



April 24, 1996

Los Angeles County  
Metropolitan  
Transportation  
Authority

**TO: BOARD OF DIRECTORS**

**FROM: GAIL CHARLES** *Gail Charles*  
**DIRECTOR, EQUAL OPPORTUNITY PROGRAMS**

**SUBJECT: RECIPROCITY AGREEMENTS**

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**ISSUE**

On April 17, 1996, Board Member Fasana requested a report on the status of the Equal Opportunity Programs reciprocity agreements for Disadvantaged Business Enterprise (DBE) Certification. EO Programs has been directed by the MTA Board of Directors to comply with California State law and develop reciprocity agreements with other public agencies that comply with the provisions of 49 CFR Part 23.45(f), as authorized by §106(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (referred to as the "Regulations.")

**BACKGROUND**

The MTA must be assured that any agency with which it enters into a reciprocity agreement for DBE Certification is fully in compliance with the Regulations. The memorandum of understanding is the instrument used to establish the reciprocity agreement. EO Programs carefully reviews potential agencies to ensure that the integrity and compliance of the MTA's certification program will be supported by the MOU.

**STATUS**

To date, two (2) Memoranda of Understanding (attached) have been executed with other agencies. The first was executed on July 15, 1994, with the Regional Transit Association Minority Affairs Committee (RTA-MAC). Eight San Francisco transit agencies comprise the RTA-MAC. RTA-MAC consists of: Alameda-Contra Costa Transit District; Bay Area Rapid Transit; Central Contra Costa Transit District; Golden Gate Bridge, Highway & Transportation District; Metropolitan Transportation Commission; San Francisco Municipal Railway, San Mateo County Transit District; and Santa Clara County Transit District. The second was executed on March 7, 1996, with the City of Los Angeles, Department of Public Works and established the Los Angeles Minority Affairs Committee.

Current trends, evidenced by expressed interest from other public agencies, indicates more MOUs will be developed in the future. EO Programs is developing

a Letter of Participation with Caltrans that will MTA to use Caltrans DBE information if a site visit was conducted and will allow for an expedited process if no visit was conducted. Also, through the Regional Certification Reciprocity Council (RCRC), a consortium of transit authorities in the Southern California area, the MTA signed a Cooperation Agreement. The Agreement allows participating RCRC agencies to work towards establishing reciprocity agreements and to eventually execute MOUs. Additionally, the Los Angeles Mayor's Office of Economic Development through its Minority Business Opportunity Committee (MBOC) and the MTA are finalizing an MOU.

The Board requested information as to the number of contracts awarded as a result of reciprocity agreements. To satisfy this request extensive reconciliation of data and information must be done. EO Programs has begun this process and will follow this status report with additional reporting on the award of contracts.

### **ATTACHMENTS**

1. MOU with RTA-MAC
2. MOU with City of Los Angeles, Department of Public Works

Prepared by: Frank F. Medina  
Manager, Interagency  
Programs/Certification

Susan Timmi Robles  
Sr. Administrative Analyst

[SR: CARECIPROCITY]

# MEMORANDUM OF UNDERSTANDING

BETWEEN

REGIONAL TRANSIT ASSOCIATION  
MINORITY AFFAIRS COMMITTEE  
(RTA-MAC)

AND

LOS ANGELES COUNTY  
METROPOLITAN TRANSPORTATION AUTHORITY  
(MTA)

FOR

DISADVANTAGED BUSINESS ENTERPRISE  
CERTIFICATION RECIPROCITY

In accordance with the provisions of 49 CFR Part 23.45(f) (hereinafter referred to as "The Regulations"), as authorized by §106(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987, the undersigned, as representatives of a public agency (each hereinafter referred to as "Agency"), agree to follow the provisions set forth in this Memorandum of Understanding (hereinafter referred to as "Agreement").

The RTA-MAC is comprised of representatives from Alameda-Contra Costa Transit District, Bay Area Rapid Transit District, Central Contra Costa Transit Authority, Golden Gate Bridge, Highway & Transportation District, Metropolitan Transportation Commission, San Francisco Municipal Railway, San Mateo County Transit District, and Santa Clara County Transit District. MTA is the Los Angeles County Metropolitan Transportation Authority.

All Agencies will adhere to the following:

1. To follow the general certification and site visit guidelines incorporated in the RTA DBE Certification procedures, as later adopted by the American Public Transit Association (APTA) Minority Affairs Committee in July, 1988, entitled "DBE/MBE/WBE Certification Handbook" when evaluating a firm for Disadvantaged Business Enterprise (DBE) certification, recertification, decertification and denial. Should any part of this handbook be deemed by the United States Department of Transportation (US DOT) or the Federal Transit Administration (FTA) not to comply with The Regulations, the decision of US DOT or FTA shall be controlling.

2. Reciprocate in the acceptance of one another's certification of firms which have met the eligibility requirements of 49 CFR Part 23.53 and complied with the guidelines of the aforementioned "DBE/MBE/WBE Certification Handbook;"
3. Notify the RTA-MAC/MTA prior to DBE certification or recertification, of any firm(s) on which there are questions of ownership, control and/or other issues which need to be clarified or discussed;
4. Notify the RTA-MAC/MTA of any firm(s) which the Agency is recommending removal from the RTA-MAC and MTA Databases (decertification/denial) for failure to comply with applicable DBE eligibility requirements;
5. The RTA-MAC, or any of the individual agencies therein, or MTA may refuse to accept the certification, recertification, decertification or denial of certification of an applicant firm. However, for record keeping purposes, the refusing Agency must provide reason(s) for the refusal to the originating Agency.
6. Provide copies of certification documentation (in accordance with the California Public Records Act) to any requesting RTA-MAC/MTA Agency for the purpose of responding to certification challenges and/or appeals, protests related to recommended awards of contracts, compliance reviews and/or Program audits;
7. Upon request by any Agency signatory to this Agreement, any other such Agency may conduct DBE certification site visits as required by The Regulations;
8. Nothing in this Agreement shall obligate any Agency to comply with a request to conduct a site visit. If an Agency, in its sole discretion, determines that it will not comply with any request to conduct a site visit, such Agency will notify the requesting Agency.
9. The On-site Visit will be conducted in accordance with any format acceptable to any of the parties to this Agreement and any applicable regulations, guidance or publications of the US DOT or FTA;
10. Each member Agency performing certification review will make an independent evaluation of the certifiability of the DBE applicant based upon all required documentation, including the site visit report.
11. Any Agency may terminate its participation in the agreement by notice in writing directed to the DBE Liaison Officers of each participating Agency designated in accordance with 49 CFR Part 23.45(b).

12. The Agreement may be modified or terminated by a written document executed by all of the participating agencies.
13. This agreement will be effective upon execution and will continue indefinitely unless it is modified or terminated.

MTA:

LOS ANGELES COUNTY  
METROPOLITAN  
TRANSPORTATION  
AUTHORITY

  
GWENDOLYN W. WILLIAMS 7-15-94  
date

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RTA-MAC:

ALAMEDA-CONTRA COSTA  
TRANSIT DISTRICT


METROPOLITAN  
TRANSPORTATION COMMISSION

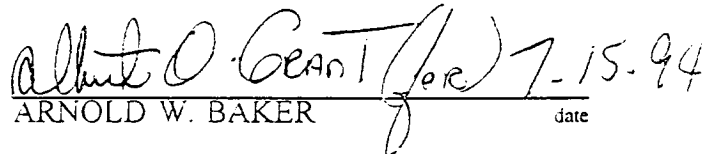
  
SHARON BANKS July 15, 1994  
date

  
PHYLLIS WALKER 10/26/94  
date

BAY AREA RAPID TRANSIT  
DISTRICT

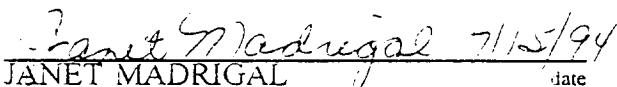
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RAILWAY

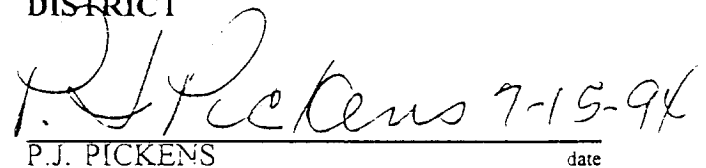
  
EDWIN KUNGU 4/14/95  
date

  
ARNOLD W. BAKER 7-15-94  
date

CENTRAL CONTRA COSTA  
TRANSIT AUTHORITY

SAN MATEO COUNTY TRANSIT  
DISTRICT

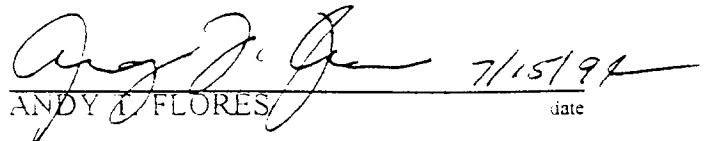
  
JANET MADRIGAL 7/15/94  
date

  
P.J. PICKENS 7-15-94  
date

GOLDEN GATE BRIDGE, HIGHWAY  
& TRANSPORTATION DISTRICT

SANTA CLARA COUNTY TRANSIT  
DISTRICT

  
CANDICE A. GONZALEZ 7-15-94  
date

  
ANDY FLORES 7/15/94  
date

DEPARTMENT OF PUBLIC WORKS  
BUREAU OF CONTRACT ADMINISTRATION  
REPORT NO. 1

ADOPTED BY THE BOARD OF  
PUBLIC WORKS OF THE CITY  
of Los Angeles, California

June 21, 1995

JUN 21 1995

  
Secretary

Honorable Board of Public Works

MINORITY, WOMEN, DISADVANTAGED (MBE/WBE/DBE) BUSINESS ENTERPRISE  
CERTIFICATION RECIPROCITY WITH LOS ANGELES COUNTY METROPOLITAN  
TRANSPORTATION AUTHORITY (MTA)

RECOMMENDATIONS:

1. Approve the Memorandum of Understanding between the City of Los Angeles and the Los Angeles County Metropolitan Transportation Authority (MTA) establishing the Los Angeles Minority Affairs Committee (LAMAC) and reciprocal MBE/WBE/DBE certification recognition.
2. Authorize the President or two members of the Board to execute the Memorandum of Understanding.

TRANSMITTAL:

Memorandum of Understanding between the City of Los Angeles and the Los Angeles County Metropolitan Transportation Authority for Minority, Women, Disadvantaged (MBE/WBE/DBE) Business Enterprise Certification Reciprocity.

DISCUSSION:

For the past three years, various local governmental and Special District entities with M/W/DBE programs have been meeting to discuss matters of mutual interest, including reciprocal certification recognition. Due to the many differences in staff capabilities and agency certification policies and practices, it has become apparent that certification reciprocity among all of these agencies will not be possible. The two agencies whose programs and levels of interest in reciprocity are most similar are the City of Los Angeles and the Los Angeles County Metropolitan Transportation Authority.

In February of 1995, a draft reciprocity agreement between these two agencies and the Los Angeles Unified School District (LAUSD) was prepared for final staff review by these agencies.

LAUSD review resulted in their decision to defer their participation to a later date, pending some internal procedural changes in their M/W/DBE certification process. The agreement has now been redrafted so that the City and the MTA can commence certification reciprocity now and add the LAUSD and other agencies in the future.

# MEMORANDUM OF UNDERSTANDING

BETWEEN

LOS ANGELES MINORITY AFFAIRS COMMITTEE (LAMAC)

AND

LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY (MTA)

FOR

MINORITY, WOMEN, DISADVANTAGED (MBE/WBE/DBE)  
BUSINESS ENTERPRISE CERTIFICATION RECIPROCITY

In accordance with the provision of 49 CFR Part 23.45(f) hereinafter referred to as “the Regulations”), as authorized by Section 106(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987, the undersigned, as representatives of a public agency (each hereinafter referred to as “Agency”), agree to follow the provisions set forth in this Memorandum of Understanding (hereinafter referred to as “Agreement”).

The LA-MAC is comprised of representatives from the City of Los Angeles and the Los Angeles County Metropolitan Transportation Authority.

All Agencies will adhere to the following:

1. Reciprocate in the acceptance of an another’s certification of firms which have met the eligibility requirements of 49 CFR Part 23.53;
2. Notify the LA-MAC prior to MBE/WBE/DBE certification or recertification, of any firm(s) on which there are questions of ownership, control and/or other issues which need to be clarified or discussed;
3. Notify the LA-MAC members of any firm(s) which the Agency is recommending for removal from the (LA-MAC Databases (decertification/denial) for failure to comply with applicable MBE/WBE/DBE eligibility requirements;
4. The LA-MAC, or any of the individual agencies therein, may refuse to accept the certification, recertification, decertification or denial or certification an applicant firm. However, for record keeping purposes, the refusing Agency must provide a reason(s) for the refusal to the originating Agency.
5. Provide copies of certification documentation (in accordance with the California Public Records Act) to any requesting LA-MAC Agency for the purpose of



MEMORANDUM OF UNDERSTANDING  
BETWEEN THE LOS ANGELES MINORITY AFFAIRS COMMITTEE,  
CITY OF LOS ANGELES AND  
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY  
FOR MBE/WBE/DBE CERTIFICATION RECIPROCITY

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- responding to certification challenges and/or appeals, protests related to recommended awards of contract, compliance reviews and/or Program audits;
6. Upon request by any Agency signatory to this Agreement, any other such Agency may conduct MBE/WBE/DBE certification site visits as required by the Regulations.
  7. Nothing in this Agreement shall obligate any Agency to comply with a request to conduct a site visit. If an Agency, in its sole discretion determines that it will not comply with any request to conduct a site visit, such Agency will notify the requesting Agency.
  8. The On-site Visit will be conducted in accordance with any format acceptable to any of the parties of this Agreement and any applicable regulations, guidance or publications of the US DOT;
  9. Each member Agency performing certification review will make an independent evaluation of the certifiability of MBE/WBE/DBE applicant based upon all required documentation, including the site visit report;
  10. Any Agency may terminate its participation in the agreement by notice in writing directed to the MBE/WBE/DBE Liaison Officer of each participating Agency;
  11. The Agreement may be modified or terminated by a written document executed by all of the participating agencies;
  12. This agreement will be effective upon execution and will continue indefinitely unless it is modified or terminated.

MEMORANDUM OF UNDERSTANDING  
BETWEEN THE LOS ANGELES MINORITY AFFAIRS COMMITTEE,  
CITY OF LOS ANGELES AND  
LOS ANGELES COUNTY METROPOLITAN TRANSPORTATION AUTHORITY  
FOR MBE/WBE/DBE CERTIFICATION RECIPROCITY

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LOS ANGELES COUNTY  
METROPOLITAN TRANSPORTATION AUTHORITY

 3/7/96  
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JOSEPH E. DREW, CHIEF EXECUTIVE OFFICER (Date)

CITY OF LOS ANGELES  
BOARD OF PUBLIC WORKS

\_\_\_\_\_  
J. P. ELLMAN, PRESIDENT (Date)