford to use a 2020 City appropriation to implement real-time signage at the Kroger bus stop within the City. Solar-powered real-time signs will be installed later this fall through this generous contribution. If the pilot is successful, staff will investigate a rollout at other high volume stops throughout the county.

#### 2. Alternative Fuel

Presently, BCRTA has funding for an additional 13 small, light transit vehicles. Given pandemic operations, staff is using this opportunity to investigate the viability of small, electric-powered LTV's. Options are limited, but more available than during past funding opportunities. Staff will be evaluating viability as it relates to life-cycle cost and range.

#### 3. Accessible Meetings

In an effort to provide more accessible meetings to community members and disabled constituents, BCRTA will host the following Board of Trustees meetings this year in more convenient and accessible locations:

September 16, 2020  
City of Oxford Police Station  
101 East High Street, Oxford, OH 45056

#### 4. Upcoming Procurements >\$25,000

- a) Mobile Communication Solution
- b) Chestnut Fields Architecture & Engineering
- c) Legal Services – Expires 12/31/2020
- d) IT Services – Expires 3/31/21
- e) Moser Court Landscape Renovations

# Director's Notes – August 2020

## Strategic Vision 2025

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As Ohio's public transit innovator, BCRTA provides smart mobility options and infrastructure that seamlessly connect people to employers, educational, healthcare, and recreational destinations.

Leverage competitive federal funding and forge mutually beneficial partnerships with organizations, including incubators, chambers, universities, start-ups, economic development bodies, and planning professionals.

- Expand participation in NeoRide as appropriate to address needs and improve grant funding
- Sustain Miami University relationship, plan for future
- Retain BCVSC and BCDD contracts
- Leverage MTS transit plan and maintain relationship with City of Middletown
- Improve DBE access
- Keep finger on pulse of autonomous tech
- Examine Cincinnati commuter service for ways to reduce cost (42X)

Enhance connectivity with constituents by leading in the implementation of new transit tech (onboard Wi-Fi tools).

- Test and expand onboard WIFI where possible
- Implement onboard validation for EZfare
- Expand BGO app service
- Launch new & updated website
- Expand use of real-time info signs and kiosks

Improve mobility access and eliminate barriers to ridership, especially for riders who may be elderly or have disabilities.

- Reduce DR fares to \$5.00
- Make peak BGO service available
- Hire operators to address demand
- Relocate customer service closer to riders
- Pursue payment options for unbanked
- Consider free fixed route fares

Support employers with effective workforce transportation in at least 75% of Butler County's densest corridors.

- Evaluate existing R routes for effectiveness and reallocate to improved frequency or BGO as necessary
- Solicit BGO services in employer-dense areas.
- Evaluate options for Spooky Nook connectivity
- Address Butler/Warren connection in Monroe

Develop multimodal infrastructure and wayfinding to create seamless user experiences.

- Accelerate completion/progress for Oxford Multimodal facility
- Improve Hamilton/Warren County connectivity for fixed route and ADA
- Eliminate paper transfers
- Address Transit Center convenience and utility (Hamilton, Oxford, Middletown)
- Improve regional connections with commuter service, rail, interurban bus, rideshare, bikeshare, scooters

# METRIC DASHBOARD

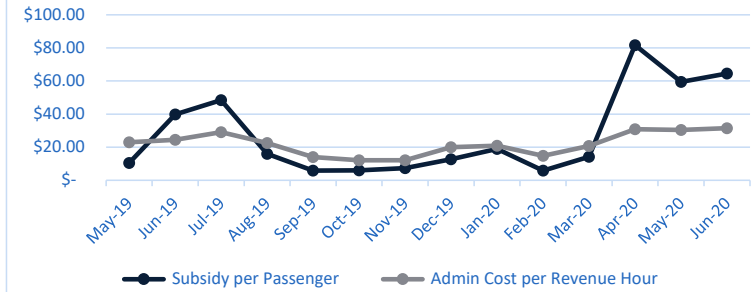
June 2020

## Leveraging Competitive Funding & Partnerships

Average Fleet Age

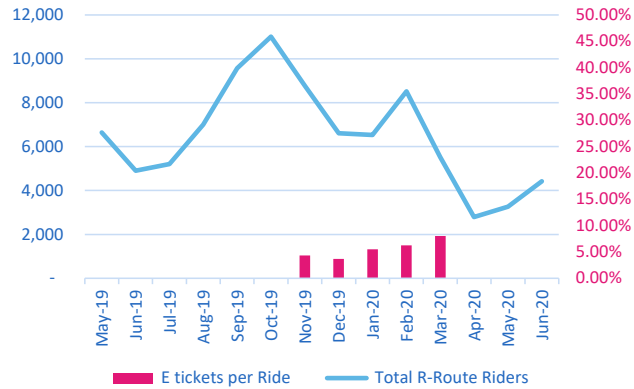
**3.43**

Since Last Month (0.01) -0.29%  
Since Last Year (0.53) -15.45%



## Enhancing Connectivity

Fixed Route EZfare Rides / Total Rides



BGO App Rides/Total BGO Rides

**20.86%**

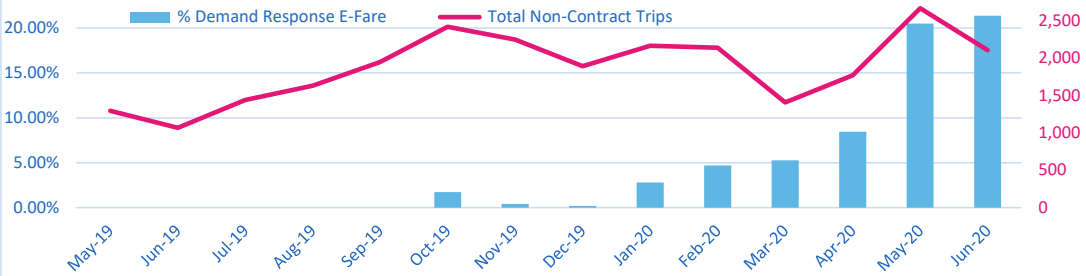
Since Last Month 11.96% 57.36%  
Since Last Year 20.86% 100.00%

BGO App Downloads/Ride

**7.60%**

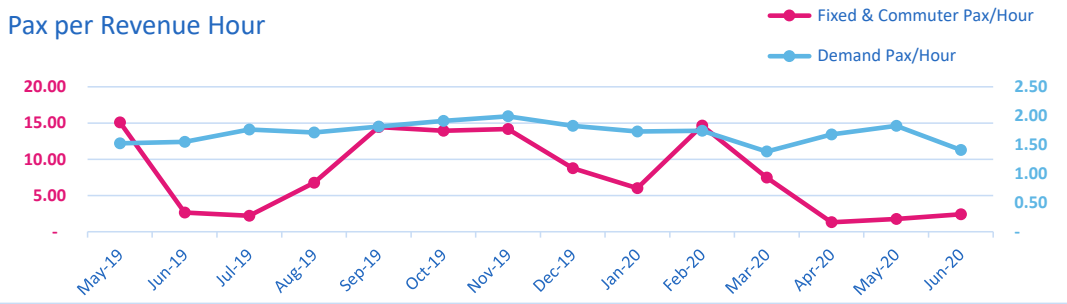
Since Last Month 6.33% 83.22%  
Since Last Year 7.60% 100.00%

BGO Efare / Total BGO Fares

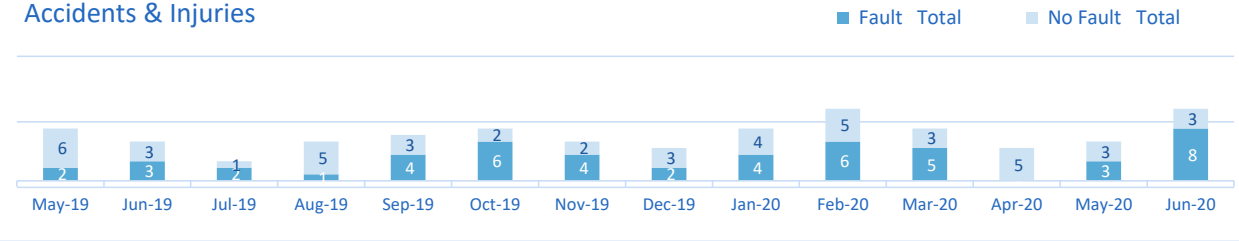


## Improving Mobility & Eliminating Barriers

Pax per Revenue Hour



Accidents & Injuries



Operator Headcount/Revenue Hours

**0.01825**

Since Last Month (0.00043) -2.35%  
Since Last Year 0.00242 13.24%

Denials & Refusals/Total BGO

**0.29%**

Since Last Month -3.81%  
Since Last Year -1.31%

## Supporting Employers

42X Park & Ride Total Trips

**240**

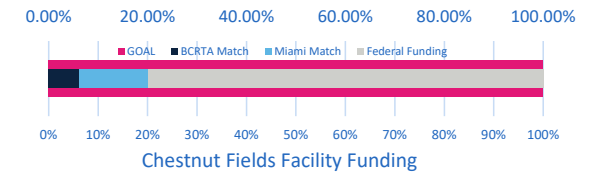
Since Last Month (103) -43%  
Since Last Year (8,190) -3413%

BGO Employment Trips

**1,208**

Since Last Month 434 35.93%  
Since Last Year 575 47.60%

## Developing Multimodal Infrastructure



Days Until Chestnut Fields Completed

**852**

**BCRTA Resolution No. 20-08-01**

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**Adopting a Disadvantaged Business Enterprise (DBE) Goal of 0.29% for Federal Fiscal Years (FFY) 2021-2023.**

**Whereas** in FFY2020, BCRTA intends to meet the Federal Transit Administration (FTA) DBE threshold of \$250,000 in non-vehicle contracting opportunities for various goods and services; and

**Whereas** FTA grant recipients anticipating a non-vehicle purchase of \$250,000 or more are required to have a DBE program and annual DBE goal approved and on file with the FTA in order to receive project funding; and

**Whereas** BCRTA has developed a DBE goal of 0.29% for FFY2021-2023 based on BCRTA's projected expenditures, the BCRTA DBE program and FTA guidelines for methodology; and

**Whereas** BCRTA intends to publish a public notice of the proposed DBE goal for public inspection and comment.

**Now, therefore be it resolved** that the BCRTA Board of Trustees FFY2021-2023 DBE goal of 0.29% is adopted upon completion of the required public comment period as indicated in the attached public notice. Be it further resolved that the Executive Director is authorized to file the DBE goal with the FTA and do all things necessary to enact this resolution.

Approved: August 19, 2020

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BCRTA, Board President

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BCRTA, Executive Director



August 19, 2020

Public Notice

Proposed DBE Goal

Butler County Regional Transit Authority

In accordance with requirements of the U.S. Department of Transportation as set forth in 49 C.F.R. Part 26, as amended, Butler County Regional Transit Authority (BCRTA) in Butler County, Ohio, hereby notifies the public that it is recommending the following Disadvantaged Business Enterprise (DBE) goal for the applicable professional services, construction, and procurement contracts during fiscal years 2021-2023, beginning October 1, 2020, and ending September 30, 2023. The overall total DBE goal for fiscal years 2021-2023, is 0.29%. Information pertaining to this goal and the description of how it was selected is available for inspection from 9:00 a.m. to 5:00 p.m. at the BCRTA Administrative Offices, 3045 Moser Court, Hamilton, Ohio 45011, for 30 calendar days following the date of publication of this notice. Written comments on this goal will be accepted for 45 calendar days following the date of publication of this notice. The comments are for informational purposes only and may be sent to Delene Weidner, Director of Finance and Administration/DBE Liaison Officer, 3045 Moser Court, Hamilton, Ohio 45011, or email to [weidnerd@butlercountyrta.com](mailto:weidnerd@butlercountyrta.com), AND to the Regional Civil Rights Officer, Federal Transit Administration, Region 5, 200 West Adams Street, Suite 320, Chicago, Illinois 60606.

## BCRTA Resolution No. 20-08-02

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### **Adopting a Revised Disadvantaged Business Enterprise (DBE) Program.**

**Whereas** Title 49 of the Federal Code of Regulations (CFR) Part 26 PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE PROGRAMS requires the Butler County Regional Transit Authority to maintain a DBE Program; and

**Whereas** BCRTA has an existing DBE program that requires updates to comply with the latest guidance and best practices available for DBE programs; and

**Whereas** staff has evaluated the current DBE Program and revised the program as attached to this resolution; and

**Whereas** the BCRTA Board of Trustees shall approve substantial and non-administrative modifications to the program.

**Now, therefore be it resolved** that the BCRTA Board of Trustees hereby adopts the revised Disadvantaged Business Enterprise Program as attached hereto. Be it further resolved that the Executive Director shall be authorized to submit the revised DBE Program to FTA and make future administrative modifications to staffing and contact information as needed and take any other action necessary to enact this resolution.

Approved: August 19, 2020

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BCRTA, Board President

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BCRTA, Executive Director



**Disadvantaged Business Enterprise (DBE) Program  
Butler County Regional Transit Authority (BCRTA)**

**Updated 5/11/2018**

**Submitted to:**

**Federal Transit Administration, Region 5**

**200 West Adams Street, Suite 320**

**Chicago, Illinois 60606**

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## Disadvantaged Business Enterprise (DBE) Policy Statement

The BCRTA has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR part 26. The BCRTA has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the BCRTA has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the BCRTA 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:

1. To ensure nondiscrimination in the award and administration of DOT–assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs. These firms are listed on the State of Ohio Uniform Certification Program website (<http://www.dot.state.oh.us/Divisions/ODI/SDBE/Pages/UCP.aspx>);
5. To help remove barriers to the participation of DBEs in DOT assisted contracts; and
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

The BCRTA Finance Manager has been delegated as the DBE Liaison Officer. In that capacity, the Finance Manager is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the BCRTA in its financial assistance agreements with the Department of Transportation.

BCRTA has disseminated this policy statement to the BCRTA Board of Trustees 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 by including this policy statement in all BCRTA solicitations.

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BCRTA Executive Director

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Date

## Standard Contract Assurances

BCRTA has signed the following assurances, applicable to all DOT-assisted contracts and their administration.

Assurance: 26.13(a):

BCRTA 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. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. The BCRTA 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 the BCRTA of its failure to carry out its approved program, the Department 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.*)

BCRTA will ensure that the following clause is placed in every DOT-assisted contract and subcontract:

Contract Assurance: 26.13(b):

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 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 the recipient deems appropriate.

### **DBE Liaison Officer (DBELO)**

The Finance Manager has been delegated as the DBE Liaison Officer (DBELO). The DBELO will have the primary responsibility for developing, managing and implementing the Program, and insuring compliance and successful management of the DBE Program. The DBELO shall report have direct, independent access to the Executive Director concerning DBE program materials. The DBELO has the assistance of the Operations Department in applying this Policy to specific procurement actions. The Executive Director will have the overall responsibility of assuring that the Program is effectively and equitably carried forward by BCRTA. All management personnel, including department heads, will be expected to give their full cooperation toward the implementation of the policy. Any changes in the DBELO delegate will be communicated to the Civil Rights Officer for Oversight within 30 days of the change and the DBE program will be updated and submitted accordingly within that 30 days.

BCRTA has designated the following individual as the DBE Liaison Officer:

Delene Weidner, BCRTA Finance Manager

3045 Moser Court

Hamilton, Ohio 45011

513-785-5022

### **Prompt Payment/Retainage Provisions**

BCRTA requires that all subcontractors performing work on DOT-assisted contracts shall be promptly paid for work performed pursuant to their agreements, in accordance with all relevant federal, state, and local law.

In accordance with 49 CFR § 26.29, BCRTA established a contract clause implementing this requirement and requires prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 30 days from the prime contractor's receipt of each payment from BCRTA.

BCRTA will include the following clause in each DOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than thirty (30) days from the receipt of each payment the prime contractor receives from BCRTA. The prime contractor agrees further to return retainage payments to each subcontractor within thirty (30) days after the subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced timeframe may occur only for good cause following written approval of BCRTA. This clause applies to both DBE and non-DBE subcontractors.

This clause may include appropriate penalties for failure to comply, the terms and conditions of which will be set by BCRTA.

BCRTA ensures prompt and full payment of retainage from the prime contractor to the subcontractor within thirty (30) days after the subcontractor's work is satisfactorily completed. Pursuant to § 26.29, BCRTA has selected the following method to comply with this requirement:

- (1) BCRTA may decline to hold retainage from prime contractors and prohibit prime contractors from holding retainage from subcontractors;
- (2) BCRTA may decline to hold retainage from prime contractors and require a contract clause obligating prime contractors to make prompt and full payment of any retainage kept by prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed;
- (3) BCRTA may hold retainage from prime contractors and provide for prompt and regular incremental acceptances of portions of the prime contract, pay retainage to prime contractors based on these acceptances, and require a contract clause obligating the prime contractor to pay all retainage owed to the subcontractor for satisfactory completion of the accepted work within 30 days after your payment to the prime contractor.

BCRTA considers a subcontractor's work as satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by BCRTA. When BCRTA makes an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.

BCRTA may also establish, as part of its DBE program, any of the following additional mechanisms to ensure prompt payment:

- (1) A contract clause that requires prime contractors to include in their subcontracts language providing that prime contractors and subcontractors will use appropriate alternative dispute resolution mechanisms to resolve payment disputes. BCRTA may specify the nature of such mechanisms.
- (2) A contract clause providing that the prime contractor will not be reimbursed for work performed by subcontractors unless and until the prime contractor ensures that the subcontractors are promptly paid for the work they have performed.
- (3) Other mechanisms, consistent with this 49 CFR Part 26 and applicable state and local law, to ensure that DBEs and other contractors are fully and promptly paid.

### **Prompt Payment Dispute Resolution**

BCRTA will take the following steps to resolve disputes as to whether work has been satisfactorily completed for purposes of § 26.29:

Meetings between prime and sub, with resident project representative and/or project manager presence as appropriate. It is recommended that any meeting for the purpose of dispute resolution include individuals authorized to bind each interested party, including recipient representative(s) with authority to take enforcement action.

### **Prompt Payment Complaints**

Complaints by subcontractors regarding the prompt payment requirements are handled according to the following procedure:



- (1) Escalation steps should follow prime, BCRTA, and Operating Administration (OA) in that order.
- (2) If affected subcontractor is not comfortable contracting prime directly regarding payment or unable to resolve payment discrepancies with prime, subcontractor should contact DBELO to initiate complaint.
- (3) If filing a prompt payment complaint with the DBELO does not result in timely and meaningful action by BCRTA to resolve prompt payment disputes, affected subcontractor may contact the responsible operating administration contact.

### **Enforcement Actions for Noncompliance of Participants**

BCRTA will provide appropriate means to enforce the requirements of § 26.29. These means include:

- (1) In accordance with the contract, assessing liquidated damages against the prime contractor for each day beyond the required time period the prime contractor fails to pay the subcontractor.
- (2) Advise subcontractors of the availability of the payment and performance bond to assure payment for labor and materials in the execution of the work provided for in the contract.
- (3) Pay subcontractors directly and deduct this amount from the retainage owed to the prime.
- (4) Issue a stop-work order until payments are released to subcontractors, specifying in the contract that such orders constitute unauthorized delays for the purposes of calculating liquidated damages if milestones are not met.
- (5) Other penalties for failure to comply, up to and including contract termination.

BCRTA will actively implement the enforcement actions detailed above.

### **Good Faith Efforts Process/Criteria**

When a DBE contract goal has been established, the contract must be awarded only to the bidder/offeror that makes good faith efforts to meet it. It must be determined that a bidder/offeror has made good faith efforts if the bidder/offeror does either of the following things:

- (1) Document that it has obtained enough certified DBE participation to meet the goal; or
- (2) Document that it made adequate good faith efforts to meet the goal, even though it did not succeed in obtaining enough certified DBE participation to do so, prior to submittal of the bid or proposal. If the bidder/offeror does document adequate good faith efforts, the award of the contract must not be denied on the basis that the bidder/offeror failed to meet the goals.

In the solicitations for the DOT-assisted contracts for which a contract goal has been established, the following is required:

- (1) Award of the contract will be conditioned on meeting the requirements of this section;
- (2) All bidders/offerors will be required to submit the following information to BCRTA at the time specified in the solicitation:
  - a) The names and addresses of DBE firms that will participate in the contract;
  - b) A description of the work that each DBE will perform;
  - c) The dollar amount of the participation of each DBE firm participating;
  - d) Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
  - e) Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors commitment; and
  - f) If the contract goal is not met, evidence of good faith efforts.

At BCRTA's discretion, the bidder/offeror must present the information required above:

Under sealed bid procedures, as a matter of responsiveness, or with initial proposals, prior to the time of contract negotiation procedures;

Or,

At any time BCRTA commits to the performance of the contract by the bidder/offeror, as a matter of responsibility.

It must be determined that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before committing BCRTA to the performance of the contract by the bidder/offeror.

If it is determined that the apparent successful bidder/offeror has failed to meet the requirements of this section before awarding the contract, the bidder/offeror must be provide with the opportunity for administrative reconsideration.

As part of the reconsideration, the bidder/offeror must have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so.

The decision on reconsideration must be made by an official who did not take part in the original determination that the bidder/offeror failed to meet the goal or make adequate good faith efforts to do so.

The bidder/offeror will have the opportunity to meet in person with the BCRTA reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. BCRTA will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

BCRTA will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. BCRTA will require the prime contractor to notify the DBE Liaison officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation. In this situation, BCRTA will require the prime contractor to obtain

BCRTA's prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

If the contractor fails or refuses to comply in the time specified, our contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding.

BCRTA may establish a goal for the project in a "design-build" or "turnkey" contract situation, in which a master contract is let to a contractor, who in turn lets subsequent subcontracts for the work of the project. The master contractor then established contract goals, as appropriate, for the subcontracts it lets. BCRTA maintains oversight of the master contractor's activities to ensure that they are conducted consistent with the requirements of this part.

BCRTA requires that a prime contractor may not terminate a participating DBE subcontractor without BCRTA's prior written consent and then perform the work of the terminated subcontract with its own forces, or those of an affiliate, without prior written consent.

When a DBE subcontractor is terminated, or fails to complete its work on the contract for any reason, the prime contractor is required to make good faith effort to find another certified DBE to perform at least the same amount of work under the contract as the certified DBE had that was terminated, to the extent needed to meet the contract goal established for the procurement.

Each prime contract must include a provision for appropriate administrative remedies that will be invoked if the prime contractor fails to comply with the requirements of this section.

The requirements of this section must be applied to certified DBE bidders/offers for prime contracts. In determining whether a certified DBE bidder/offeror for a prime contract has met a contract goal, the work the certified DBE has committed to perform with its own forces, as well as the work that it has committed to be performed by certified DBE subcontractors and certified DBE suppliers, shall be considered.

### **Monitoring Mechanisms**

BCRTA implements and carries out appropriate mechanisms to ensure compliance with 49 CFR Part 26 program requirements by all program participants, including prompt payment, and describes and set forth these mechanisms in BCRTA's DBE program.

BCRTA will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55. BCRTA will not count the participation of a DBE subcontract toward a contractor's final compliance with its DBE obligations on a contract until the amount being counted has actually been paid to the DBE.

### **Monitoring Work and Payments to DBEs**

BCRTA undertakes ongoing monitoring of prime payments to subcontractors over the course of any covered contract. Such monitoring activities will be accomplished through the following method(s):

Posting prime contractor payments to a website, database, or other place accessible to subcontractors to alert them to the start of the xx-day clock for payment

BCRTA will conduct random site visits in order to certify to the Federal Transit Administration (FTA) that the DBEs are performing the work assigned to them.

BCRTA requires prime contractors to maintain records and documents of payments to subcontractors, including DBEs, for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for the BCRTA's financial assistance agreement, whichever is longer. These records will be made available for inspection upon request by any authorized representative of the BCRTA or DOT. This reporting requirement extends to all subcontractors, both DBE and non-DBE.

BCRTA proactively reviews contract payments to subcontractors including DBEs quarterly to ensure compliance. Payment reviews will evaluate whether the actual amount paid to DBE subcontractors is equivalent to the amounts reported to BCRTA by the prime contractor.

### **Monitoring and Enforcement Mechanisms**

BCRTA has available several remedies to enforce the DBE requirements contained in its contracts, including, but not limited to, the following:

- 1) Breach of contract action, pursuant to the terms of the contract;
- 2) Breach of contract action, pursuant to the applicable sections of the Ohio Revised Code;
- 3) Other local, state and Federal laws, statutes, regulations, etc. that are available to enforce the DBE requirements;
- 4) In addition, the Federal government has available several enforcement mechanisms that it may apply to firms participating in the DBE program, including, but not limited to, the following:
  - a. Suspension or debarment proceedings pursuant to 49 CFR Part 26
  - b. Enforcement action pursuant to 49 CFR Part 31
  - c. Prosecution pursuant to 18 USC 1001.

### **Small Business Provision**

Small business concerns are included in the BCRTA DBE program to ensure that all small businesses are allowed to participate in BCRTA's program (DBEs and non-DBEs alike) and, consequently, compete with similarly-sized businesses.

A small business concern is 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).

BCRTA will require verification of small business status to ensure a firm is in fact a small business concern. BCRTA may rely on the certification/verification processes used by another entity as long as the process is designed to confirm eligibility consistent with small business criteria consistent with those of Part 26. A certified DBE is presumed eligible to participate in a small business program developed to comply with 49 CFR §26.39, unless it is a micro-small business program. BCRTA will not permit firms to self-certify/verify as small businesses.

BCRTA shall take affirmative steps to establish maximum participation of small business vendors such as:

- a) placing qualified small and minority/women businesses on vendor solicitation lists,
- b) assuring they are solicited when they are potential sources,
- c) dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation,
- d) establishing delivery schedules, where opportunity permits, to encourage their participation, and
- e) requiring the prime contractor, if subcontracts shall be let, to take the same affirmative steps as listed above in (a) through (d) of this paragraph.

## Goal Setting Methodology

### Overall Goal

The DBE Officer will annually review procurement plans and recommend appropriate organizational DBE contracting goals based on anticipated procurement actions and available certified DBE suppliers or contractors. DBE goals are established annually based on projected expenditures for construction, professional services, materials and supplies, and equipment, and anticipated opportunities to use DBE vendors to fulfill those requirements.

### Methodology for DBE- Goal Calculation

#### Step 1: Calculation

The overall-goal figure for the FTA-assisted project will be calculated as follows:

$$\frac{\text{DBEs – Ready Willing \& Able}}{\text{All firms – Ready Willing \& Able}} = \text{DBE-Goal Percentage}$$

- Firms will be selected using the NAICS codes associated with the targeted FTA funded project(s), e.g., for the construction of a vehicle storage facility, BCRTA will focus on firms with a NAICS code of 23xxxx – which includes all services and products associated with construction trades, projects, and products.
- **DBEs – Ready Willing & Able.** The data source or demonstrable evidence used to derive the numerator (Ready, Willing, and Able DBE Firms) will be all *active* DBE firms that were found in the Ohio Disadvantaged Business Enterprise (DBE) Unified Certification Program (UCP) database (<http://www.dot.state.oh.us/Divisions/ODI/SDBE/Pages/DBE-Directory.aspx>) with the targeted NAICS code.

- **All Firms – Ready Willing & Able.** The data source or demonstrable evidence used to derive the denominator will be the U.S. Census Bureau’s County Business Patterns. The geographic area used for the Ready, Willing, and Able business count, for targeted NAICS firms will be the State of Ohio.

### **Step 2: Adjustment**

After calculating the base figure of the relative availability of DBE firms, evidence will be examined to determine what adjustment to the base figure, if any, is appropriate in order to arrive at the overall goal. The evidence examined will include, but is not limited to, the current capacity of DBE firms to perform work on FTA assisted contracting programs; and evidence from related fields that affect the opportunities for DBE firms to form, grow, and compete.

### **Public Participation**

In conformance with the requirement that BCRTA seek public participation in its goal setting process, it will publish a notice announcing its proposed DBE goal for the respective fiscal year as required by Section 26.45(g). A copy of the public notice will be forwarded to the Regional Civil Rights Officer along with a copy of the publication certificate, if this is available from the publisher. In addition, evidence of contact and consultation with minority business associations and general contracting groups will also be forwarded to the Civil Rights Officer.

### **Breakout of Race-Neutral and Race-Conscious Participation**

100% race neutral means will be used. BCRTA will monitor DBE participation throughout the year and include race-conscious means if it appears that its established goals will not be met.

Listing of all counties within the Cincinnati-Middletown, OH-KY-IN Metropolitan Statistical Area.

- Brown County, Ohio
- Butler County, Ohio
- Clermont County, Ohio
- Hamilton County, Ohio
- Warren County, Ohio
- Boone County, Kentucky
- Bracken County, Kentucky
- Campbell County, Kentucky
- Gallatin County, Kentucky
- Grant County, Kentucky
- Kenton County, Kentucky
- Pendleton County, Kentucky
- Dearborn County, Indiana
- Franklin County, Indiana
- Ohio County, Indiana



**Disadvantaged Business Enterprise (DBE) Program  
Butler County Regional Transit Authority (BCRTA)**

**Updated 8/6/2020**

**Submitted to:**

**Federal Transit Administration, Region 5**

**200 West Adams Street, Suite 320**

**Chicago, Illinois 60606**

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## DBE POLICY STATEMENT

The BCRTA has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR part 26. The BCRTA has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the BCRTA has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the BCRTA 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:

1. To ensure nondiscrimination in the award and administration of DOT–assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs. These firms are listed on the State of Ohio Uniform Certification Program website (<http://www.dot.state.oh.us/Divisions/ODI/SDBE/Pages/UCP.aspx>);
5. To help remove barriers to the participation of DBEs in DOT assisted contracts; and
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

The BCRTA Director of Finance & Administration has been delegated as the DBE Liaison Officer. In that capacity, the Director of Finance & Administration is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the BCRTA in its financial assistance agreements with the Department of Transportation.

BCRTA has disseminated this policy statement to the BCRTA Board of Trustees 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 by including this policy statement in all BCRTA solicitations.

---

BCRTA Executive Director

---

Date

## STANDARD CONTRACT ASSURANCES

### Section 26.1 Objectives

The objectives are found in the policy statement on the first page of this program.

### Section 26.3 Applicability

The BCRTA is the recipient of 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, II, and V of the Teas-21, Pub. L. 105-178.

### Section 26.5 Definitions

The BCRTA will adopt the definitions contained in Section 26.5 for this program.

### Section 26.7 Non-discrimination Requirements

The BCRTA will 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 49 CFR part 26 on the basis of race, color, sex, or national origin. In administering its DBE program, the [Recipient] will 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 DBE program with respect to individuals of a particular race, color, sex, or national origin.

### Section 26.11 Record Keeping Requirements

#### Reporting to DOT: 26.11(b)

We will report DBE participation to DOT as follows:

We will report DBE participation on a quarterly basis, using DOT Form 4630. These reports will reflect payments actually made to DBEs on DOT-assisted contracts.

#### Bidders List: 26.11(c)

The BCRTA will create a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The purpose of this requirement is to allow use of the bidders list approach to calculating overall goals. The bidder list will include the name, address, DBE non-DBE status, age, and annual gross receipts of firms.

We will collect this information by including a notice in all solicitations published on our website ([www.butlercountyrta.com/doing-business-with-us/solicitations](http://www.butlercountyrta.com/doing-business-with-us/solicitations)), and otherwise widely disseminated, request to firms quoting on subcontracts to report information directly to the recipient through the vendor registration portal on our website ([www.butlercountyrta.com/doing-business-with-us/vendor-registration](http://www.butlercountyrta.com/doing-business-with-us/vendor-registration))

### Section 26.13 Federal Financial Assistance Agreement

BCRTA has signed the following assurances, applicable to all DOT-assisted contracts and their administration.

**Assurance: 26.13(a):**

BCRTA 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. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. The BCRTA 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 the BCRTA of its failure to carry out its approved program, the Department 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.*)

This language will appear in financial assistance agreements with sub-recipients.

**Contract Assurance: 26.13(b):**

BCRTA will ensure that the following clause is placed in every DOT-assisted contract and subcontract:

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 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 the recipient deems appropriate, withholding monthly progress payments, assessing sanctions, liquidated damages, an/or disqualifying the contractor from future bidding as non-responsible.

## ADMINISTRATIVE REQUIREMENTS

### Section 26.21 DBE Program Updates

Since the BCRTA has received a grant of \$250,000 or more in FTA planning capital, and or operating assistance in a federal fiscal year, we will continue to carry out this program until all funds from DOT financial assistance have been expended. We will provide to DOT updates representing significant changes in the program.

### Section 26.23 Policy Statement

The Policy Statement is elaborated on the first page of this program.

### Section 26.25 DBE Liaison Officer (DBELO)

BCRTA has designated the following individual as the DBE Liaison Officer:

Delene Weidner, BCRTA Director of Finance & Administration  
[weidnerd@butlercountyrta.com](mailto:weidnerd@butlercountyrta.com)  
3045 Moser Court  
Hamilton, Ohio 45011  
513-785-5029

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the BCRTA complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Executive Director concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment A to this program.

The DBELO is responsible for developing, implementing, and monitoring the DBE program, in coordination with other appropriate officials. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals attainment and identifies ways to improve progress.
6. Analyzes BCRTA's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the Executive Director and Board of Trustees on DBE matters and achievement.
9. Chairs the DBE Advisory Committee.
10. Participates in pre-bid meetings.
11. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
12. Plans and participates in DBE training seminars.
13. Certifies DBEs according to the criteria set by DOT and acts as liaison to the Uniform Certification Process in Ohio.
14. Provides outreach to DBEs and community organizations to advise them of opportunities.
15. Maintains the BCRTA's updated directory on certified DBEs.

### **Section 26.27 DBE Financial Institutions**

It is the policy of the BCRTA to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contract to make use of these institutions. We have made the following efforts to identify and use such institutions: Using the list provided here

<https://fiscal.treasury.gov/mbdp/participants.html>, a search was done for the states of Ohio, Kentucky and Indiana.

To date we have not identified any such institutions located in the state of Ohio, Kentucky or Indiana that could adequately meet our needs.

Information on the availability of such institutions can be obtained from the DBE Liaison Officer.

### **Section 26.29 Prompt Payment Mechanisms**

BCRTA requires that all subcontractors performing work on DOT-assisted contracts shall be promptly paid for work performed pursuant to their agreements, in accordance with all relevant federal, state, and local law.

In accordance with 49 CFR § 26.29, BCRTA established a contract clause implementing this requirement and requires prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 30 days from the prime contractor's receipt of each payment from BCRTA.

BCRTA will include the following clause in each DOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than thirty (30) days from the receipt of each payment the prime contractor receives from BCRTA. The prime contractor agrees further to return retainage payments to each subcontractor within thirty (30) days after the subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced timeframe may occur only for good cause following written approval of BCRTA. This clause applies to both DBE and non-DBE subcontractors.

This clause may include appropriate penalties for failure to comply, the terms and conditions of which will be set by BCRTA.

BCRTA ensures prompt and full payment of retainage from the prime contractor to the subcontractor within thirty (30) days after the subcontractor's work is satisfactorily completed. Pursuant to § 26.29, BCRTA has selected the following method to comply with this requirement:

1. BCRTA may decline to hold retainage from prime contractors and prohibit prime contractors from holding retainage from subcontractors;
2. BCRTA may decline to hold retainage from prime contractors and require a contract clause obligating prime contractors to make prompt and full payment of any retainage kept by prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed;
3. BCRTA may hold retainage from prime contractors and provide for prompt and regular incremental acceptances of portions of the prime contract, pay retainage to prime contractors based on these acceptances, and require a contract clause obligating the prime contractor to pay all retainage owed to the subcontractor for satisfactory completion of the accepted work within 30 days after your payment to the prime contractor.

BCRTA considers a subcontractor's work as satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by BCRTA. When BCRTA makes an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.

BCRTA may also establish, as part of its DBE program, any of the following additional mechanisms to ensure prompt payment:

1. A contract clause that requires prime contractors to include in their subcontracts language providing that prime contractors and subcontractors will use appropriate alternative dispute resolution mechanisms to resolve payment disputes. BCRTA may specify the nature of such mechanisms.
2. A contract clause providing that the prime contractor will not be reimbursed for work performed by subcontractors unless and until the prime contractor ensures that the subcontractors are promptly paid for the work they have performed.
3. Other mechanisms, consistent with this 49 CFR Part 26 and applicable state and local law, to ensure that DBEs and other contractors are fully and promptly paid.

#### **Prompt Payment Dispute Resolution**

BCRTA will take the following steps to resolve disputes as to whether work has been satisfactorily completed for purposes of § 26.29:

Meetings between prime and sub, with resident project representative and/or project manager presence as appropriate. It is recommended that any meeting for the purpose of dispute resolution include individuals authorized to bind each interested party, including recipient representative(s) with authority to take enforcement action.

#### **Prompt Payment Complaints**

Complaints by subcontractors regarding the prompt payment requirements are handled according to the following procedure:

1. Escalation steps should follow prime, BCRTA, and Operating Administration (OA) in that order.
2. If affected subcontractor is not comfortable contracting prime directly regarding payment or unable to resolve payment discrepancies with prime, subcontractor should contact DBELO to initiate complaint.
3. If filing a prompt payment complaint with the DBELO does not result in timely and meaningful action by BCRTA to resolve prompt payment disputes, affected subcontractor may contact the responsible operating administration contact.

#### **Enforcement Actions for Noncompliance of Participants**

BCRTA will provide appropriate means to enforce the requirements of § 26.29. These means include:

1. In accordance with the contract, assessing liquidated damages against the prime contractor for each day beyond the required time period the prime contractor fails to pay the subcontractor.

2. Advise subcontractors of the availability of the payment and performance bond to assure payment for labor and materials in the execution of the work provided for in the contract.
3. Pay subcontractors directly and deduct this amount from the retainage owed to the prime.
4. Issue a stop-work order until payments are released to subcontractors, specifying in the contract that such orders constitute unauthorized delays for the purposes of calculating liquidated damages if milestones are not met.
5. Other penalties for failure to comply, up to and including contract termination.

BCRTA will actively implement the enforcement actions detailed above.

### **Section 26.31 Directory**

The BCRTA participates in a combined statewide directory. The Uniform Certification Program <http://www.dot.state.oh.us/Divisions/ODI/SDBE/Pages/UCP.aspx>

### **Section 26.33 Overconcentration**

BCRTA has not identified that overconcentration exists in the types of work that DBEs perform.

### **Section 26.35 Business Development Programs**

BCRTA has not established a business development program.

### **Section 26.37 Monitoring and Enforcement Mechanisms**

The BCRTA will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

1. We will bring to the attention of the Department of Transportation 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 and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.
2. We will consider similar action under our own legal authorities, including responsibility determinations in future contracts. Section 26.29 of this program elaborates on the regulation, provisions, and contract remedies available to us in the events of non-compliance with the DBE regulation by a participant in our procurement activities.
3. We will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs.



4. We will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

### **Monitoring Work and Payments to DBEs**

BCRTA undertakes ongoing monitoring of prime payments to subcontractors over the course of any covered contract. Such monitoring activities will be accomplished through the following method(s):

Posting prime contractor payments to a website, database, or other place accessible to subcontractors to alert them to the start of the xx-day clock for payment

BCRTA will conduct random site visits in order to certify to the Federal Transit Administration (FTA) that the DBEs are performing the work assigned to them.

BCRTA requires prime contractors to maintain records and documents of payments to subcontractors, including DBEs, for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for the BCRTA's financial assistance agreement, whichever is longer. These records will be made available for inspection upon request by any authorized representative of the BCRTA or DOT. This reporting requirement extends to all subcontractors, both DBE and non-DBE.

BCRTA proactively reviews contract payments to subcontractors including DBEs quarterly to ensure compliance. Payment reviews will evaluate whether the actual amount paid to DBE subcontractors is equivalent to the amounts reported to BCRTA by the prime contractor.

### **Monitoring and Enforcement Mechanisms**

BCRTA has available several remedies to enforce the DBE requirements contained in its contracts, including, but not limited to, the following:

1. Breach of contract action, pursuant to the terms of the contract;
2. Breach of contract action, pursuant to the applicable sections of the Ohio Revised Code;
3. Other local, state and Federal laws, statutes, regulations, etc. that are available to enforce the DBE requirements;
4. In addition, the Federal government has available several enforcement mechanisms that it may apply to firms participating in the DBE program, including, but not limited to, the following:
  - a) Suspension or debarment proceedings pursuant to 49 CFR Part 26
  - b) Enforcement action pursuant to 49 CFR Part 31
  - c) Prosecution pursuant to 18 USC 1001.

## **GOALS, GOOD FAITH EFFORTS, AND COUNTING**

### **Section 26.43 Set-asides or Quotas**

The BCRTA does not use quotas in any way in the administration of this DBE program.

### **Section 26.45 Overall Goals**

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment B to this program. This section of the program will be updated every three years.

In accordance with Section 26.45(f) the BCRTA will submit its overall goal to DOT on August 1 at three-year intervals. Before establishing the overall goal, BCRTA will consult with (but not be limited to) women's and general contractor groups, community organizations, and other officials or organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the BCRTA's efforts to establish a level playing field for the participation of DBEs.

Following this consultation, we will publish a notice of the proposed overall goal on our website, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at your principal office for 30 days following the date of the notice, and informing the public that you and DOT will accept comments on the goals for 45 days from the date of the notice. Normally, we will issue this notice by June 1 of each year. The notice will include addresses to which comments may be sent and addresses where the proposal may be reviewed.

Our overall goal submission to DOT will include a summary of information and comments received during this public participation process and our responses.

We will begin using our overall goal on October 1 of each year unless we have received other instructions from DOT. If we establish a goal on a project basis, we will begin using our goal by the time of the first solicitation for a DOT-assisted contract for the project.

### **Section 26.49 Transit Vehicle Manufacturers Goals**

BCRTA will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of this section. Alternatively, BCRTA may, at its discretion and with FTA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of the TVM complying with this element of the program.

### **Section 26.51(a-c) Breakout of Estimated Race-Neutral & Race-Conscious Participation**

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment B to this program. This section of the program will be updated when the goal calculation is updated.

## Section 26.51(d-g) Contract Goals

The BCRTA will use contract goals to meet any portion of the overall goal BCRTA does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of race-neutral means.

We will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. We need not establish a contract goal on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work.)

We will express our contract goals as a percentage of the Federal share of a DOT-assisted contract.

## Section 26.53 Good Faith Efforts Procedures

### Demonstration of good faith efforts (26.53(a) & (c))

When a DBE contract goal has been established, the contract must be awarded only to the bidder/offeror that makes good faith efforts to meet it. It must be determined that a bidder/offeror has made good faith efforts if the bidder/offeror does either of the following things:

1. Document that it has obtained enough certified DBE participation to meet the goal; or
2. Document that it made adequate good faith efforts to meet the goal, even though it did not succeed in obtaining enough certified DBE participation to do so, prior to submittal of the bid or proposal. If the bidder/offeror does document adequate good faith efforts, the award of the contract must not be denied on the basis that the bidder/offeror failed to meet the goals.

The DBELO or Procurement Specialist is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive.

We will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before we commit to the performance of the contract by the bidder/offeror.

### Information to be submitted (26.53(b))

BCRTA treats bidder/offers' compliance with good faith efforts' requirements as a matter of responsiveness.

In the solicitations for the DOT-assisted contracts for which a contract goal has been established, the following is required:

1. Award of the contract will be conditioned on meeting the requirements of this section;
2. All bidders/offerors will be required to submit the following information to BCRTA at the time specified in the solicitation:

- a) The names and addresses of DBE firms that will participate in the contract;
- b) A description of the work that each DBE will perform;
- c) The dollar amount of the participation of each DBE firm participating;
- d) Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
- e) Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors commitment; and
- f) If the contract goal is not met, evidence of good faith efforts.

At BCRTA's discretion, the bidder/offeror must present the information required above:

Under sealed bid procedures, as a matter of responsiveness, or with initial proposals, prior to the time of contract negotiation procedures;

Or,

At any time BCRTA commits to the performance of the contract by the bidder/offeror, as a matter of responsibility.

#### **Administrative reconsideration (26.53(d))**

It must be determined that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before committing BCRTA to the performance of the contract by the bidder/offeror.

If it is determined that the apparent successful bidder/offeror has failed to meet the requirements of this section before awarding the contract, the bidder/offeror must be provided with the opportunity for administrative reconsideration.

Within 5 days of being informed by BCRTA that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official:

Matthew Dutkevicz, BCRTA Executive Director  
[dutkeviczmm@butlercountyrta.com](mailto:dutkeviczmm@butlercountyrta.com)  
3045 Moser Court  
Hamilton, Ohio 45011  
513-785-5237

The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

The bidder/offeror will have the opportunity to meet in person with the BCRTA reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. BCRTA will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

### **Good Faith Efforts when a DBE is replaced on a contract (26.53(f))**

BCRTA will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. BCRTA will require the prime contractor to notify the DBE Liaison officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation. In this situation, BCRTA will require the prime contractor to obtain BCRTA's prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

If the contractor fails or refuses to comply in the time specified, our contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding.

BCRTA may establish a goal for the project in a "design-build" or "turnkey" contract situation, in which a master contract is let to a contractor, who in turn lets subsequent subcontracts for the work of the project. The master contractor then established contract goals, as appropriate, for the subcontracts it lets. BCRTA maintains oversight of the master contractor's activities to ensure that they are conducted consistent with the requirements of this part.

BCRTA requires that a prime contractor may not terminate a participating DBE subcontractor without BCRTA's prior written consent and then perform the work of the terminated subcontract with its own forces, or those of an affiliate, without prior written consent.

When a DBE subcontractor is terminated, or fails to complete its work on the contract for any reason, the prime contractor is required to make good faith effort to find another certified DBE to perform at least the same amount of work under the contract as the certified DBE had that was terminated, to the extent needed to meet the contract goal established for the procurement.

Each prime contract must include a provision for appropriate administrative remedies that will be invoked if the prime contractor fails to comply with the requirements of this section.

The requirements of this section must be applied to certified DBE bidders/offers for prime contracts. In determining whether a certified DBE bidder/offeror for a prime contract has met a contract goal, the work the certified DBE has committed to perform with its own forces, as well as the work that it has committed to be performed by certified DBE subcontractors and certified DBE suppliers, shall be considered.

### **Sample Bid Specification:**

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of the BCRTA to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of \_\_\_\_\_ percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (Attachment 1), to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that

each DBE firm will perform; (3) the dollar amount of the participation of each DBE firm participating; (4) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; (5) Written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); and (5) if the contract goal is not met, evidence of good faith efforts.

### **Section 26.55 Counting DBE Participation**

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

## **SMALL BUSINESS PROVISION**

Small business concerns are included in the BCRTA DBE program to ensure that all small businesses are allowed to participate in BCRTA's program (DBEs and non-DBEs alike) and, consequently, compete with similarly sized businesses.

A small business concern is 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).

BCRTA will require verification of small business status to ensure a firm is in fact a small business concern. BCRTA may rely on the certification/verification processes used by another entity as long as the process is designed to confirm eligibility consistent with small business criteria consistent with those of Part 26. A certified DBE is presumed eligible to participate in a small business program developed to comply with 49 CFR §26.39, unless it is a micro-small business program. BCRTA will not permit firms to self-certify/verify as small businesses.

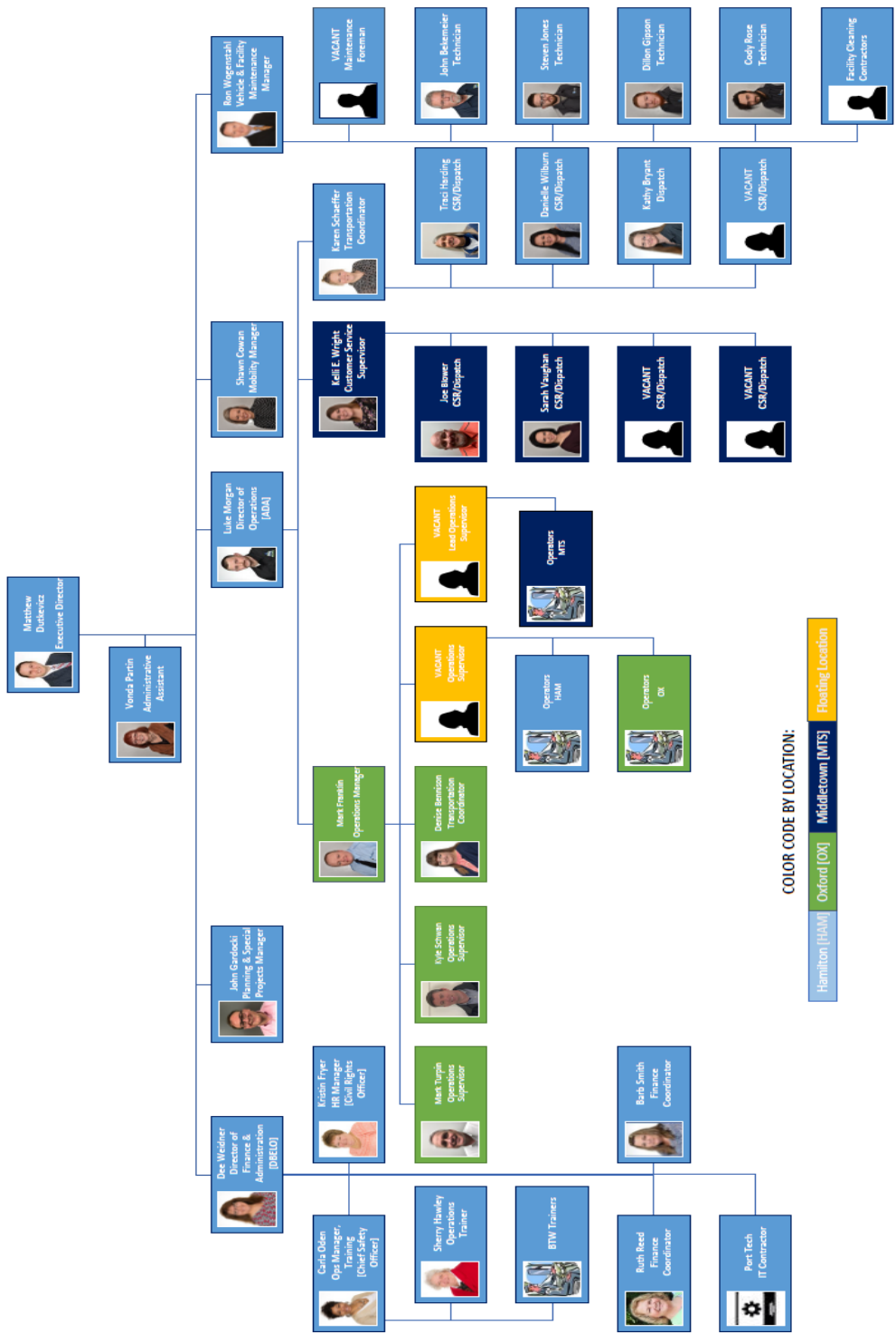
BCRTA shall take affirmative steps to establish maximum participation of small business vendors such as:

1. placing qualified small and minority/women businesses on vendor solicitation lists,
2. assuring they are solicited when they are potential sources,
3. dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation,
4. establishing delivery schedules, where opportunity permits, to encourage their participation, and
5. requiring the prime contractor, if subcontracts shall be let, to take the same affirmative steps as listed above in (a) through (d) of this paragraph.

ATTACHMENT A - ORGANIZATIONAL CHART

R/L: Permanent

BUTLER COUNTY REGIONAL TRANSIT AUTHORITY  
Table of Organization  
July 24, 2020



COLOR CODE BY LOCATION:

- Hamilton [HAM]
- Oxford [OX]
- Middletown [MTS]
- Floating Location



## ATTACHEMNT B – GOAL SETTING

### Overall Goal

The DBE Officer will annually review procurement plans and recommend appropriate organizational DBE contracting goals based on anticipated procurement actions and available certified DBE suppliers or contractors. DBE goals are established every three years based on projected expenditures for construction, professional services, materials and supplies, and equipment, and anticipated opportunities to use DBE vendors to fulfill those requirements.

BCRTA's overall goal for the following time period 2021-2023 is the following: .29% of the Federal financial assistance we will expend in DOT-assisted contracts exclusive of FTA funds to be used for the purchase of transit vehicles.

### Methodology for DBE- Goal Calculation

#### Step 1: Calculation

The overall-goal base figure for the FTA-assisted project will be calculated as follows:

$$\frac{\text{DBEs – Ready Willing \& Able}}{\text{All firms – Ready Willing \& Able}} = \text{DBE-Goal Percentage}$$

This figure is then weighted based on the contract dollars available for the type of work to be performed.

- Firms are selected using the NAICS codes associated with the targeted FTA funded project(s) we will be letting over the three-year term of this goal, e.g., for the construction of a vehicle storage facility, BCRTA will focus on firms with a NAICS code of 23xxxx – which includes all services and products associated with construction trades, projects, and products.
- **DBEs – Ready Willing & Able.** The data source or demonstrable evidence used to derive the numerator (Ready, Willing, and Able DBE Firms) will be all *active* DBE firms that were found in the Ohio Disadvantaged Business Enterprise (DBE) Unified Certification Program (UCP) database (<http://www.dot.state.oh.us/Divisions/ODI/SDBE/Pages/DBE-Directory.aspx>) with the targeted NAICS code.
- **All Firms – Ready Willing & Able.** The data source or demonstrable evidence used to derive the denominator will be the U.S. Census Bureau's County Business Patterns. The geographic area used for the Ready, Willing, and Able business count, for targeted NAICS firms will be the State of Ohio.





Summaries of these comments are as follows:

Our responses to these comments are:

BCRTA published a notice announcing its proposed DBE goal for the respective fiscal years as required to our website [www.butlercountyrta.com/doing-business-with-us/disadvantaged-business-enterprise](http://www.butlercountyrta.com/doing-business-with-us/disadvantaged-business-enterprise).

We published our goal information on August 19, 2020.

## BCRTA Resolution No. 20-08-03

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### **Authorizing the Executive Director to Execute a Contract to Purchase Automatic Vertical Pivot Gate Installation, Electrical Installation and Access Control & Configuration.**

**Whereas** on November 20, 2019, the BCRTA Board of Trustees authorized 2020 operating and capital expenditures; and

**Whereas** the Federal Transit Administration requires that BCRTA maintain assets in a state of good repair including ensuring satisfactory continuing control and facility security; and

**Whereas** BCRTA receives federal grant dollars that are eligible to be spent on the improvement of facility security and improvements; and

**Whereas** BCRTA has identified an access controlled entry to the Moser Court bus storage and maintenance lot as the last remaining vulnerability in the Hamilton facility access control security plan; and

**Whereas** BCRTA solicited proposals for automatic vertical pivot gate installation, electrical installation and access control & configuration consistent with procurement best practices and FTA regulation; and

**Whereas** Allied Builders Inc. DBA Allied Fence Builders of Dayton, Ohio has met BCRTA's requirements, and provides the best cost value for BCRTA's needs; and

**Whereas** BCRTA has checked references and has determined responsibility of the proposer.

**Now, therefore be it resolved** that the BCRTA Board of Trustees hereby authorizes the Executive Director to execute a contract for automatic vertical pivot gate installation, electrical installation and access control & configuration at a cost of \$79,945 plus a 10% contingency for a total amount not to exceed \$87,940. Furthermore, the BCRTA Board of Trustees authorizes the Executive Director to take all actions necessary to enact the terms of the agreement and this resolution.

Approved: August 19, 2020

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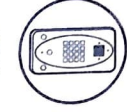
Chris Lawson, Board President

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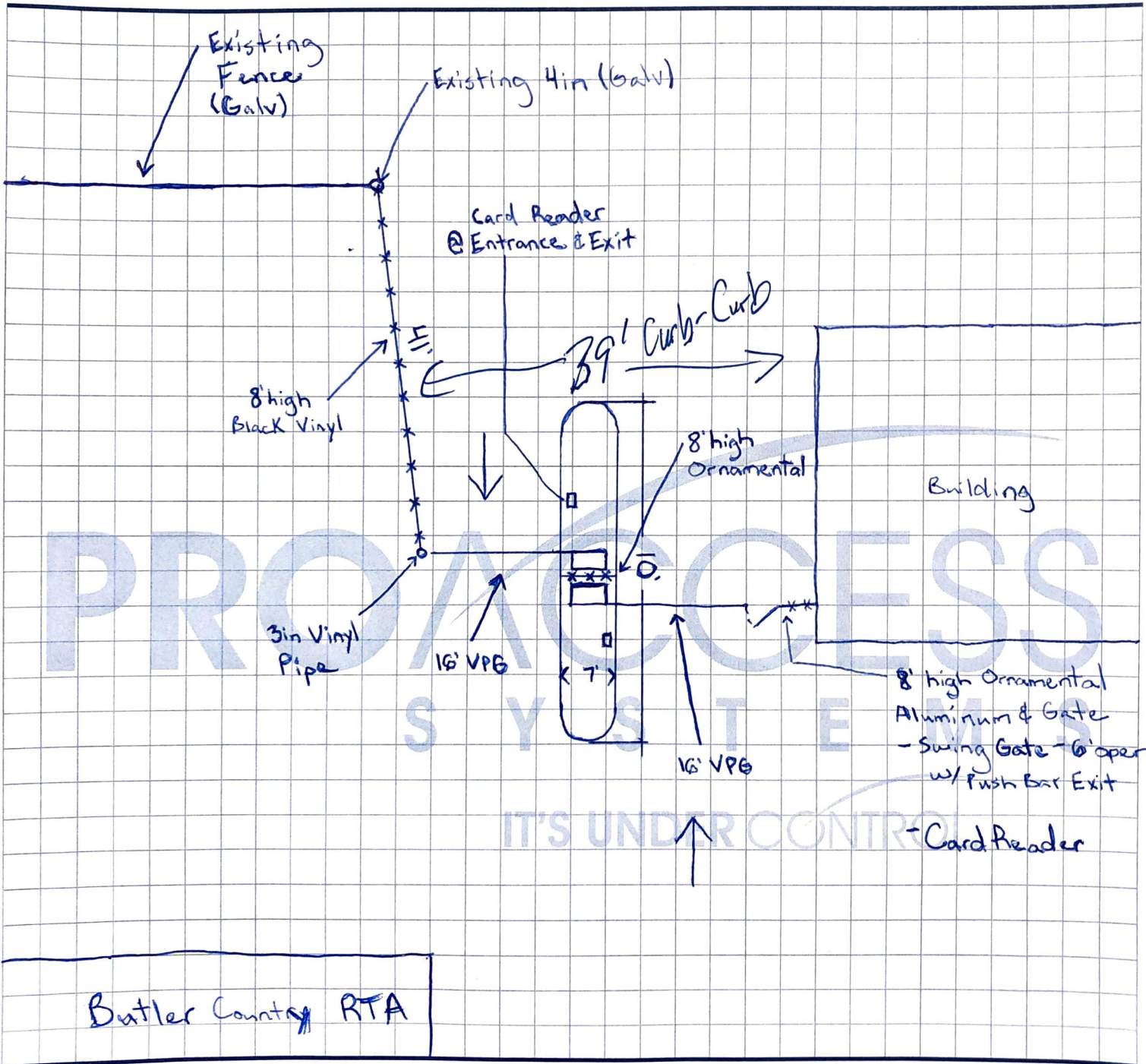
Matthew Dutkevicz, Executive Director

# PRO ACCESS

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