

Medium-Size Business Enterprise Program (MBEP) Public Comment Response

Metro has reviewed and considered all comments received for the Medium-Size Business Enterprise Program. This document contains all comments that were received and Metro's responses. Thank you for your participation and continued partnership in helping Metro implement this important program. Metro intends to launch this program in the Fall of 2016.

POINT OF CONTACT: DR. IRMA LICEA

Comment No.	Reviewer Name	Topic/Document/ Page	Category	Comments	Response/Actions
1	Email Received on 05/16/2016 Elias Hermsillo (EH Construction)	Implementation of Metro's MBEP	Initial comments	(Supportive) Implement the program as it is a great idea and a good opportunity for medium-sized companies.	
2	Email received on 06/13/16 Gene Hale, President G&C Equipment Corporation (The Greater Los Angeles African American Chamber of Commerce)	Implementation of Metro's MBEP	Initial comments	(Supportive) The GLAACC fully supports this program and offers to help publicize it at the appropriate time.	
3	Email Received on 05/17/2016. Ken Wong (Miyamoto International)	Implementation of Metro's MBEP	Initial comments	(Medium-Size Business Definition) I suggest that the definition of an MBE, at least for a design firm, be changed to a firm with gross annual receipts of \$50 million or less which does not already qualify as a Metro SBE.	Metro's proposed MBEP provides for an all-inclusive threshold of \$250 million down to \$25 million.
4	Email Received on 05/31/16. Frank Charissa (FMG Architects)	Implementation of Metro's MBEP	Initial comments	(Medium-Size Business Definition) Suggestion to change definition of Medium-Size Business as follows: A firm with a three (3) year average of less than \$250 million in gross annual receipts and who do not qualify as a Small Business Enterprise (SBE).	Metro's SBE Program has adopted the DOT cap of \$23.98 million of average three (3) year gross receipts. The SBE firms that exceed that cap would potentially be eligible as Medium-Size Businesses. The \$250 million amount is already 75% lower than the Ohio State University National Center for the Middle Market definition of one billion dollars.
5	Email Received on 06/15/16 Josh Gertler (Consensus Incorporated)	Implementation of Metro's MBEP	Initial comments	(Medium-Size Business Definition) Recommendation that the MBEP qualifications includes firms with revenues in the SBE range but that do not meet the net worth cap to earn an SBE certification.	Metro's SBE Program has adopted the DOT cap of \$23.98 million of average three (3) year gross receipts. The SBE firms that exceed that cap would potentially be eligible as Medium-Size Businesses.
6	Email Received on 06/14/16 Walter Okitsu (KOA Corporation)	Implementation of Metro's MBEP	Initial comments	(Medium-Size Business Definition) Reconsider the Definition of a Medium Size Business. My firm is too large to be a small business but not large enough to be a medium size business enterprise given that gross receipts are well under \$25 million. I also question why firms that gross a quarter-billion dollars need a set-aside program.	Metro's SBE Program has adopted the DOT cap of \$23.98 million of average three (3) year gross receipts. The SBE firms that exceed that cap would potentially be eligible as Medium-Size Businesses.

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7	Email Received on 06/15/16 Gene Bougdanos Michael Baker International (ACEC)	Implementation of Metro's MBEP	Initial comments	(Medium-Size Business Definition) The definition of "medium-sized" business is broad and as a defined, includes firms that would be considered large by most other standards. The maximum revenue of \$250 million far exceeds what an SBE "graduate" firm would generate and contrasts with the good intentions of the proposed program. Consider a narrower definition that ranges from \$25-50 Million in annual revenue, with an emphasis on the appropriate specific industry related revenue (e.g. A/E transportation, legal management consulting, program management, construction management, A/E building etc.) in Southern California.	Metro's SBE Program has adopted the DOT cap of \$23.98 million of average three (3) year gross receipts. The SBE firms that exceed that cap would potentially be eligible as Medium-Size Businesses. The \$250 million amount is already 75% lower than the Ohio State University National Center for the Middle Market definition of one billion dollars.
8	Email Received on 05/17/2016. Ken Wong (Miyamoto International)	Implementation of Metro's MBEP	Initial comments	(MBEP Threshold) Modify the threshold chart to eliminate a gap between the maximum small-small business Set-Aside and the minimum Medium-Size Set-Aside.	Metro has reviewed and considered this request. Metro has determined that the \$5-\$12 million dollar range creates an area of open competition for both SBE and Medium-Size Businesses on those contracts. Lowering that range would prohibit SBE firms from participating on those contracts.
9	Email Received on 06/15/16 Sam Mansour Moffatt & Nichol (ACEC)	Implementation of Metro's MBEP	Initial comments	(MBEP Threshold) Please consider modifying the \$12M-30M base contract estimate to \$5M-\$20M. This will allow a clear and consistent transition from the current up to \$5M set aside SBE contract limit.	Metro has reviewed and considered this request. Metro has determined that the \$5-\$12 million dollar range creates an area of open competition for both SBE and Medium-Size Businesses on those contracts. Lowering that range would prohibit SBE firms from participating on those contracts.
10	Email Received on 06/15/16 Josh Gertler (Consensus Incorporated)	Implementation of Metro's MBEP	Initial comments	(MBEP Threshold) Request to consider starting the MBEP range at the top end of the SBE Range. The MBEP range begins at \$12 million, leaving a gap between \$3 Million and \$12 Million.	Metro has reviewed and considered this request. Metro has determined that the \$5-\$12 million dollar range creates an area of open competition for both SBE and Medium-Size Businesses on those contracts. Lowering that range would prohibit SBE firms from participating on those contracts.
11	Email Received on 06/15/16 Gilbert R. Vasquez (Chairman) and Theresa Martinez (Chief Executive Officer) Los Angeles Latino Chamber of Commerce	Implementation of Metro's MBEP	Initial comments	(MBEP Threshold) There should be no gap between small business set asides and medium business set asides. The programs should blend together. Contracts below the current \$5 Million SBE set aside limit should first be set aside for small business but if that isn't possible, they should be available for a medium-size business set aside determination as should contracts between \$5 million and \$12 million.	Metro has reviewed and considered this request. Metro has determined that the \$5-\$12 million dollar range creates an area of open competition for both SBE and Medium-Size Businesses on those contracts. Lowering that range would prohibit SBE firms from participating on those contracts.
12	Email Received on 05/31/16. Frank Charissa (FMG Architects)	Implementation of Metro's MBEP	Initial comments	(MBEP Threshold) Change the threshold range from \$5 Million to \$30 Million.	Metro has reviewed and considered this request. Metro has determined that the \$5-\$12 million dollar range creates an area of open competition for both SBE and Medium-Size Businesses on those contracts. Lowering that range would prohibit SBE firms from participating on those contracts.
13	Email Received on 06/07/16 Michael D. Reader (Group Delta)	Implementation of Metro's MBEP	Initial comments	(MBEP Threshold) Suggestion to set the Medium-Size Business Minimum limit and \$15 million and go to \$100 Million.	Metro has reviewed and considered this request. Metro has determined that the MBEP thresholds meets the needs of the Agency based on its sized contracts.

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14	Email Received on 06/15/16 R. Travis Deane Shannon & Wilson Inc. (ACEC)	Implementation of Metro's MBEP	Initial comments	(MBEP Threshold) Suggest that a percentage goal for medium-sized businesses be incorporated into larger projects (e.g. above \$30 million) much like the current SBE goals. The percentage should be large enough to accommodate the number of medium-sized firms wishing to do work with Metro, but small enough to allow continuation of the current SBE goal. Believes that the percentage goals for SBE and MBE business would allow greater flexibility for major A/E firms pursuing large Metro projects to prepare the best qualified team from a more diverse field of local businesses.	Metro's purpose in developing the MBEP is to provide a Set-Aside for Medium-Size Businesses as a Pilot Program. As assessment of the Pilot Program may result in future changes.
15	Email Received on 06/15/16 Josh Gertler (Consensus Incorporated)	Implementation of Metro's MBEP	Initial comments	(MBEP Threshold) Recommendation to review MBEP thresholds for Public Outreach Contracts. These contracts rarely exceed a value of \$3 million dollars thus this program would not be beneficial to Public Outreach firms in its current state.	Metro has reviewed and considered this request. The \$5 million-\$12 million dollar range creates a range that allows for open competition between the SBE and Medium-Size Businesses on contracts that fall into that range. However, Metro is pursuing raising the \$3 million SBE Prime to \$5 million on service contracts.
16	Email Received on 06/15/16 Gilbert R. Vasquez (Chairman) and Theresa Martinez (Chief Executive Officer) Los Angeles Latino Chamber of Commerce	Implementation of Metro's MBEP	Initial comments	(MBEP Threshold) The upper limit for medium size business set asides should be more flexible. The upper threshold for public works contracts should be \$100 million and services and supplies should be \$50 million. However, while the policy does state that the threshold is determined on base year options, not all multi-year contracts contain options. Limits should be based on annual estimates or some similar formula rather than total contract value.	Metro has reviewed and considered this request. Metro has determined that the program thresholds meet the needs of the Agency based on its sized contracts and for the most efficient administration. Prior to the MBEP being applicable to Public Works, a change in statute will be required.
17	Email Received on 05/17/2016. Ken Wong (Miyamoto International)	Implementation of Metro's MBEP	Initial comments	(MBEP Change Suggestion) Unbundle contracts and reduce Metro's reliance on design build delivery.	Metro Program Management unit currently has an established process to review and approve the use of a design build delivery. All contracts are considered for unbundling. This program would not change that process.
18	Email Received on 06/03/16. Aielyn Dumaua (Metro)	Implementation of Metro's MBEP	Initial comments	(MBEP Change Suggestion) Reconsider Self Certification. Vendors might have a different interpretation of the eligibility guidelines and some may consider themselves MBE when in fact they are not. Will CA or DEOD validate this self-certification?	Metro will modify section 2(b) of the MBEP to read, "Proposal Submittal: Metro does not have nor will it maintain in the future a database that identifies Medium-Size Business by NAICS code. Therefore, the Letter of invitation for the solicitation will announce the set-aside requirements. Medium-Size Businesses responding to the Solicitation shall identify themselves as Medium-Size Businesses that meet the Metro definition, which will be validated by the V/CM Pre Qualification Group as part of the Metro Pre-Qualification Process."
19	Email Received on 06/07/16 Michael D. Reader (Group Delta)	Implementation of Metro's MBEP	Initial comments	(MBEP Change Suggestion) We request for Medium-Size goals for Large Projects Also.	The resources necessary to establish a goal structure program are extensive and not available at this time. An assessment of the Pilot Program may result in future changes.
20	Email Received on 06/13/16 Andrew Dickerson (PSOMAS) ACEC	Implementation of Metro's MBEP	Initial comments	(MBEP Change Suggestion) Although the purpose of this program originated to "provide contracting opportunities for firms that have graduated from the small business categories", it is suggested that the purpose of the program be re-stated to "provide contracting opportunities for medium-size firms" since qualifying firms may not have necessarily graduated from a Metro SBE status. Rephrasing would add clarity to the program.	Metro will modify Section 1 of the MBEP to read as follows, "Metro's purpose in establishing a Medium-Size Business Enterprise Program is to provide contracting opportunities for Medium-Size Business Enterprises. The program provides Medium-Size Business Enterprises the opportunity to compete with similar size firms. In essence, the program is bridging the gap between small businesses and large business concerns by creating contracting opportunities for which only Medium-Size Business Enterprises will compete."

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21	Email Received on 06/13/16 Andrew Dickerson (PSOMAS) ACEC	Implementation of Metro's MBEP	Initial comments	(MBEP Change Suggestion) Metro may want to consider some medium-sized set aside percentage in typical contracts, just as there is currently a small business set aside. This would allow medium-sized firms to participate in future contracts as a sub consultant.	Metro has reviewed and considered this request. Metro interprets your question to refer to the establishment of goals. The resources and data that are necessary to establish a goal structure program are very extensive and are not available at this time. An assessment of the Pilot Program may result in future changes.
22	Email Received on 06/13/16 Regina Li-Armijo (Metro) Director of Finance and Admin Services	Implementation of Metro's MBEP	Initial comments	(MBEP Change Suggestion) MBEP be included on the advertisement in order to attract medium size firms to bid for projects that are eligible for MBEP.	Metro has reviewed and considered this request. Metro Solicitations for MBEP opportunities will be identified and advertised as such.
23	Email Received on 06/15/16 Gene Bougdanos Michael Baker International (ACEC)	Implementation of Metro's Medium-Size Business Enterprise Program	Initial comments	(MBEP Change Suggestion) Reduce the dollar value of contracts that qualify for MBEP consideration to something less than what has been proposed. \$5-10 million could be a reasonable range. I'm not sure the gap between the SBE set aside and the MBEP set aside is necessary and serves to make the program confusing. This gap could also create a situation where contract values or scopes are manipulated to avoid both SBE and MBEP programs.	Metro has reviewed and considered this request. Metro has determined that the \$5-\$12 million dollar range creates an area of open competition for both SBE and Medium-Size Businesses on those contracts.
24	Email Received on 06/15/16 Gene Bougdanos Michael Baker International (ACEC)	Implementation of Metro's MBEP	Initial comments	(MBEP Change Suggestion) Limit the amount of annual aggregate contract value for the MBEP and permit management discretion as to which projects participate. The program should not strictly dictate that every project between \$5-10 Million would be set aside for MBEP. This will allow certain projects to go forward with competition from firms of all sizes. Metro could also set aside a percentage of contracts within a range, or an aggregate contract total over a specified time period of say 3 years, to be designated for the MBEP. There should be discretion for management in this area.	Metro has reviewed and considered this request. Metro will maintain a level of discretion. Metro has determined that the \$5-\$12 million dollar range creates an area of open competition for both SBE and Medium-Size Businesses on those contracts. Projects that have opportunities to participate in the program are already at management's discretion. At this time there is not enough data to establish a percentage of contracts for the program. An assessment of the Pilot Program may result in future changes.
25	Email Received on 06/15/16 R. Travis Deane Shannon & Wilson Inc. (ACEC)	Implementation of Metro's MBEP	Initial comments	(MBEP Change Suggestion) Suggest that a percentage goal for medium-sized businesses be incorporated into larger projects (e.g. above \$30 million) much like the current SBE goals. The percentage should be large enough to accommodate the number of medium-sized firms wishing to do work with Metro, but small enough to allow continuation of the current SBE goal. Believes that the percentage goals for SBE and MBE business would allow greater flexibility for major A/E firms pursuing large Metro projects to prepare the best qualified team from a more diverse field of local businesses.	Metro has reviewed and considered this request. Metro has determined that the resources necessary to establish a goal structure program are extensive and not available at this time. In addition, Metro's purpose in developing the MBEP is to provide a Set-Aside for Medium-Size Business Enterprises. However, there are no Medium-Size Business databases that we are aware of that exist to evaluate whether goals are practical.
26	Email Received on 06/15/16 Josh Gertler (Consensus Incorporated)	Implementation of Metro's MBEP	Initial comments	(MBEP Change Suggestion) We strongly urge Metro to create more specific contract levels based on actual data culled from actual awards and the average contract values for each discipline. The category "Supplies, Equipment, Materials and Services including Architecture and Engineering" is far too broad and does not account for the wide range of disciplines within and does not acknowledge the wide range of contract values for each discipline with that category.	Metro has reviewed and considered this request and determined for the ease of administration, the thresholds presented are more efficient for determining the project applicability.

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27	Email Received on 06/15/16 Sam Mansour Moffatt & Nichol (ACEC)	Implementation of Metro's MBEP	Initial comments	(MBEP Change Suggestion) Regarding the size of the firm and the number of employees, please consider raising the minimum number of employees to 100 instead of 25.	Metro has reviewed and considered this request and determined that it is prohibitive to meeting the purpose of the MBEP.
28	Email Received on 06/15/16 Sam Mansour Moffatt & Nichol (ACEC)	Implementation of Metro's MBEP	Initial comments	(MBEP Change Suggestion) Please consider adding a requirement that the prime contractor has to perform 40-50% of the work for the MBEP set aside contracts.	Metro has reviewed and considered this request. The percent of work performed is addressed in each individual solicitation.
29	Email Received on 06/15/16 Sam Mansour Moffatt & Nichol (ACEC)	Implementation of Metro's MBEP	Initial comments	(MBEP Change Suggestion) Please consider setting up a percent (10-20%) participation requirement for MBEP, similar to your current SBE requirements, on all Metro procurements.	Metro has reviewed and considered this request. At the current time there is insufficient data that exists for Metro to make a determination on whether such a participation requirement is practical. An assessment of the Pilot Program may result in changes in future changes.
30	Email Received on 06/15/16 Gilbert R. Vasquez (Chairman) and Theresa Martinez (Chief Executive Officer) Los Angeles Latino Chamber of Commerce	Implementation of Metro's MBEP	Initial comments	(MBEP Change Suggestion) Recommendation for Metro to provide or expand a prompt issue resolution process to quickly and fairly resolve disputes over business size that will undoubtedly arise from self-certification.	Metro will modify section 2(b) of the MBEP to read, "Proposal Submittal: Metro does not have nor will it maintain in the future a database that identified Medium-Size Business by NAICS code. Therefore, the Letter of Invitation for the solicitation will announce the set-aside requirements. Medium-Size Businesses responding to the Solicitation shall identify themselves as Medium-Size Businesses that meet the Metro definition, which will be validated by the V/CM Pre-Qualification Group as part of the Metro Pre-Qualification Process."
31	Email Received on 06/15/16 Gilbert R. Vasquez (Chairman) and Theresa Martinez (Chief Executive Officer) Los Angeles Latino Chamber of Commerce	Implementation of Metro's MBEP	Initial comments	(MBEP Change Suggestion) The LALCC believes there should be no fixed contract size standards. If Metro feels that there should be size standards, then there should be no limit.....If a contract less than \$5 million can't be set aside for small business then it should be available for a medium set aside.	Metro has reviewed and considered this request. In situations where not enough SBE's are available for the SBE Prime Program, Medium-Size Businesses are already able to compete for these projects.
32	Email Received on 06/15/16 Gilbert R. Vasquez (Chairman) and Theresa Martinez (Chief Executive Officer) Los Angeles Latino Chamber of Commerce	Implementation of Metro's MBEP	Initial comments	(MBEP Change Suggestion) Recommends the establishment of a process for appealing and challenging a determination to not set aside a procurement.	Metro has reviewed and considered this request. In order to meet the best intent of the Agency, Metro must maintain the discretion of which contract opportunities will participate on the MBEP.

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33	Email Received on 06/15/16 Gilbert R. Vasquez (Chairman) and Theresa Martinez (Chief Executive Officer) Los Angeles Latino Chamber of Commerce	Implementation of Metro's MBEP	Initial comments	(MBEP Change Suggestion) LALCC believes that the upper threshold of \$250 million is far too large and recommends that it be lowered to \$150 million.	Metro has reviewed and considered your request. The \$250 million amount is already 75% lower than the Ohio State University National Center for the Middle Market definition of one billion dollars.
34	Email Received on 06/15/16 Gilbert R. Vasquez (Chairman) and Theresa Martinez (Chief Executive Officer) Los Angeles Latino Chamber of Commerce	Implementation of Metro's MBEP	Initial comments	(MBEP Change Suggestion) The LALCC recommends that there be no lower limit on business size that can compete for a MBE set aside. If small businesses can compete for larger contracts, especially for lower value contracts they should be allowed to.	Metro has reviewed and considered your request. Metro's SBE Program has adopted the DOT cap of \$23.98 million of average three (3) year gross receipts. The firms that exceed that cap would potentially be eligible as Medium-Size Businesses. Metro has determined that the \$5-\$12 million dollar range creates an area of open competition for both SBE and Mid-Size Businesses on those contracts. Contract set-aside under the MBEP will still contain small business participation goals, as applicable.
35	Email Received on 06/15/16 Gilbert R. Vasquez (Chairman) and Theresa Martinez (Chief Executive Officer) Los Angeles Latino Chamber of Commerce	Implementation of Metro's MBEP	Initial comments	(MBEP Change Suggestion) The LALCC does not endorse blanket exclusions. If it turns out an emergency procurement, OEM or Transit vehicle equipment can be supplied by a medium size business, it should be available for set aside under the same determination process as any other procurement.	Metro has reviewed and considered this recommendation. The MBEP as written does not include any blanket exclusions. Metro must maintain the discretion of which contracts will participate in the MBEP.
36	Email Received on 06/15/16 Gilbert R. Vasquez (Chairman) and Theresa Martinez (Chief Executive Officer) Los Angeles Latino Chamber of Commerce	Implementation of Metro's MBEP	Initial comments	(MBEP Change Suggestion) LALCC recommends that Metro publish a pre-solicitation notice of every procurement and allow the public to request it be set aside. The notice should state that the procurement will be set aside if at least two qualified firms make a request.	Metro must maintain the discretion of which contracts will participate in the MBEP. At the same time, Metro is working on streamlining the procurement process.
37	Email Received on 06/15/16 Gilbert R. Vasquez (Chairman) and Theresa Martinez (Chief Executive Officer) Los Angeles Latino Chamber of Commerce	Implementation of Metro's MBEP	Initial comments	(MBEP Change Suggestion) Metro should have a means for medium (and Small) firms to review the Metro 12-month look-ahead, recommend contract actions for set aside and participate in the final determination as to what should be set aside. Recommends that a new column should be added to the set aside that identified, as far in advanced as possible, which actions have been selected for set aside.	The preliminary information on the 12 Month Look Ahead is not sufficient to make a definitive determination that the MBEP would apply. Metro is working on streamlining the procurement process so that it takes less time to complete a procurement. However, the information on the Vendor Portal Look Ahead may provide an indication to whether a procurement may be eligible for the MBEP based on an internal cost estimate.

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38	Email Received on 06/03/16. Aielyn Dumaua (Metro)	Implementation of Metro's MBEP	Initial comments	(Clarification) Provide clarity on how MBE's will be implemented on contracts and how they will be selected.	The MBEP provides specificity on how the program will be implemented to contracts with an estimated value of \$12-30 million.
39	Email Received on 06/13/16 Regina Li-Armijo (Metro) Director of Finance and Admin Services	Implementation of Metro's MBEP	Initial comments	(Clarification) What are the tools provided by DEOD to assist PMs to solicit medium size contractors? Otherwise, the PM may go through solicitation without any bidder from a medium size firm. If so does that mean that the process is started over? How does V/CM attract and connect to Medium-Size Businesses to bid on proposals?	As stated in Section 4(b)(3) of the MBEP, "Since Metro will not maintain a database of Medium-Size Businesses, the solicitation will allow any size firm to bid/propose. However, Metro will entertain bids/proposals from firms that are not Medium-Size Businesses in the event Metro does not receive more than one responsive/ responsible bid/proposal from Medium-Size Business Enterprises."
40	Email Received on 06/13/16 Regina Li-Armijo (Metro) Director of Finance and Admin Services	Implementation of Metro's MBEP	Initial comments	(Clarification) Are projects between \$5-12 Million set aside?	Projects in the \$5-\$12 million dollar range will not be set aside. Metro has determined that the \$5-\$12 million dollar range creates an area of open competition for both SBE and Medium-Size Businesses on those contracts.
41	Email Received on 06/15/16 Maya Emsden (Metro) DEO, Creative Services	Implementation of Metro's MBEP	Initial comments	(Clarification) Is Metro seeking legislation to implement the program on federally-funded competitively negotiated and competitive low bid solicitation? Is Metro seeking legislation and is there a timetable for the implementation of these program changes?	Metro is piloting the MBEP on state and locally funded projects. Metro has in fact established dialogue with the FTA with regards to this pilot program and after some experience will determine how to pursue on federally funded projects.
42	Email Received on 06/15/16 Maya Emsden (Metro) DEO, Creative Services	Implementation of Metro's MBEP	Initial comments	(Clarification) Clarify if a firm's total assets (such as real property) enter into requirement equation? In other words, if a firm does not meet the \$25 million average annual receipts threshold but owns property, the value of which disqualifies them for SBE, could they still be considered an MBE?	The Medium-Size Business standard is based strictly on the number of employees and the three year average annual revenue.
43	Email Received on 06/15/16 Sam Mansour Moffatt & Nichol (ACEC)	Implementation of Metro's MBEP	Initial comments	(Clarification) Under self-certification, how will you prevent large firms from simply creating subsidiaries to game the system?	Metro will modify section 2(b) of the MBEP the program to read, "Proposal Submittal: Metro does not have nor will it maintain in the future a database that identified Medium-Size Business by NAICS code. Therefore, the Letter of Invitation for the solicitation will announce the set-aside requirements. Medium-Size Businesses responding to the Solicitation shall identify themselves as Medium-Size Businesses that meet the Metro definition, which will be validated by the V/CM Pre-Qualification Group as part of the Metro Pre-Qualification Process."
44	Email Received on 06/15/16 Sam Mansour Moffatt & Nichol (ACEC)	Implementation of Metro's MBEP	Initial comments	(Clarification) Please clarify how you will evaluate the "opportunities" to "unbundle" the work to promote SBE Prime and MBEP business opportunities.	Metro already considers all contracts for unbundling. The SBE Prime Implementation Procedure identifies the current process for Project Managers to identify opportunities for unbundling in set asides. The applicability of the MBEP would not change that. Ultimately, it is up to the Program Manager to decide what is or is not bundled. Metro will continue to find ways to better monitor and track opportunities to unbundle contracts.

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45	Email Received on 06/15/16 Sam Mansour Moffatt & Nichol (ACEC)	Implementation of Metro's MBEP	Initial comments	(Clarification) How will you ensure that firms that are not medium-sized will pursue a Medium-Size Set-Aside procurements?	Section 4(b)(3) of the MBEP reads, "Since Metro will not maintain a database of medium-size firms, the solicitation will allow any size firm to bid/propose. However, Metro will entertain bids/proposals from firms that are <u>not</u> Medium-Sized only in the event Metro does not receive more than one responsive/responsible bid/proposal from Medium-Size Business Enterprises."
46	Email Received on 06/15/16 Sam Mansour Moffatt & Nichol (ACEC)	Implementation of Metro's MBEP	Initial comments	(Clarification) Please clarify the intent for the "bench contracts" vis-a-vis SBE set aside and MBEP set aside program.	As stated on Section 5(a) and 5(b) of the MBEP, "On bench or multiple award solicitations Metro reserves the right to declare its intent on how many of the intended contracts can be awarded to small businesses, medium-sized businesses and large businesses. Upon receipt of a requisition intended to be released as a task order to an existing Bench Contract, the CA, in conjunction with the Project Manager, shall first make a determination regarding which bench discipline is best suited to perform the scope of work. The CA shall send the task order solicitation out to all the qualified firms listed on the Bench Discipline. This shall not be construed to preclude any requirement of the SBE Set-Aside Program for Bench Contracts."
47	Email Received on 06/15/16 Gilbert R. Vasquez (Chairman) and Theresa Martinez (Chief Executive Officer) Los Angeles Latino Chamber of Commerce	Implementation of Metro's MBEP	Initial comments	(Clarification) It is unclear how the set aside procedures will apply to bench contracts. Further, what happens to a firm that qualifies as a medium size business at the time of bench award but, over the course of the bench, grows beyond the upper threshold.	As stated on Section 5(a) and 5(b) of the MBEP, "On bench or multiple award solicitations Metro reserves the right to declare its intent on how many of the intended contracts can be awarded to small businesses, medium-sized businesses and large businesses. Upon receipt of a requisition intended to be released as a task order to an existing Bench Contract, the CA, in conjunction with the Project Manager, shall first make a determination regarding which bench discipline is best suited to perform the scope of work. The CA shall send the task order solicitation out to all the qualified firms listed on the Bench Discipline. This shall not be construed to preclude any requirement of the SBE Set-Aside Program for Bench Contracts." If a firm that is awarded a task order exceeds the MBEP limits during the life of the task order, the firm would be allowed to complete the task order as an Medium-Size Business.
48	Email Received on 06/15/16 Gene Bougdanos Michael Baker International (ACEC)	Implementation of Metro's MBEP	Initial comments	(Clarification) What if a firm has significant International work? Is that counted or is it just domestic revenue?	A Firm's revenue includes both domestic and international earnings.
49	Email Received on 06/15/16 Gene Bougdanos Michael Baker International (ACEC)	Implementation of Metro's MBEP	Initial comments	(Clarification) What if a firm is new, or relatively new, to the Los Angeles market from a transportation perspective, yet their overall firm revenue is greater than \$250 Million?	The firm must meet the program requirements in order to qualify.