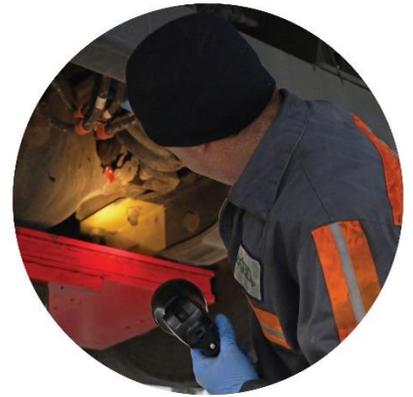


LEXTRAN DISADVANTAGED BUSINESS ENTERPRISE PROGRAM 2020 - 2022



POLICY STATEMENT

The Transit Authority of the Lexington Fayette Urban County Government (Lextran) has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR part 26. Lextran has received federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, Lextran has signed an assurance that it will comply with 49 CFR part 26.

It is the policy of Lextran to ensure that DBEs, as defined in part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. Lextran shall support the following objectives set forth by 49 CFR part 26.1, to ensure:

1. Nondiscrimination in the award and administration of DOT-assisted contracts;
2. A level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. The DBE Program is narrowly tailored in accordance with applicable law;
4. Only firms that fully meet eligibility standards are permitted to participate as DBEs;
5. Barriers to the participation of DBEs in DOT-assisted contracts are removed;
6. The development of firms that can compete successfully in the market place outside the DBE Program.

Lextran has disseminated this policy statement to all of the components of our organization. This statement will be distributed to DBE and non-DBE business communities that perform work on DOT assisted contracts through procurement requests, through online communication, and through facsimile. Lextran will publish procurement opportunities through newspapers and trade journals. When requested, Lextran will support a level playing field by offering DBEs and SBEs assistance in navigating the technical requirements of responding to procurement opportunities.

The Director of Planning, Technology, and Community Relations has been designated as the DBE Liaison Officer. In that capacity, the Director of Planning, Technology, and Community Relations 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 Lextran in its financial assistance agreements with the United States Department of Transportation.

Carrie Butler – General Manager

Date

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SUBPART A – GENERAL REQUIREMENTS

Section 26.1 Objectives

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

Section 26.3 Applicability

Lextran 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, III, and V of the TEA-21, Pub. L. 105-178. Titles I, III, and V of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. 109-59, 119 Stat. 1144; and Divisions A and B of the Moving Ahead for Progress in the 21st Century Act (MAP-21), Pub. L. 112-141, 126 Stat. 405.

Section 26.5 Definitions

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

Section 26.7 Non-discrimination Requirements

Lextran 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, Lextran 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

In fulfilling §26.11, Lextran will continue to provide data about the DBE program to the Federal Transit Administration. Lextran will report DBE participation on a semi-annual basis, using the Transit Award Management System (TrAMS). These reports will reflect payments actually made to DBEs on DOT-assisted contracts.

Lextran 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 bidder list approach to calculating overall goals. The bidders list will include the name, address, DBE or non-DBE status, age, and annual gross receipts of firms.

Lextran works with Bonfire, a company that offers a platform for potential bidders to view and respond to procurement opportunities. Bonfire provides a means to solicit business through NAICS code-based invitations. Procurement opportunities include a contract clause that requires prime bidders to report the names, addresses, and other relevant firm information of all potential sub-contracting firms.

Section 26.13 Federal Financial Assistance Agreement

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

Assurance 26.13(a):

As a recipient of DOT funds, Lextran has agreed with and signed the following assurance:

The Transit Authority of the Lexington-Fayette Urban County Government 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 recipient's DBE Program, as required by 49 CFR part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Transit Authority of the Lexington Fayette Urban County Government of its failure to carry out its approved program, the Department may impose sanction as provided for under 49 CFR 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.).

Contract Assurance 26.13(b):

Lextran ensures that the following clause will continue to be 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.

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

Lextran has received FTA grant funding beyond \$250,000 in a federal fiscal year and therefore is required to maintain a DBE program. Lextran will continue to carry out this program until all funds from DOT financial assistance have been expended. The DOT will be updated when any significant changes to the DBE program are made.

Section 26.23 Policy Statement

The Policy Statement can be found on the first page of this program.

Section 26.25 DBE Liaison Officer (DBELO)

We have designated the following individual as our DBE Liaison Officer:

Fred Combs
Director of Planning, Technology & Community Relations
200 West Loudon Avenue
Lexington, KY 40508
(859) 255-7756
fcombs@lextran.com

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring Lextran complies with all provision of 49 CFR part 26. The DBELO has direct, independent access to the General Manager concerning DBE program matters.

The DBELO—in conjunction with the Director of Procurement and the Director of Finance—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. Analyzes Lextran's progress toward attainment and identifies ways to improve progress;
6. Participates in pre-proposal and pre-bid meetings;
7. Advises the General Manager and Lextran's Board of Directors on DBE matters and achievement;

8. Provides DBEs with information and assistance in preparing bids;
9. Plans and participates in DBE training seminars; and,
10. Provides outreach to DBEs and community organizations to advise them of opportunities.

Section 26.27 DBE Financial Institutions

Lextran will 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. Such institutions will be identified through the Kentucky Transportation Cabinet's directory of certified DBE.

Section 26.29 Prompt Payment Mechanisms

Lextran 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 contract receives from Lextran. The prime contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the Lextran. This clause applies to both DBE and non-DBE subcontracts.

Section 26.31 Directory

Lextran maintains a directory identifying all firms eligible to participate as DBEs as compiled by the Kentucky Transportation Cabinet. The directory lists the firm's name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE.

Section 26.33 Overconcentration

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

Section 26.35 Business Development Programs

Lextran has not established a business development program.

Section 26.37 Monitoring and Enforcement Mechanisms

Lextran 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 DOT 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. Attachment C of 49 CFR part 26 lists 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, which will be accomplished by looking at invoices and work performance documents.
4. We will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

Section 26.39 Fostering Small Business Participation

Lextran will take reasonable steps to eliminate obstacles to the participation of Small Business Enterprises (SBE), including unnecessary and unjustified bundling of contract requirements that might preclude small business participation in procurements as prime contractors or subcontractors.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

Lextran does not and will not use quotas in the administration of this DBE program. Lextran will not set-aside contracts for DBEs except in limited and extreme circumstances when no other method could be reasonably expected to redress egregious instances of discrimination.

Section 26.45 Setting Overall Goals

Lextran's DBE goal for FY20, FY21, and FY22 is 2 percent of the federal financial assistance Lextran will award, excluding FTA funds used for the purchase of transit vehicles. During the next three federal fiscal years, Lextran anticipates awarding a total of \$10,106,500 in federal funds. To arrive at that goal, Lextran determined the relative availability of DBE firms in Kentucky, then adjusted the base figure using the anticipated federal assistance for each upcoming project.

Creating the list of anticipated projects over the next three years included defining each project as narrow as possible to encourage future DBE participation. There will be an opportunity for further refinement during the development of scopes of work and individual projects nested under Paratransit Services, Radio and IT Consulting Services, and On-Call Architecture and Engineering Services will encourage DBE subcontracting and will potentially be procured as smaller, separate projects to increase DBE participation.

Lextran's preventive maintenance project accounts for more than \$2,000,000 of the anticipated federally assisted projects over the next three years. That program has been broken down into smaller projects to increase DBE participation. The following projects are included in the preventive maintenance project:

- HVAC and Plumbing Services
- Environmental Services
- Landscaping and Snow Removal
- Sprinklers, Fire extinguishers, and Emergency Lighting
- Pest Control
- Tire Lease
- Overhead Door Services
- Uniform Rental for Maintenance
- Electric Motors
- Fasteners and Other Shop Supplies
- Towing Services

- Body Shop Services
- Rebuilt Engines
- Elevator Maintenance and Repair

All interested proposers on Lextran projects are encouraged to identify a DBE partner if subcontracting opportunities are available.

The methodology used to calculate the DBE goal was as follows:

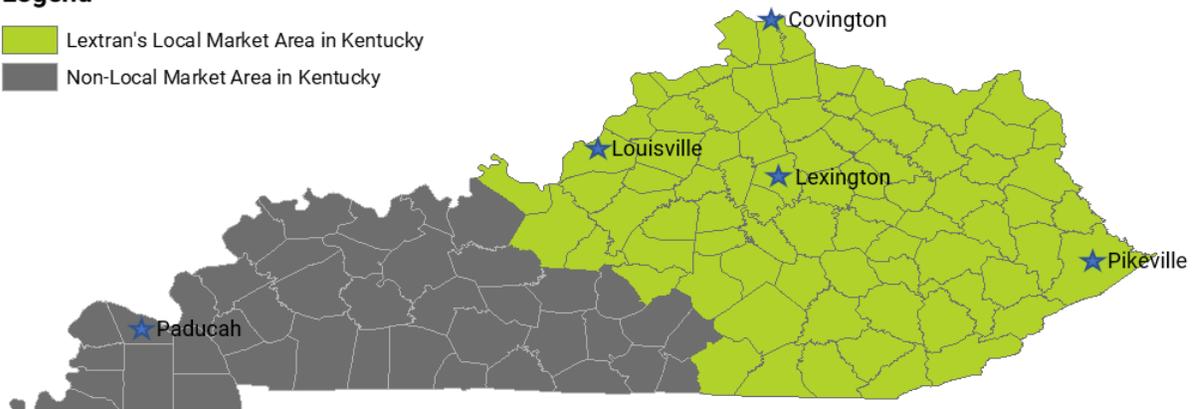
Step 1: Relative Availability of DBEs in Kentucky

Lextran’s DBE goal was built upon the number of ready, willing, and able DBEs relative to the number of all businesses that are ready, willing, and able to participate in procurements. The number of available DBEs used to calculate the overall goal was found by listing each anticipated project over the next three years that will be assisted through federal funding and assigning the closest NAICS code. The number of available DBEs was calculated for each NAICS code using the Kentucky Transportation Cabinet’s directory of certified DBEs and the US Census Bureau’s County Business Patterns database. Lextran’s local market area includes 79 of Kentucky’s 120 counties and encompasses each county in the Eastern Standard Time zone in the state. A complete list of counties can be found in Appendix A.

Lextran’s Local Market Area

Legend

-  Lextran’s Local Market Area in Kentucky
-  Non-Local Market Area in Kentucky



The sum of available DBEs in the KYTC directory was divided by the total number of firms in Lextran’s local market area for NAICS codes assigned to anticipated projects. Additional examination of DBEs in Kentucky registered under NAICS code 485991 because the paratransit services project represents about half of all federally assisted projects anticipated over the next three federal fiscal years. There are no known firms who are certified as DBEs in Kentucky with the appropriate resources to competitively and responsively bid for the Paratransit Services contract and no previous bidders on the Paratransit Services contract were registered as a DBE. The overall availability of DBE firms was 3.4 percent.

$$\frac{\text{Number of Certified DBEs in KYTC Directory per Project}}{\text{Number of firms in Kentucky per Project}} = \frac{208}{6,154} = 3.4\%$$

NAICS Code	Anticipated Project	Number of DBEs available to perform this work	Number of all firms available (including DBEs)	Relative Availability
485991	Paratransit Services	0	24	0.0000
236220	Bus Shelter Construction and General Contracting	31	380	0.0816
561621	Security Services	7	68	0.1029
541690	Radio and IT Consulting Services	14	115	0.1217
5413	On-Call Architectural and Engineering Services	58	814	0.0713
454310	Fuel for Paratransit	1	64	0.0156
238220	HVAC and Plumbing Services	6	913	0.0066
541620	Environmental Services	23	76	0.3026
561730	Landscaping and Snow Removal	28	796	0.0352
423840	Janitorial Supplies	10	34	0.2941
2382	Sprinklers, Fire Extinguishers, and Emergency Lighting	20	1,602	0.0125
561710	Pest Control	0	108	0.0000
423130	Tire Lease	0	32	0.0000
238290	Overhead Door Services	2	84	0.0238
812332	Uniform Rental for Maintenance	2	24	0.0833
333618	Electric Motors	0	0	
423120	Fasteners and Other Shop Supplies	1	133	0.0075
238290	Bus Shelters	2	84	0.0238
621999	Paratransit Eligibility Assessments	1	37	0.0270
488410	Towing Services	0	72	0.0000
811121	Body Shop Services	0	294	0.0000
811111	Rebuilt Engines	0	163	0.0000
811310	Elevator Maintenance and Repair	2	236	0.0085
541330	Avail Warranty	0	1	0.0000
Combined Totals		208	6,154	0.0338

Step 2: Base Figure Adjustment

Using 3.4 percent as the base figure, the final DBE goal was adjusted using the estimated federal funding level assigned to each anticipated project.

NAICS Code	Anticipated Project	Amount of DOT funds on project	% of total DOT funds (weight)
485991	Paratransit Services	\$5,107,500.00	0.5054
236220	Bus Shelter Construction and General Contracting	\$300,000.00	0.0297
561621	Security Services	\$51,000.00	0.0050
541690	Radio and IT Consulting Services	\$550,000.00	0.0544
5413	On-Call Architectural and Engineering Services	\$600,000.00	0.0594
454310	Fuel for Paratransit	\$765,000.00	0.0757
238220	HVAC and Plumbing Services	\$30,000.00	0.0030
541620	Environmental Services	\$10,500.00	0.0010
561730	Landscaping and Snow Removal	\$140,000.00	0.0139
423840	Janitorial Supplies	\$61,000.00	0.0060
2382	Sprinklers, Fire Extinguishers, and Emergency Lighting	\$20,500.00	0.0020
561710	Pest Control	\$14,500.00	0.0014
423130	Tire Lease	\$161,000.00	0.0159
238290	Overhead Door Services	\$5,000.00	0.0005
812332	Uniform Rental for Maintenance	\$47,000.00	0.0047
333618	Electric Motors	\$50,000.00	0.0049
423120	Fasteners and Other Shop Supplies	\$1,242,000.00	0.1229
238290	Bus Shelters	\$102,000.00	0.0101
621999	Paratransit Eligibility Assessments	\$127,500.00	0.0126
488410	Towing Services	\$54,000.00	0.0053
811121	Body Shop Services	\$57,000.00	0.0056
811111	Rebuilt Engines	\$250,000.00	0.0247
811310	Elevator Maintenance and Repair	\$1,000.00	0.0001
541330	Avail Warranty	\$360,000.00	0.0356
Total FTA-Assisted Contract Funds		\$10,106,500.00	1

Each anticipated project was assigned a NAICS code as narrowly as possible with two exceptions, the on-call architectural and engineering services; and sprinklers, fire extinguishers, and emergency lighting. The on-call architectural and engineering services contract has the potential to draw upon several services that fall under NAICS code 5413 Architectural, Engineering, and Related Services, including architectural services (541310), engineering services (541330), or survey and mapping services (541370). The anticipated federal spend shown for on-call architectural and engineering services includes planned projects but it is not currently known how much funding will be attributed to each professional service. The sprinklers, fire extinguishers, and emergency

lighting project is part of Lextran’s overall preventive maintenance program. These functions were assigned to NAICS code 2382 Building Equipment Contractors.

Lastly, the relative availability of DBEs for each project was multiplied by the proportion of funds of specific projects relative to the entire funding pool to determine the final DBE goal of 2 percent.

NAICS Code	Anticipated Project	Weight	Availability	Weighted Base Figure (Weight*Availability)
485991	Paratransit Services	0.50537		
236220	Bus Shelter Construction and General Contracting	0.02968	0.08158	0.0024
561621	Security Services	0.00505	0.10294	0.0005
541690	Radio and IT Consulting Services	0.05442	0.12174	0.0066
5413	On-Call Architectural and Engineering Services	0.05937	0.07125	0.0042
454310	Fuel for Paratransit	0.07569	0.01563	0.0012
238220	HVAC and Plumbing Services	0.00297	0.00657	0.0000
541620	Environmental Services	0.00104	0.30263	0.0003
561730	Landscaping and Snow Removal	0.01385	0.03518	0.0005
423840	Janitorial Supplies	0.00604	0.29412	0.0018
2382	Sprinklers, Fire Extinguishers, and Emergency Lighting	0.00203	0.01248	0.0000
561710	Pest Control	0.00143		
423130	Tire Lease	0.01593		
238290	Overhead Door Services	0.00049	0.02381	0.0000
812332	Uniform Rental for Maintenance	0.00465	0.08333	0.0004
333618	Electric Motors	0.00495		
423120	Fasteners and Other Shop Supplies	0.12289	0.00752	0.0009
238290	Bus Shelters	0.01009	0.02381	0.0002
621999	Paratransit Eligibility Assessments	0.01262	0.02703	0.0003
488410	Towing Services	0.00534		
811121	Body Shop Services	0.00564		
811111	Rebuilt Engines	0.02474		
811310	Elevator Maintenance and Repair	0.00010	0.00847	0.0000
541330	Avail Warranty	0.03562		
			Total	0.0195
			Expressed as a percent	2.0%

Public Input on Goal Setting

Lextran solicited public input on the DBE goal methodology through a lunch and learn event, and through public comment online. The lunch and learn event was held on May 29, 2019 at Lextran's administrative offices and marked the opening of public comment on the DBE goal. Each DBE on KYTC's certified directory was invited through email. There were 10 attendees to the meeting with additional requests for an electronic copy of the meeting materials. The presentation used in the lunch and learn meeting is included in Appendix B. Information about Lextran's DBE program, including the goal, can be found at www.lextran.com/business/DBE. Evidence of the DBE goal on Lextran's website is included in Appendix C. Lextran's DBE program was discussed at the Board of Directors' monthly meeting where the public had an additional opportunity to comment on the proposed goal.

Outreach and Public Participation Timeline

In aiming toward and beyond our 2 percent goal, Lextran commits to creating and executing an outreach and public participation campaign that casts a wide net to encourage DBE participation. Lextran proposes the following outreach and public participation policies to support the DBE program:

- Lextran will invite DBE firms and other related parties as needed to meetings to discuss upcoming procurement opportunities.
- Lextran will participate in local and regional DBE events, such as the Lexington Bluegrass Area Minority Business Expo.
- Lextran will provide training and technical assistance to any firm, DBE included, in navigating the procurement bid and selection process.

Lextran's timeline for outreach and public participation for the duration of this program includes the following:

- Disadvantaged Business Enterprise Program Update for 2020-2022—May 29th, 2019.
- Upcoming procurement opportunities using federal funds— May 29th, 2019.
- Commerce Lexington Opportunity Exchange—March 2020.
- Lexington Minority Business Expo—August 2nd, 2019 (dates for future years are to be determined).
- Other related events will be attended in conjunction with local and state governments as they become available.
- Lextran's public meeting for the Disadvantaged Business Enterprise Program Update for 2023-2025 will be held in the spring of 2023.

Section 26.47 Failing to Meet Goals

While the final count of awarded contracts for FFY2019 is not yet available, Lextran will likely fall short of the 2 percent goal established by the previous DBE Program that covered FFYs 2017, 2018, and 2019. Most of Lextran's DBE awards over the previous five years was generated from the construction of the new administrative headquarters, which opened in April of 2016. Without a construction project of similar magnitude on Lextran's radar for the next three years, repeating a similar volume of DBE awards as in FFY 2016 is not likely to continue in the future. Lextran remains committed to the DBE program, to making a good-faith effort at reaching the 2 percent goal for the upcoming three FFYs, and to implementing outreach and public involvement processes to encourage DBE participation.

Section 26.49 Transit Vehicle Manufacturers Goals

Lextran will require each transit vehicle manufacturer to certify that it has complied with the requirements of §26.49, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements. Alternatively, Lextran 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 transit vehicle manufacturer complying with this element of the program.

Section 26.51 Race-Neutral & Race-Conscious Participation and Contract Goals

All of the previously awarded dollars to DBE firms were conducted through race-neutral procurements. Lextran always encourages DBE participation regardless of funding source, however, only federally funded projects count toward the DBE goal.

Lextran will meet the maximum feasible portion of the overall goal through facilitating race-neutral DBE participation. Because there are no planned large-scale construction projects on the horizon for Lextran, race-neutral strategies will be tapped for the entirety of the 2 percent goal. Lextran does not anticipate using DBE specific contract goals over the next three FFYs.

Section 26.53 Good Faith Efforts Procedures under Contract Goals

While Lextran does not anticipate using contract goals, the following procedures are in place in the event that contract goals become necessary. For procurements that include contract goals, the obligation of the bidder/offeror is to make a good faith effort under the elements listed in §26.53. The bidder/offeror shall provide evidence that the DBE contract goal will be met, or documentation following Appendix A to part 26 to show that a good faith effort for DBE participation was made yet the goal was not reached.

Lextran's solicitations for DOT-assisted contracts for which a contract goal has been established will follow the requirements of §26.53(b-j).

§26.53(b): Required Information

Each solicitation for which a contract goal has been established will require the bidders/offerors 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 will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors' commitment; and
6. If the contract goal is not met, evidence of good faith efforts.

§26.53(d) Administrative Reconsideration

A bidder/offeror may request administrative reconsideration within 30 days of being informed by Lextran that it has failed to meet requirements set forth by this section. Bidder/offerors should make this request in writing to the following reconsideration official:

Keith Srutowski
Director of Procurement
200 Loudon Avenue
Lexington, KY 40508
(859) 255-7756
ksrutowski@lextran.com

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

As part of this reconsideration, the bidder/offeror will 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 bidder/offeror will have the opportunity to meet in person with our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. Lextran 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.

§26.53(f): Replacing DBEs on a Contract

Lextran 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. We 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, we will require the prime contractor to obtain our 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.

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 Lextran 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.

SUBPARTS D and E - CERTIFICATION STANDARDS AND PROCEDURES

Section 26.61 - 26.73 Certification Process

Lextran has not and will not determine the eligibility of firms to participate as DBEs. To be certified as a DBE, a firm must meet all certification eligibility standards through a process conducted by the Kentucky Transportation Cabinet. For information about the certification process or to apply for certification, firms should contact the Kentucky Transportation Cabinet Office for Civil Rights and Small Business Development.

Section 26.81 Unified Certification Programs

Lextran supports the Unified Certification Program led by the Kentucky Transportation Cabinet.

SUBPART F - COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

Lextran will safeguard information that might reasonably be regarded as confidential business information from disclosure to third parties, consistent with federal, state, and local law. Notwithstanding any contrary provisions of federal, state or local law, Lextran will not release personal financial information submitted in response to a third party (other than DOT) without the written consent of the submitter.

Monitoring Payments to DBEs

We will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of the Transit Authority of the Lexington Fayette Urban County Government or DOT.

We will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

APPENDIX A: LEXTRAN'S LOCAL MARKET AREA

COUNTY FIPS CODE	COUNTY NAME	COUNTY FIPS CODE	COUNTY NAME	COUNTY FIPS CODE	COUNTY NAME
5	Anderson County	119	Knott County	211	Shelby County
11	Bath County	121	Knox County	215	Spencer County
13	Bell County	123	Larue County	217	Taylor County
15	Boone County	125	Laurel County	223	Trimble County
17	Bourbon County	127	Lawrence County	229	Washington County
19	Boyd County	129	Lee County	231	Wayne County
21	Boyle County	131	Leslie County	235	Whitley County
23	Bracken County	133	Letcher County	237	Wolfe County
25	Breathitt County	135	Lewis County	239	Woodford County
29	Bullitt County	137	Lincoln County		
37	Campbell County	147	McCreary County		
41	Carroll County	151	Madison County		
43	Carter County	153	Magoffin County		
45	Casey County	155	Marion County		
49	Clark County	159	Martin County		
51	Clay County	161	Mason County		
63	Elliott County	163	Meade County		
65	Estill County	165	Menifee County		
67	Fayette County	167	Mercer County		
69	Fleming County	173	Montgomery County		
71	Floyd County	175	Morgan County		
73	Franklin County	179	Nelson County		
77	Gallatin County	181	Nicholas County		
79	Garrard County	185	Oldham County		
81	Grant County	187	Owen County		
89	Greenup County	189	Owsley County		
93	Hardin County	191	Pendleton County		
95	Harlan County	193	Perry County		
97	Harrison County	195	Pike County		
103	Henry County	197	Powell County		
109	Jackson County	199	Pulaski County		
111	Jefferson County	201	Robertson County		
113	Jessamine County	203	Rockcastle County		
115	Johnson County	205	Rowan County		
117	Kenton County	209	Scott County		

Disadvantaged Business Enterprises Program Update and How to do Business with Lextran



Keith Srutowski
Director of Purchasing
ksrutowski@Lextran.com

Fred Combs
Director of Planning/DBELO
fcombs@Lextran.com

May 29, 2019



WE SERVE PEOPLE AND OUR COMMUNITY WITH MOBILITY SOLUTIONS.



Outline

- About Lextran Procurement
- Lextran's Disadvantaged Business Enterprise (DBE) Program
- Procurement Policies and Procedures
- How to Do Business with Lextran
- Upcoming Procurements



About Lextran Procurement

- Lextran procurement protects local funds through full and open competition while ensuring compliance with all federal, state, and local regulations.
- Lextran procurement staff:
 - Keith Srutowski, Director of Purchasing
 - Glenda Shoopman, Purchasing and Finance Assistant
 - Ashley Lewis, Compliance Coordinator
- Role of the Disadvantaged Business Enterprise Liaison Officer



Fair Pricing and Open Competition

- Lextran uses public money and so we must abide by specific guidelines in our procurements.
- We must document we are paying a *fair and reasonable* price for every procurement.
- The best way to document we are paying a fair price is by obtaining pricing from multiple sources. Which ties in nicely with...
- We must document that every procurement allows for *full and open competition*.

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Disadvantaged Business Enterprise Program

Objectives of Lextran's DBE Program

Lextran supports the following objectives set forth by 49 Code of Federal Regulations part 26.1, to ensure:

- Nondiscrimination in the award and administration of Department of Transportation (DOT) assisted contracts;
- A level playing field on which DBEs can compete fairly for DOT-assisted contracts;
- The DBE Program is narrowly tailored in accordance with applicable law;
- Only firms that fully meet eligibility standards are permitted to participate as DBEs;
- Barriers to the participation of DBEs in DOT-assisted contracts are removed; and,
- The development of firms that can compete successfully in the marketplace outside the DBE Program.



Disadvantaged Business Enterprise Program DBE Policies and Procedures

- Establishing and maintaining a DBE program is required for any agency receiving Federal Transit Administration funds.
- Our DBE goal and plan are updated every three years.
- DBE certification is applied for and maintained through the Kentucky Transportation Cabinet.
- The maximum feasible portion of a DBE goal must be met through *race-neutral* rather than *race-consciousness* means.
- DBE goals are calculated in terms of expenditures, however only procurements that are partially or fully funded with Federal dollars are included.



Disadvantaged Business Enterprise Program Goal Calculation

Step I: Relative Availability of DBEs in Kentucky

The percentage of relatively available DBE firms is found by dividing the number of certified DBEs by the total number of firms in Kentucky.

$$\frac{\text{Number of Certified DBEs in KYTC Directory}}{\text{Number of firms in Kentucky}} = \frac{392}{92,000} = 0.43\%$$

Step II: Base Figure Adjustment

Lextran awarded \$26,569,041 in federal dollars from FFY2016 to FFY2018 (FFY2019 is not yet completed). Of that total, \$887,555 was awarded to DBE firms, or 3.34%.

The FTA goal calculation formula is to add the percentage of relatively available DBEs and prior DBE participation, then divide by two.

The overall DBE goal for Lextran will be rounded up from 1.89% to 2%

$$\frac{\text{Relatively Available DBEs} + \text{Prior DBE Participation}}{2} = \frac{0.43\% + 3.34\%}{2} = \frac{3.77\%}{2} = 1.89\%$$



Disadvantaged Business Enterprise Program Lextran's DBE Program Goal

Goal: For federal fiscal years 2020 to 2022, Lextran will make a good-faith effort to award 2% of all project dollars that are funded through federal means, excluding purchasing new transit vehicles, to certified DBE firms.

In support of our goal, Lextran offers:

- Public outreach to inform DBEs of procurement opportunities
- Training and support for firms interested in responding to procurement opportunities
- Narrowly defined scopes of work, when possible, to allow smaller firms the opportunity to participate



Procurement Policies and Procedures

Dollar Limits – Type of Procurements

- \$0 - \$10k Verbal Quotes – Lextran will document all verbal quotes received.
- \$10k - \$20k Written Quotes – Email is sufficient for a written quote.
- >\$20k Formal Procurement – RFPs and IFBs
- >\$50k Formal Procurement but also needs approval from the Lextran Board of Directors



Procurement Policies and Procedures

Verbal and Written Quotes

- Lextran will contact three (3) or more vendors and request the needed information.
- Lextran will give each vendor identical information and requirements (scope of work).
- Lextran will ask you for:
 - Vendor name;
 - Name of person giving quote;
 - Price;
 - Delivery time (if applicable); and,
 - Any additional information that may be needed for the specific procurement.



Procurement Policies and Procedures

Formal Procurements

Formal Lextran solicitations are either Requests for Proposals (RFP), or Invitations for Bids (IFB). Lextran sends RFPs to obtain proposals when a contract is competitively negotiated, with price and other factors evaluated to determine the proposal offering the best value to Lextran. An IFB is used to obtain bids when a contract is competitively bid. The contract is awarded to the responsible and responsive bidder submitting the lowest bid. Price is the only evaluation factor in an IFB.



Procurement Policies and Procedures

Request for Proposals and Invitation for Bids

Request for Proposals (RFP)

- There are multiple factors evaluated
- Do not know exactly what is wanted or are open to different options
- Can interview vendors and negotiate terms
- Proposals are opened privately and shared only with an evaluation committee
- Can request a Best and Final Offer (BAFO)

Invitation for Bids (IFB)

- Price is the only factor that is considered and lowest cost gets the contract
- Know exactly what is wanted and do not wish to deviate from specifications
- Bid price is not open to negotiation
- Bids are opened publically and dollar amounts read out
- Best and Final Offer (BAFO) is not an option

Procurement Policies and Procedures

Sole Source and Single Offer

- In some cases there may be only one source for a particular product or service. This is a sole source procurement.
- In some cases, only one vendor may respond to a procurement even though multiple vendors can supply that service or those goods. This is a single bid or single proposal procurement.
- In both of these situations, we cannot determine price reasonableness by comparing to the prices offered by other vendors. So we must do a cost analysis.



Procurement Policies and Procedures

Cost Analysis

- A cost analysis is provided by the vendor and shows a breakdown of all the elements that make up their price. This includes any overhead and personnel costs as well as profit.
- The cost analysis must include the vendor's profit. That is one of the main items Lextran must consider to determine if the price charged is fair and reasonable.
- Vendors are naturally reluctant to show their profit, but we do need that information in these situations.
- Lextran wants its vendors to make a profit! If you don't make a profit, you can't stay in business, and then I have to find a new vendor.

How to Do Business with Lextran

Responsible and Responsive Vendors

- Lextran can only do business with vendors that are responsible and responsive.
- You are a responsible vendor if you can demonstrate you have the financial and personnel resources to fulfill the requirements of our procurement transaction. You cannot be debarred from doing business with government agencies.
- If you cannot demonstrate you are a responsible vendor, I cannot award you the business.
- You are responsive when your quote, bid, or proposal meets all the criteria spelled out in my procurement. That may be as simple as providing me a price for your product when asked, or it may mean you email your price to me before 3:00 on Friday if that is what the procurement requires. Formal procurements have stricter criteria for responsiveness, including filling out a number of forms.
- If you don't meet the responsiveness criteria, I cannot award you the business.



How to Do Business with Lextran **Vendor Visitation Policy**

Vendors are afforded the opportunity to visit the Authority between the hours of 9 AM and 3 PM during normal working days. Although not required, appointments are encouraged.



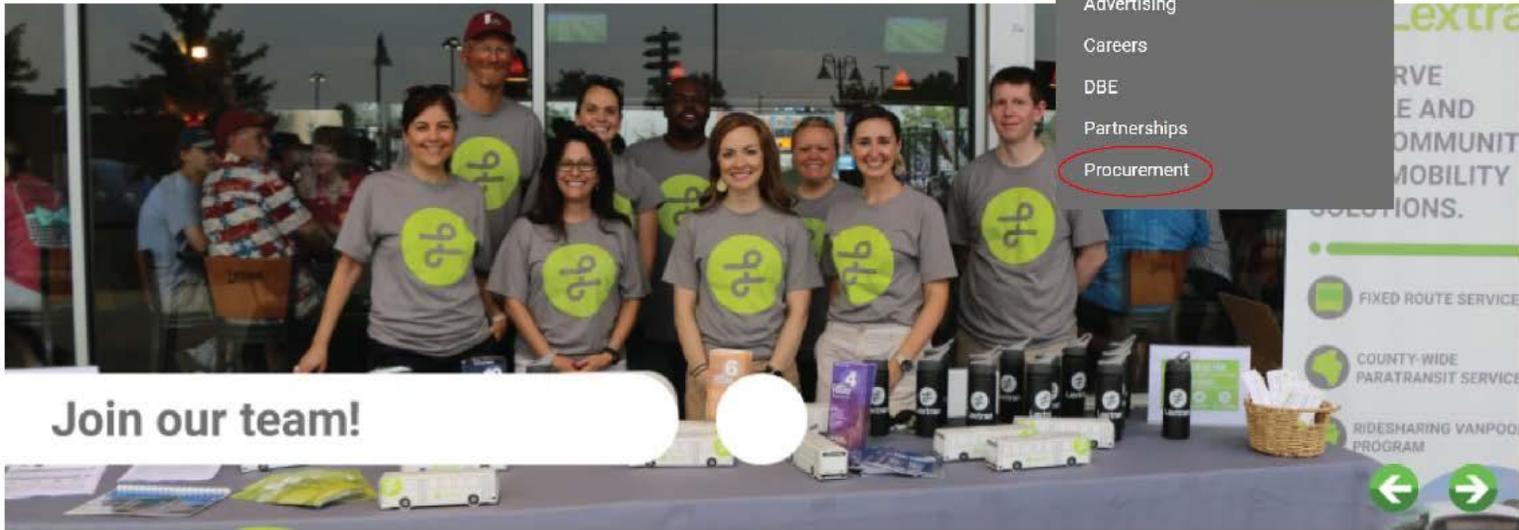
How to Do Business with Lextran

Vendor Registration

- Lextran publishes all formal solicitation information in the online Procurement site located at www.lextran.com/business/procurement
- Unless you register and subscribe through the online system, Bonfire, you will in most cases need to request that a particular IFB or RFP be sent to you or your firm. The danger is you may not be apprised of any addenda or changes.
- Lextran strongly recommends that all potential vendors register on the website.
- RFPs and IFBs can be confusing documents for those firms that have not previously encountered them. If you have any questions on what you see in one, please contact the Lextran Purchasing department and they will walk you through the specific document and answer your questions.

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Memorial Day Service 05.27.19
May 22, 2019

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[Home](#) > [Business](#) > [Procurement](#)

Procurement Opportunities

Here you'll find a list of current procurement opportunities with Lextran. If you are interested in pursuing any of these opportunities, please register with the [Bonfire](#) to obtain more information, receive addendums, and be notified of future opportunities.

Please take a moment and look over our [General Contract Terms and Conditions](#).

Current Opportunities

Posted - April 15, 2019

RFP 1907 - Electric Motor

Proposals Due - May 24, 2019

Posted - April 22, 2019

RFP 1908 - Body Shop Services

Proposals Due - June 6, 2019

Posted - April 22, 2019

RFP 1910 - Employee Compensation and Classification Study

Find my Bus
-or-
Plan a Trip

 Available on the
App Store

ANDROID APP ON
 Google play

Quick Links

- [Lextran Routes](#)
- [Find My Bus](#)
- [Visitor Information](#)
- [FAQs](#)
- [Careers](#)

Procurement Portal

Lextran



[Log in](#) **Open Public Opportunities** [Past Public Opportunities](#)

Search

Status	Ref. #	Project	Close Date	Days Left	Action
OPEN	RFP 1007	Electric Motors	May 24th 2019, 3:00 PM EDT	< 1	View Opportunity
OPEN	RFP 1910	Employee Compensation and Classification Study	Jun 6th 2019, 3:00 PM EDT	14	View Opportunity
OPEN	RFP 1908	Body Shop Services	Jun 6th 2019, 3:00 PM EDT	14	View Opportunity
OPEN	RFP 1904	Architectural and Engineering Services	Jun 19th 2019, 3:00 PM EDT	27	View Opportunity
OPEN	RFP 1909	Rebuilt Engines	Jun 20th 2019, 3:00 PM EDT	28	View Opportunity
OPEN	RFP 1002	Technology Consultant	Jun 27th 2019, 3:00 PM EDT	36	View Opportunity

[Technical Support](#) [Portal Security](#) [Terms of Service](#) [Privacy Policy](#)

Powered by
 Bonfire

[Help](#)

How to Do Business with Lextran Bidders List

- The Director of Purchasing shall develop and maintain a potential bidders list. The Director of Purchasing shall also maintain a complete vendor file and detailed files of procurement activity.
- The bidders list is comprised of firms registered on Lextran's website as well as firms that have provided contact information to Lextran's Director of Purchasing.
- Firms registered on Lextran's website shall automatically be notified of any formal procurement opportunities that may be applicable to their business.
- Firms that provide their contact information to the Director of Purchasing may be notified of smaller, less formal procurements as appropriate.

Recap and Upcoming Procurements

Recap

- Procurement goals
- DBE program
- Procurement policies and procedures
- Vendor registration and the bidders list

Upcoming Procurements

- Plumbing Services
- Janitorial Supplies
- A&E Services
- Tire Lease
- Security Services
- Maintenance Uniform Rentals
- Landscaping and Snow Removal
- Fasteners and Other Shop Supplies
- Painting Services



APPENDIX C: WEBSITE SCREENSHOT

The screenshot shows the Lextran website's 'Business' page for the Disadvantaged Business Enterprise (DBE) program. The page features a green navigation bar with links for Home, Schedules & Maps, Riding Lextran, News, Buy A Pass, About Lextran, Business, and Contact Us. The main content area is titled 'Disadvantaged Business Enterprise Program' and explains that Lextran is a recipient of federal funding, requiring it to establish a DBE goal. It states a 2 percent* DBE goal and provides contact information for Fred Combs, Director of Planning. A sidebar on the right contains a 'Find my Bus' button, app store availability logos for the App Store and Google Play, a 'Quick Links' menu with items like 'Lextran Routes' and 'Find My Bus', and a 'Join Our Email List' form. The footer includes social media icons for Facebook, Twitter, Instagram, and YouTube, along with a 'Join our email list' button.

Lextran Select Language Powered by Google Translate Logout SiteMap

Home > Business > DBE

Disadvantaged Business Enterprise Program

Lextran is a recipient of federal funding, which means we are required to establish a Disadvantaged Business Enterprise goal per Title 49 Part 26 of the Code of Federal Regulations.

We have established a 2 percent* DBE goal and work with DBEs whenever possible (*pending FTA approval).

You can download a copy of Lextran's DBE program [here](#).

To review the Kentucky Transportation Cabinet's certified DBE directory, [click here](#).

If you have questions, please contact:

Fred Combs
Director of Planning
859-255-7756
fcombs@lextran.com

Find my Bus -OR- Plan a Trip

Available on the **App Store**

ANDROID APP ON **Google play**

Quick Links

- Lextran Routes
- Find My Bus
- Visitor Information
- FAQs
- Careers

Join Our Email List

Email:

Lextran is committed to providing non-discriminatory service. For more information about Title VI or to file a complaint, [click here](#).

f **t** **i** **YouTube** **Join our email list**

APPENDIX D: LEXTRAN BOARD OF DIRECTORS DBE UPDATE



BOARD OF DIRECTORS MEETING

200 WEST LOUDON AVE, CONFERENCE ROOM 110
LEXINGTON, KY 40508

July 17, 2019

5:00 p.m.

AGENDA

I.	Call to order	5:00
II.	Approval of Board Meeting Minutes	5:05 – 5:10
	a. June 19, 2019 Meeting	
III.	Public Comment on Agenda Items / Public Hearing	5:10 – 5:20
IV.	Chair's Report	5:20 – 5:25
V.	Action Items	5:25 – 5:45
	a. Officer Elections	
	b. Resolution 2019-15 – Contract for Engine Rebuilds	
VI.	Change Order	
VII.	Old Business	5:45 – 6:05
	a. Review of Procurement Policy	
	b. Disadvantaged Business Enterprise (DBE) Program Update	
	c. Update on possible Greyhound Partnership	
VIII.	New Business	6:05 – 6:10
IX.	General Manager's Report	6:10 – 6:25
	a. Financial Statements	
	b. General Manager's Report	
	c. Key Performance Indicators	
X.	Proposed Agenda Items	6:25 – 6:30
XI.	Closed Session	6:30 – 6:40
XII.	Adjournment	6:45

BOARD OF DIRECTORS MEETING**MINUTES****July 17, 2019****MEMBERS PRESENT**

Christian Motley, Chair
George Ward, Vice Chair
Elias Haddad
Marci Krueger-Sidebottom
Joseph Smith
Peggy Henson

MEMBERS ABSENT

Rick Christman
Adrienne Thakur

STAFF PRESENT

Carrie Butler, General Manager
Jill Barnett, Assistant General Manager
Nikki Falconbury, Director of Finance
John Givens, Director of Risk Management
Fred Combs, Director of Planning
Keith Srutowski, Director of Procurement
Jim Barrett, Director of Maintenance
Jason Dyal, Director of Operations
Matt Winkler, Planning Coordinator
Alan Jones, IT Coordinator
Chris Withrow, Parts Manager

Jacob Walbourn, McBrayer Law Firm, Board Attorney

OTHERS PRESENT

Joseph David, Transportation Planner, LFUCG MPO
Matthew Gidcomb, KFTC - Kentuckians for the Commonwealth
Arlen Sandlin, Integrated Engineering

I. CALL TO ORDER

Mr. Motley called the July 17, 2019 meeting of Lextran's Board of Directors to order at 5:00 p.m.

II. APPROVAL OF MINUTES

Mr. Motley called for a motion to approve the minutes from June 19, 2019. Ms. Henson made a motion to approve the minutes, and it was seconded by Mr. Smith. The motion carried unanimously.

III.PUBLIC COMMENT

There was no public comment.

IV.CHAIR'S REPORT

There was no chair's report.

V.ACTION ITEMS

Resolution – 2019-16 – Contract for Rebuilt Engines: Ms. Butler reviewed the resolution that authorizes and directs the General Manager to execute an agreement with Cummins Inc., to repair and rebuild engines in a timely manner and at a reasonable cost. Cummins Inc. received the highest ranking and is recommended to be awarded the contract per terms of their proposal and RFP 1909. The Board raised questions on normal turnaround time for rebuilding engines and cost of rebuilding engines versus purchasing new engines. Jim Barrett, Director of Operations, spoke about turnaround time and cost of rebuilt engines and new engines. Mr. Motley called for a motion. Ms. Henson made a motion and Mr. Haddad seconded. The motion carried unanimously.

Officer Elections – Ms. Butler introduced the need for officer elections and Mr. Walbourn explained the process for officer elections. Officer elections are to be held every July for the positions of Chair and Vice Chair with the position of Secretary/Treasurer being designated to Lextran staff. Mr. Walbourn answered questions from the Board about officer elections. Ms. Henson recommended that Mr. Motley remain Chair and Mr. Ward remain Vice Chair for Fiscal Year 2020. Mr. Motley called for a motion. Ms. Henson made a motion and Mr. Haddad seconded. The motion carried unanimously.

VI.CHANGE ORDER

There were no change orders to report.

VII.OLD BUSINESS

Mr. Srutowski gave a presentation on the Lextran Procurement Policy and the procedures and processes surrounding how Lextran purchases goods and services. (See attached presentation)

He answered questions from Board members as needed. Ms. Butler discussed procurement and the upcoming triennial review. She also noted that with the new website design, RFPs will be easier for potential bidders to find. Disclosure statements requiring Board members to disclose any real or perceived conflict of interest were distributed for Board members to sign.

Mr. Combs gave a presentation on Lextran's Disadvantaged Business Enterprise (DBE) goals. The setting of the annual DBE goal is in process and will then be submitted to the Federal Transit Administration for that federal fiscal year, which ends in October. Mr. Combs answered questions from Board members regarding calculation of percentages, participants in previous DBE events Lextran has hosted, etc. Mr. Motley requested a more in-depth presentation on DBE at a future date.

Ms. Butler had a follow-up call with Greyhound. She also met with LexPark about the space at the Transit Center. Next will be a tour of the Transit Center with LexPark, and then a meeting with Mr. Walbourn regarding contractual issues.

VIII. NEW BUSINESS

There is no new business to report.

IX. GENERAL MANAGER'S REPORT

Ms. Butler reviewed the General Manager's report and Key Performance Indicators, found on pages 24-31 of the July 17, 2019 board packet. She debuted the new format for KPIs and the Monthly Performance Report based on Lextran's Key Pillars. Ms. Barnett spoke about the bus wrap design contest, fixed route ridership, charter bus service, preventable accidents, upcoming RFPs, and Mr. Dyal's recent promotion to Director of Operations.

Ms. Falconbury presented the financial statement, found on pages 22-23 of the July 17, 2019 board packet. June financials have not yet been audited, so they may change. The audited version will be presented at the September Board Meeting. Diesel was \$30,000 under budget overall for the year. Diesel is showing at \$2.22 and CNG is at \$1.30.

X. PROPOSED AGENDA ITEMS

- Update from the Lexington Area Metropolitan Planning Organization (LAMPO) on the Request for Proposals they released in conjunction with Land Use Planning Department at Lexington-Fayette Urban County Government on a corridor study and transportation improvements along US 27. LAMPO will take the lead on the project and Lextran is a key partner in the project.

- Upcoming Resolutions: Architectural and Engineering Services, Technology Consulting services, and Office 365 Migration to Cloud based system.
- Title VI update will take place at the August Board Meeting
- Audit report will take place at the September Board Meeting
- PVA David O'Neil will be presenting at the Board Meeting in October about property value trends in the area.
- Presentation on DBE will take place at the November Board Meeting.

XI. CLOSED SESSION

Ms. Henson made a motion to enter into closed session pursuant to KRS 61.810(1)(c) so that we may have discussions of proposed or pending litigation against or on behalf of the agency. I invite legal counsel, the general manager, the assistant general manager, the director of finance, and the director of purchasing to remain. Mr. Ward seconded the motion. The motion was approved unanimously, and members of the public and Lextran's staff were excused. The Board of Directors, Mr. Walbourn, Ms. Butler, Ms. Barnett, Ms. Falconbury, and Mr. Srutowski entered into closed session at 6:13 p.m.

The Board of Directors took no action while in closed session.

Mr. Ward made a motion to return to open session and Mr. Haddad seconded. The motion was approved unanimously, and the Board of Directors returned to open session at 6:30 p.m.

XII. ADJOURNMENT

Mr. Motley called for a motion to adjourn the July 17, 2019 meeting of Lextran's Board of Directors. Ms. Henson made a motion and Mr. Motley seconded. The meeting adjourned by consensus at 6:30 p.m.