LGBT Businesses and the DBE Program

August 2016 JPB Board of Directors
August 4, 2016
Agenda Item 14

Board Question

- How can the JPB incorporate Lesbian, Gay, Bi-sexual, or Transgender–owned Business Enterprises (LGBTBEs) into the existing Disadvantaged Business Enterprise (DBE) Program?
LGBTBEs in existing programs

- LGBTBEs that gross less than $23 million annually likely qualify for:
  - The JPB’s small business preference
  - The JPB’s DBE program, if owners are minority, female, or white-male facing social disadvantages

Issue: DBE Program Exclusivity

- LGBTBE Goals cannot be incorporated into the JPB’s DBE Program.

  - “Your overall goals must provide for participation by all certified DBEs and must not be subdivided into group-specific goals.” [49 CFR 26.45 (h)]

- LGBTBE Goals cannot be used for USDOT funded contracts.
Issue: Few Non-Federal Contracts

JPB Board-Awarded Contracts
April 2015 - April 2016

$43,728,816
6 Federal Contracts

$1,560,181
4 Non-Federal Contracts

Example: VTA

- VTA’s Business Diversity Program includes a goal for LGBT, Disabled Veteran, Minority, and Woman - Owned Businesses.
  - Not implemented on federally funded contracts.
  - Sets aspirational goals, monitors progress, and educates contractors.
  - Does not grant preferential treatment to any group.
Staff Recommendation

- Encourage LGBTBEs to participate in our existing SBE and DBE programs.

- Promote statewide LGBTBE Certification through the California Public Utilities Commission.

- As LGBTBE Certification becomes prevalent, monitor JPB utilization of LGBTBEs.

Additional questions?