

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

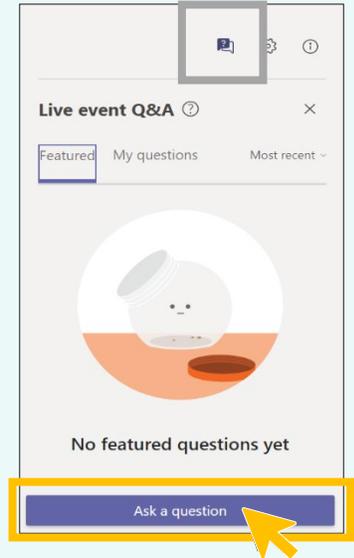
Computer audio is located at the bottom right of the Windows desktop.



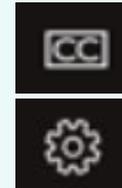
Ask a Question

- ✓ 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.

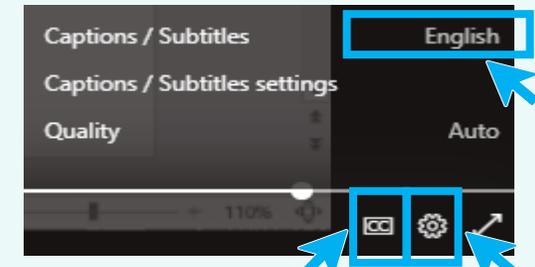


Closed Captions/Translation



- Turn on/off Live Captions
- Change Settings/Language

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



40 CFR Part 33 Subpart D Fair Share Objectives

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

33.403 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.

33.411 Who May Be Exempted

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.

Developing Proposed Objectives

1

Determine your **Relevant Geographic Market**.

2

Develop a **Base Figure**.

3

Examine **Evidence** to Determine If Base Figure Needs to be Adjusted.

Step 1: Recipient's Relevant Geographic Market

Area of solicitation for procurement as determined by the recipient.

The area of solicitation is the primary location of businesses you procure with.

It may be a geographic region of a State, State, or Multi-State area.

What are 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).

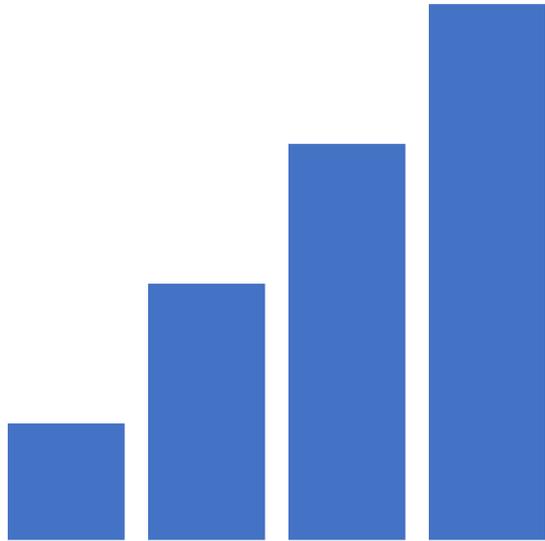
There are many methods that can be used to formulate a fair share objective. For more information on methods, please refer to the DBE **Rule at 40 CFR Part 33.405 & 33.406.**

Step 2: Develop a Base Figure

Determine Base Figure for relative availability of MBE/WBEs in Relevant Geographic Market.

1. MBE and WBE Directories and Census Bureau Business Pattern Data Base (CBP).
2. Data (% figure) from a disparity study within 10 years.
3. Objective of another EPA recipient if using same or similar relevant geographic market.

Example using the CBP Database



A. Count the # of certified ready, willing, and able MBE/WBS in the relevant geographic market. (using directories such as DOT, SBA, and Bidder's Lists)

B. Determine the # of all qualified businesses available in the relevant geographic market in the same procurement category using the CBP database.

c. **Divide A by B** to derive at a base figure.

Example continued

Develop objectives for each of the procurement categories of construction, supplies, services, and equipment.

*You may combine these four categories into one weighted objective each for MBE/WBE).

Procurement Categories	MBE	WBE
Construction	49.78%	22.45%
Supplies		
Services		
Equipment		

Step 3: Examine Evidence

Examine evidence in your jurisdiction to determine what adjustment, if any, is needed to the base figure to arrive at the fair share objective.

There are many types of evidence that must be considered when adjusting the base figure. These include:

1. Current Capacity
2. Disparity Studies
3. If using another's objective in base, it must be adjusted in the local market and the recipients contracting program.

* May also consider evidence from related fields such as: financing, bonding, insurance, employment, self-employment, education, union apprenticeship programs, etc.

Example Using the Current Capacity

FY	Total Awarded Dollars	Total MBE Dollars	MBE %	Total WBE Dollars	WBE%
2018	\$300,000.00	\$120,000.00	40%	\$60,000.00	20%
2019	\$500,000.00	\$175,000.00	35%	\$75,000.00	15%
2020	\$700,000.00	\$320,320.00	45.76%	\$156,450.00	22.35%
Totals	\$1,500,000.00				

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.

Congratulations!

You have completed the Fair Share Objectives course.

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