

Fair Share Objectives

Office of Resources and Business Operations
Disadvantaged Business Enterprise (DBE) Program

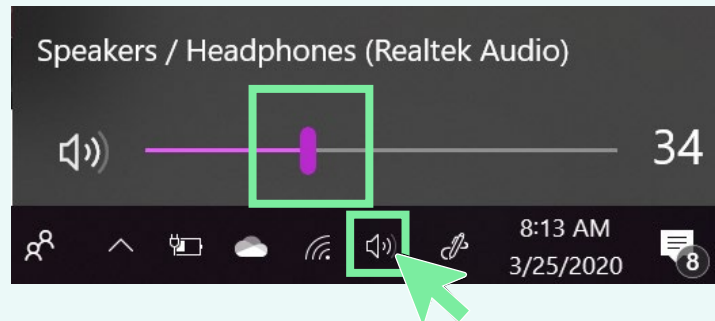
Housekeeping



Meeting Audio

- ✓ Attendees must use **Device Audio** (computer, headset, tablet, or smart phone)
- ✓ Presenter Audio Only (like a TV broadcast)
- ✓ If you cannot hear, ensure your system/device audio is turned up and not muted and that you have not paused the broadcast

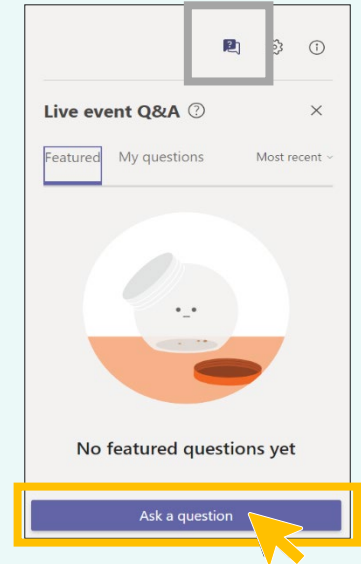
Computer audio is located at the bottom right of the Windows desktop.



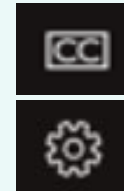
Ask a Question

- ✓ Ask a question under Live Event Q&A panel
- ✓ Click “Ask a question”

Q&A panel is located on the top right side of the Live Event window.



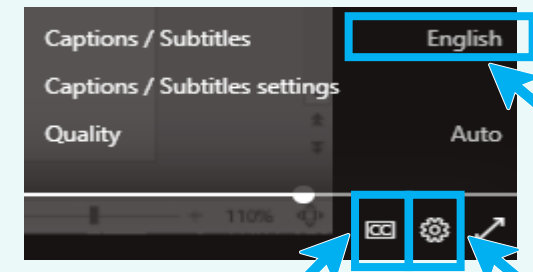
Closed Captions/Translation



Turn on/off Live Captions

Change Settings/Language

CC panel is located on the bottom right side of the Live Event window.



What are Fair Share Objectives?

A fair share objective is a goal based on the capacity and availability of qualified, certified MBEs and WBEs in the relevant geographic market for the grant recipient in the procurement categories of construction, equipment, services, and supplies, compared to the number of all qualified entities in the same market for the same procurement categories.

- A fair share objective is not a quota.
- A recipient cannot be penalized for not meeting its fair share objectives.
- Once negotiated, fair share objectives remain in place for three years.

Determining Fair Share Objectives

A recipient must determine its fair share objectives based on demonstrable evidence of the number of certified MBEs and WBEs that are ready, willing, and able to perform in the **relevant geographic market** for each of the four procurement categories (equipment, construction, services, and supplies).

There are many methods that can be used to formulate a fair share objective. For more information on methods, please refer to the DBE **Rule at 40 CFR Part 33.405 & 33,406.**

Negotiating Fair Share Objectives

- A recipient must submit its proposed MBE and WBE fair share objectives and supporting documentation to its designated **Regional MBE/WBE Coordinator** within 120 days after its acceptance of its financial assistance award.

The designated Regional MBE/WBE Coordinator must respond in writing to the recipient's submission **within 30 days** of receipt, either agreeing with the submission or providing initial comments for further negotiation. Failure to respond within this time frame may be considered as agreement by EPA with the fair share objectives submitted by the recipient.

Negotiating Fair Share Objectives

- MBE and WBE fair share objectives must be agreed upon by the recipient and EPA before funds may be expended for procurement under the recipient's financial assistance agreement.
- Fair share objectives will remain in effect for **three fiscal years**, unless there are significant changes to the data supporting the fair share objectives.

Adopting Fair Share Objectives

- Recipients may use, as its base figure, the approved fair share objective of another recipient, with the same or similar relevant geographic buying market. The recipient must then examine the evidence available in its jurisdiction to determine whether any adjustments are needed to arrive at the fair share objective. (See 40 CRF 33.405(c)).
- Recipients who normally accept the negotiated fair share objective of the state in which they are located, can continue to do so. This will be done by affirming the acceptance of the fair share objective in the grant terms and conditions. However, they may also elect to negotiate their own fair share objectives.

Exemptions

The following are exemptions from the fair share objective requirements:

- Grant and loan recipients receiving a total of \$250K or less in EPA financial assistance in a given fiscal year.
- Tribal and Intertribal Consortia recipients of program grants which can be included in Performance Partnership Grants (PPGs) under [40 CFR Part 35, Subpart B](#).
- Technical Assistance Grant (TAG) Program Recipients.

Congratulations!

You have completed the Fair Share Objectives course.

For more information on the EPA DBE Program, please visit the [website](#).