



CITY AND COUNTY OF SAN FRANCISCO  
San Francisco Municipal Transportation Agency  
Request for Proposals  
THE PROCUREMENT OF  
30-Foot, 40-FOOT AND 60-FOOT LOW FLOOR  
DIESEL HYBRID COACHES

Proposal Section	Title	Bid Submission Requirements
3	DBE Requirements FTA Special Provisions and SFMTA Questionnaire and Workforce Data Form	Completed DBE Requirements, FTA Special Provisions and SFMTA Questionnaire and Workforce Data Form (see Appendix D).

EXHIBIT A

SAMPLE FORMAT

**TRANSIT VEHICLE MANUFACTURERS CERTIFICATION OF COMPLIANCE WITH SUBPART C, 49 CFR PART 26**

This procurement is subject to the provisions of Section 26.49 of 49 CFR Part 26. Accordingly, as a condition of permission to bid, the following certification must be completed and submitted with the bid. A bid which does not include the certification will not be considered.

**TRANSIT VEHICLE MANUFACTURERS CERTIFICATION**

New Flyer of America Inc.

(Name of Firm), a TVM, hereby certifies that it has complied with the requirements of Section 26.49 and Section 26.45 of 49 CFR Part 26 by submitting a current annual DBE goal to FTA . The goal applies to Federal Fiscal Year<sup>2014</sup>(October 1, 20<sup>13</sup> to September 30, 20<sup>14</sup> ) and has been approved or not disapproved by FTA.

New Flyer of America Inc,

(Name of Firm), hereby certifies that the manufacturer of the transit vehicle to be supplied (Name of Manufacturer) has complied with the above-referenced requirement of **Section 26.49 and Section 26.45** of 49 CFR Part 26.

New Flyer of America Inc.

Signature:  \_\_\_\_\_

Date: July 22, 2014

Title: Executive V.P., Sales & Marketing

Firm: New Flyer of America Inc.



U.S. Department  
of Transportation  
**Federal Transit  
Administration**

Headquarters

East Building, 5<sup>th</sup> Floor – TCR  
1200 New Jersey Avenue, SE  
Washington, DC 20590

November 18, 2013

New Flyer Industries, Inc.  
711 Kernaghan Avenue  
Winnipeg, Manitoba R2C 3T4

Attn: Paul Soubry, CEO  
Raul Ramirez, DBELO

Re: TVM DBE Goal Concurrence – Fiscal Year 2014

Dear Mr. Soubry:

This letter is to inform you that the Federal Transit Administration's (FTA) Office of Civil Rights has received New Flyer Industries, Inc.'s Disadvantaged Business Enterprise (DBE) goal and methodology for FY 2014 for the period of October 1, 2013–September 30, 2014. This goal submission is required by the U.S. Department of Transportation's DBE regulations at 49 CFR Part 26 and must be implemented in good faith.

We have reviewed your FY 2014 DBE goal and determined that it is compliant with DOT's DBE regulations. You are eligible to bid on FTA funded transit contracts. This letter or a copy of the TVM listing on FTA's website is documentation that may be used to demonstrate your compliance with DBE requirements when bidding on future contracts.

FTA reserves the right to remove/suspend this concurrence if your DBE program or FY 2014 DBE goal is not implemented in good faith. In accordance with this good faith requirement, you must submit your DBE Uniform Report in the DOORS system by December 1, 2013. This report should reflect all FTA funded contracting activity for the second period of FY 2013 (i.e., from April 1 to September 30).

Please also be mindful that your FY 2015 DBE goal methodology must be submitted to FTA by August 1, 2014. Therefore, you should publish your goal on or before June 17, 2014. Thank you for your cooperation. If you have any questions regarding this approval, please contact Britney Berry at (202) 366-1065 or via e-mail [britney.berry@dot.gov](mailto:britney.berry@dot.gov).

Sincerely,

Dawn Sweet  
Acting Title VI/DBE Team Leader  
Office of Civil Rights



**NEW FLYER**

Date: August 1, 2013

Britney Berry  
Equal Opportunity Specialist  
U.S. Department of Transportation  
Federal Transit Administration  
Office of Civil Rights

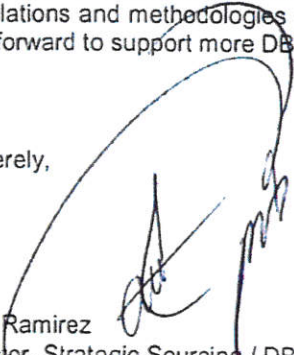
Subject: Disadvantaged Business Enterprise Goal for Federal fiscal year 2014 (Oct 1, 2013 to Sep 30, 2014).

Dear Britney,

Attached is New Flyer of America's Disadvantaged Business Enterprise goal for Federal fiscal year 2014 pursuant to the U.S. Department of Transportation's (DOT) DBE regulation, 49 CFR 26.

New Flyer is dedicated to reach the overall percentage goal of 3.67%. Please find the details of our calculations and methodologies used for the goal setting in the attached documents. Thank you and we look forward to support more DBE certified suppliers in 2014.

Sincerely,

  
Raul Ramirez  
Director, Strategic Sourcing / DBE Liaison Officer  
New Flyer of America



## **NEW FLYER**

New Flyer has three main methods to encourage DBE participation for federally funded contracts:

The first is through our Supplier Selection Process

The second is through our Bids Process, where new contract requirements are tendered

The third is through creating increased awareness to the statute with our current suppliers (sub contractors) and engaging them in supporting this important legislation

Below you will find for each of these three elements a summary of how we go about applying these methods to support DBE participation.

### Supplier Selection

We need to support our transit buses in the field for up to 20 years. Therefore, it is critical that we establish long term relationships with suppliers that provide us our requirements across all of our customer contracts. We do not select our suppliers on a contract by contract basis. As well, many major components and systems that comprise a significant portion of our inputs on a bus contracts would never be able to be provided by a business that qualifies as a DBE. (Engines, transmissions, A/C units, axles, etc).

Although there is not significant turnover in our supplier base on a regular basis, we have a team in our Supply Chain department dedicated to sourcing and validating new suppliers. When evaluating new suppliers to join our qualified supply base, our main goals are to:

Ensure the specification can be met

Ensure product quality

Ensure capable delivery performance and future product support

Ensure value for our end customer

New Flyer has a mature process for selecting and approving suppliers to be added to our approved supplier list. We will research for our candidates with the information/tools above, create a list of candidates, shorten the list for most plausible candidates, qualify each of those on the short list and then pass each of these through our final selection policy. Prior to approving any new supplier, we will go through a vigorous supplier audit with multiple departments involved which include; Strategic Sourcing, Purchasing, Engineering, and Quality Assurance. We also usually include plant visits in order to make our final qualification. This process is applied in the same fashion for both DBE and non DBE candidates and through this process, we ensure DBE companies are identified and provided an equal opportunity to win business.



## NEW FLYER

In order to identify potential qualified DBE's, New Flyer outreaches through means which includes attending and presenting New Flyer DBE Program in APTA sponsored events, reviewing State DBE registries, local or state business registries, attending pre bid meetings, publication of DBE goal, providing willing DBE's and Small business' adequate information and time to reply to bid requests, negotiate with willing DBE's, follow up with qualified DBE's who contacts New Flyer and search out DBE suppliers within certain geographic areas. Please see attached Schedule 2 for links to DBE directories and sites that we used for 2014 goal calculation.

### Bid Process

As we submit a bid on a heavy duty transit vehicle federally funded contracts we seek to get DBE's involved within this process. We have a team dedicated to reading the specification for the bid evaluating the technical and commercial requirements specified by the customer. Once the bid requirements are understood we pursue three avenues to involve DBEs within the contract.

First, if the bid specification identifies a new supplier, we will research the supplier and gather the necessary information to send out the request for quote with the bid specification and the contract details such as number of buses, the bus models and expected delivery schedule. This is a customer driven selection where the supplier specified may or may not be a DBE.

Second, if the customer's specification calls out a non DBE supplier by name where we have a DBE equivalent in our supply base who can meet the requirement, we make a formal request through the bids process for an approved equal to use our DBE supplier. An approved equal is a method of introducing a different product or supplier which was not named in the bid specification.

Thirdly, if the specification is not calling out a supplier by name and is a performance based specification, we will proceed to bid with the qualified DBE we have as our established supplier who can support the bid requirements.

As part of New Flyer's long-term program, New Flyer consults to National Minority and Small Business Advocacy Organizations along with DBE registries used previously (see attachment 3), in identifying new DBE suppliers to help us accomplish our goal. New Flyer procedures that are in place to comply with the requirements and meet our goal includes, but are not limited to;

- List of business development organizations that will be contacted for DBE and small business sources
- Attendance to minority business conferences and trade fairs
- Documentation of DBE and small business participation in our Bid Process (whether selected or not) for products and services which they are capable of providing.



Engaging our current supply base (our sub contractors)

We have a large supply base to support our manufacturing of multiple bus models. While it would not be possible to source most major components (engines, transmissions, AC units, axles) from DBE's, we can work with these major component suppliers to engage them to understand the federal DBE program and have them incorporate a DBE program within their business strategies. These commodities account for approximately 60% of the projected base spend figure or \$275,000,000.

Our opportunity is to increase the good faith efforts and create tracking mechanisms that will support the guidelines and principles as set out in 49 CFR 26 in this area with our sub contractors. We continue to work with our major suppliers on improving this process and tracking its effectiveness.

DBE percentage calculation

The calculation for our 2014 DBE goal used the same methodology as last year's goal.

Projected baseline spend – The baseline includes the projected spend for production forecast and current contracts scheduled for 2014 production as listed in attachment 1, as well aftermarket sales and it is adjusted for work performed outside the United States and its territories.

Projected DBE spend – This target is established based on reviewing the production forecast and current contracts scheduled for our 2014 production, and projecting the spend with our current approved DBE's, projecting a spend with DBE's to be added to our supply base, and projecting a DBE spend to occur through our sub contractors.

DBE Goal – Projected total DBE spend divided by projected baseline spend

<b>2014 Budgeted Spend</b>	
Total projected spend	\$ 673,872,000
Adjustment for work performed outside the United States	\$ (211,760,000)
Projected base spend figure	\$ 462,112,000
Step #1 - The base figure	\$ 10,619,000
Step #2 - The adjustment (Tier 2)	\$ 4,023,000
Projected spend from new DBE suppliers	\$ 2,311,000
Net spend applicable for DBE Calculation	\$ 16,953,000
<b>DBE Goal 2014</b>	<b>3.67%</b>



## NEW FLYER

A Step 2 adjustment has been made to our goal based on Tier 2 DBE participation within New Flyer supply base. This number was broken down as follows;

First is the Tier 2 adjustment dollar amount calculated by using the total planned sub-contracting percentage of DBE spend of our current major component suppliers based on their Sub-contracting Commercial Plan, multiply by the total projected spend for components.

The other adjustment dollar was calculated by setting our goal to achieve ½% of our Net Projected base spend figure of \$462,112,000 to new DBE suppliers including Tier 2 adjustment dollars from our major components suppliers.

### Race/Gender – Conscious and Race/Gender - Neutral

Methodology used to determine the race neutral/race conscious percentages as follows;

- The 62.64% Race conscious percentage was derived from taking the estimated DBE certified suppliers spend for fiscal year Oct 1, 2013 to Sep 30, 2014 amounting to \$10,619,000, divided by overall DBE goal dollar amount of \$16,953,000. This is the amount that New Flyer plans to spend to all our DBE certified suppliers that is currently included in New Flyer approved supplier's list.
- The 37.36% Race-neutral percentage is the balance of our DBE goal dollar value, amounting to \$6,334,000, which New Flyer plans to accomplish by identifying potential suppliers (DBE's and SBE's) and invite them to participate in our supplier selection and bids process. This value does not include the \$4,643,000 in components/materials that we estimated to spend with state certified SBE's. These SBEs are already included in New Flyer's approved suppliers, and will be encouraged and assisted to look at the DBE application process with the intention to get them DBE certified.

### Geographic Market Area

New Flyer of America's Geographic Market Area will be mostly concentrated between the states of Indiana 33%, New York 5%, California 1%, and Washington 1%. Combined these account for 40% of our supplier spend. These areas were chosen based on contract size that New Flyer is scheduled build in 2014 production schedule. As stated in our good faith efforts, New Flyer will concentrate efforts for new DBE participation outreach in this area. This will not exclude us from looking in other areas for outreach. We have also included in the attached Schedule 1 a matrix of the DBE relative availability by NAICS codes for spend in those Areas.





#### Good Faith Efforts

- New Flyer had participated in APTA Trade Shows; the last was in June 2013 held in Philadelphia, PA wherein we met potential DBE suppliers and group of people from different SBE and Trade organization. Discussed were the proper outreach program channel and how to be more effective in finding new DBE suppliers per contract basis.
- Consultation with an SBE organization that specializes in DBE program compliance. Feedback received was New Flyer DBE program is well-managed.
- Consultation with NY MTA Department of Diversity and Civil Rights, and LACMTA – METRO Diversity & Economic Opportunity Department. Included in the discussions were the State's DBE and Small Business directories, upcoming outreach programs that New Flyer can participate in later part of 2013 or early part of 2014, and feedback on New Flyer's program implementation.
- New Flyer is set to participate in 2013 APTA Annual Meeting and Conference to be held in Chicago, IL from Sep 29 to Oct 2, 2013. We anticipate meeting and connecting with some of the advocacy groups that were listed in FTA website, as well as DBE and SBE suppliers in attendance through the planned DBE presentation. New Flyer will also set-up its own table to respond to any DBE inquiries.

#### DBE Goal Publication

The 2014 DBE goal was published on July 31, through New Flyer website as well as through Mass Transit magazine' online advertisement. It will able be published on the magazine's September/October issue. The advertisement will be posted for a period of 30 days. Any comments that New Flyer will receive from these publications will be summarized and keep it on our DBE records.

The values provided above are supplied for the purpose of the Federal Transit Administration approving the New Flyer DBE plan and are not approved to be shared beyond this purpose. New Flyer reviews invoice payments made to DBE's to ensure that there are no unscheduled payment delays to these suppliers. This is coordinated by the DBELO and the finance department representatives on a regular basis. New Flyer ensures our DBE suppliers continue to have their DBE status maintained and we do so by keeping a log of our DBE's with the most up to date certificates and work closely with them until the latest certificate is received.

## Schedule 1

## REGION - CA, IN, NY and WA based on dollar spent and contract size

Current Supplier	State	NAICS Code	# DBE's CA	# DBE's IN	# DBE's NY	# DBE's WA	# DBE's TOTAL	All suppliers in the US	Relative Availability (Base Figure)
GRAFFITI REMOVAL INC	CA	238990	278	18	68	8	372	159,891	0.002
PUROSIL	CA	325199	1	0	0	0	1	2004	0.000
BEEMAK PLASTICS LLC	CA	326122	1	1	0	0	2	425	0.005
ADVANCED THERMAL PROD DIESEL	CA	326150	0	0	0	0	0	1425	0.000
RIDOUT PLASTICS	CA	326199	7	0	1	0	8	11550	0.001
DIMIC STEEL TECH INC	CA	331210	2	0	4	0	6	659	0.009
R D FABRICATORS INC	CA	331318	0	0	0	0	0	671	0.000
HAYDEN INDUSTRIAL PRODUCTS	CA	332410	0	0	0	0	0	266	0.000
FRANKLIN INDUSTRIES	CA	332710	7	1	3	0	11	23166	0.000
ELT TOOLING INC	CA	332996	14	0	3	0	17	1032	0.016
LIFT U INC	CA	332999	4	0	3	0	7	5004	0.001
UMPCO INC	CA	332999	4	0	3	0	7	5004	0.001
DURABRAKE CO LLC	CA	333120	0	0	2	0	2	4611	0.000
INSULTECH CORPORATION	CA	333994	0	0	0	0	0	682	0.000
DYNAFLEX PRODUCTS	CA	333999	0	0	0	0	0	7234	0.000
WINCAL TECHNOLOGY CORPORATION	CA	334111	3	0	1	0	4	2295	0.002
US SENSOR CORP	CA	334415	1	0	0	0	1	847	0.001
C AND A TRANSDUCERS INC	CA	334419	12	0	3	1	16	4319	0.004
BLUWAYS USA INC	CA	335312	4	0	0	0	4	1986	0.002
HYDRAULIC ELECTRIC COMP SUPPLY	CA	335312	4	0	0	0	4	1986	0.002
REULAND	CA	335312	4	0	0	0	4	1986	0.002
TROJAN BATTERY	CA	335911	1	0	0	0	1	524	0.002
DISC LOCK INTERNATIONAL	CA	336390	0	0	0	0	0	4467	0.000
PUBLIC TRANSPORT SAFETY	CA	336390	0	0	0	0	0	4467	0.000
RICON CORP	CA	336390	0	0	0	0	0	4467	0.000
TRANSFER FLOW INC	CA	336390	0	0	0	0	0	4467	0.000
HEWITT INDUSTRIES	CA	336399	0	0	0	0	0	4467	0.000
DECALS BY DESIGN INC	CA	339950	14	1	13	3	31	24839	0.001
SOCAL WRAPS	CA	339950	14	1	13	3	31	24839	0.001
TWIN VISION NA INC	CA	339950	14	1	13	3	31	24839	0.001
VOMELA SPECIALTY CO	CA	339950	14	1	13	3	31	24839	0.001
VOMELA SPECIALTY COMPANY	CA	339950	14	1	13	3	31	24839	0.001
EXECUTIVE FIRE PROTECTION	CA	339999	2	0	6	0	8	31867	0.000
SELECTIVE TRANSIT	CA	423120	4	5	0	0	9	28003	0.000
ELECTRIC SWITCHES INCORPOR	CA	423610	49	10	27	4	90	24876	0.004
QUALITY SYSTEMS INTEGRATED CORPORATION	CA	423610	49	11	27	4	91	24876	0.004
CHARTER INDUSTRIAL SUPPLY INC	CA	423840	24	6	1	0	31	27979	0.001
PORT SUPPLY	CA	423860	6	1	6	0	13	8234	0.002
SOUTH BAY FORD INC	CA	441110	0	0	0	0	0	57734	0.000
UNI AIR FILTERS INC	CA	441228	0	0	0	0	0	30522	0.000
GLOBAL SORI AUTO TRUCK PARTS INC	CA	441310	5	0	1	0	6	45496	0.000
SHURFLO PUMP MFG CO LTD	CA	443141	0	0	0	0	0	16976	0.000
TRANSIT INFORMATION PRODUCTS	CA	485111	5	2	1	0	8	3921	0.002
BGI worldwide logistics	CA	488510	34	0	2	2	38	2730	0.014
KVASER INCORPORATED	CA	518210	64	0	3	0	67	27369	0.002
SMARTDRIVE SYSTEMS INC	CA	541512	225	21	47	18	311	88801	0.004
TRANSIT PRODUCTS AND SERVICES	CA	541990	2	8	12	4	26	567491	0.000
KRATOS PUBLIC SAFETY AND SECURITY SOLUTION	CA	561621	21	8	5	1	35	13862	0.003
SONOMA TESTING	CA	561990	24	26	8	20	78	1877462	0.000
AUTOMOTIVE RACING PRODUCTS	CA	811111	12	0	1	0	13	41270	0.000
BRANNON TIRE	CA	811111	12	0	1	0	13	164991	0.000
ED HANSONS MUFFLER SERVICE	CA	811111	12	0	1	0	13	164991	0.000
FORD OF MONTEBELLO INC	CA	811111	12	0	1	0	13	41270	0.000
MASTERCRAFT SAFETY	CA	811490	0	0	0	0	0	41270	0.000
FLOW PRODUCTS	IL	333996	0	0	0	0	0	354	0.000
POWER MANUFACTURING INC	IN	321918	0	0	0	0	0	15596	0.000

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## REGION - CA, IN, NY and WA based on dollar spent and contract size

Current Supplier	State	NAICS Code	# DBE's CA	# DBE's IN	# DBE's NY	# DBE's WA	# DBE's TOTAL	All suppliers in the US	Relative Availability (Base Figure)
PLASTIC COMPONENTS INC	IN	326199	7	0	1	0	8	11550	0.001
GRIFFITH RUBBER	IN	326291	0	0	1	0	1	323	0.003
GRIFFITH RUBBER MILLS OF GARRETT, INC	IN	326291	0	0	1	0	1	323	0.003
ASC INDUSTRIES INC	IN	332996	10	0	0	0	10	1032	0.010
PAILTON INC	IN	333120	0	0	2	0	2	4611	0.000
CUMMINS ENGINE CO	IN	333618	0	0	1	0	1	945	0.001
CUMMINS NPOWER LLC	IN	336312	0	0	0	0	0	956	0.000
POSITRON	IN	336320	0	0	0	0	0	1318	0.000
ABC COMPANIES INC	IN	336330	1	0	1	0	2	158	0.013
ALLISON TRANSMISSION	IN	336350	0	0	0	0	0	557	0.000
INDIANA MILLS MFG INC	IN	336360	2	1	1	0	4	405	0.010
KIEL NORTH AMERICA	IN	336360	2	1	1	0	4	405	0.010
AMSAFE COMMERCIAL PRODUCTS	IN	336390	0	0	0	0	0	4467	0.000
CUMMINS EMISSION SOLUTIONS	IN	336390	0	0	0	0	0	4467	0.000
CUMMINS FILTRATION	IN	336390	0	0	0	0	0	4467	0.000
HY PRO FILTRATION	IN	336390	0	0	0	0	0	4467	0.000
STANT USA CORP	IN	336390	0	0	0	0	0	4467	0.000
TCB ENTERPRISES LLC	IN	336390	0	0	0	0	0	4467	0.000
AUTO TRIM DESIGN PLUS INC	IN	339950	14	1	13	3	31	24839	0.001
VOSS AUTOMOTIVE INC	IN	339999	2	0	6	0	8	31867	0.000
NORTH AMERICAN TRANSIT PARTS INC	MN	336211	0	0	1	0	1	1180	0.001
AIR AND POWER TRANSMISSION INC	NY	326220	1	0	0	0	1	409	0.002
DELORD INDUSTRIES	NY	326291	0	0	1	0	1	323	0.003
API HEAT TRANSFER INC	NY	332313	2	0	1	0	3	2040	0.001
VAPOR STONE RAIL SYSTEMS	NY	333414	2	0	1	0	3	999	0.003
WORDEN SAFETY PRODUCTS INC	NY	333924	0	0	0	0	0	1819	0.000
CLEVER DEVICES LTD	NY	334118	0	0	0	0	0	4212	0.000
TAPESWITCH CORP	NY	335313	2	0	1	0	3	1030	0.003
ROCHESTER INDUSTRIAL CONTROL	NY	335314	0	0	1	0	1	2231	0.000
TRUCK LITE CO LLC	NY	336320	0	0	0	0	0	1318	0.000
BAE SYSTEMS CONTROLS INC	NY	336350	0	0	0	0	0	557	0.000
ROSCO INCORPORATED	NY	336390	0	0	0	0	0	4467	0.000
SEIFERT GRAPHICS INC	NY	339950	14	1	13	3	31	24839	0.001
ORISKANY MFG TECHNOLOGIES	NY	339999	2	0	6	0	8	31867	0.000
CARLIN SYSTEMS INC	NY	423610	49	10	27	4	90	24876	0.004
SWITCHES AND SENSORS INC	NY	423610	49	10	27	4	90	24876	0.004
STAR HEADLIGHT AND LANTERN CO	NY	423860	6	1	6	0	13	8234	0.002
ARCADIA MANUFACTURING GROUP	NY	811490	0	0	0	0	0	41270	0.000
DEDICATED MICROS INC	VA	334310	1	0	1	0	2	2624	0.001
GT DEVELOPMENT CORP	WA	332912	2	0	0	0	2	502	0.004
SPORTWORKS NW	WA	332996	10	0	0	0	10	1032	0.010
HELAC CORPORATION	WA	333995	0	0	0	0	0	256	0.000
APOLLO VIDEO TECHNOLOGY	WA	334220	3	0	1	1	5	4422	0.001
HOTSTART INC	WA	336320	0	0	0	0	0	1318	0.000
LIGHTHOUSE INTERNATIONAL LTD	WA	336320	0	0	0	0	0	1318	0.000
SUPERGRAPHICS	WA	339950	14	1	13	3	31	24839	0.001
GROENEVELD PACIFIC WEST INC	WA	339999	2	0	6	0	8	31867	0.000
INDEX SENSORS AND CONTROLS INC	WA	339999	2	0	6	0	8	31867	0.000
H D CAMPBELL COMPANY	WA	423610	49	10	27	4	90	24876	0.004
O RINGS WEST INC	WA	423710	16	0	7	0	23	24876	0.001
CUMMINS NORTHWEST LLC	WA	423830	12	8	4	4	28	46825	0.001
WHEEL MASTERS	WA	441210	0	0	0	0	0	53489	0.000
ZONAR SYSTEMS	WA	484110	198	1	1	0	200	167270	0.001
RANDTRONICS TRANSIT SUPPLY INC	WA	485119	3	0	1	0	4	65	0.062
FUMOTO ENGINEERING OF AMERICA INC	WA	541330	393	84	102	65	644	110652	0.006

**Schedule 2****Fiscal Year Production Forecast - Oct 1 2013 to Sep 30, 2014**

Bus Model	Description	US Contacts	CA Contracts	Forecast
XD40	Xcelsior Diesel 40	144	41	335
XD60	Xcelsior Diesel 60	80	4	0
XDE60	Xcelsior Diesel-Electric Hybrid 60	64	10	0
XN40	Xcelsior CNG 40	494	24	0
C30LFR	CNG 30 Low-Floor	8	0	0
C40LFR	CNG 40 Low-Floor	193	0	0
XD35	Xcelsior Diesel 35	10	0	0
XDE35	Xcelsior Diesel-Electric Hybrid 35	62	0	0
XDE40	Xcelsior Diesel-Electric Hybrid 40	124	0	140
XN35	Xcelsior CNG 35	37	0	0
XN60	Xcelsior CNG 60	132	0	0
XT40	Xcelsior Trolley 40	2	0	0
XT60	Xcelsior Trolley 60	4	0	0
<b>Total</b>		<b>1354</b>	<b>79</b>	<b>475</b>

Attachment 3

List of Sources used and Citations

Description	Links
To find NAICS codes	<a href="http://business.highbeam.com/">http://business.highbeam.com/</a>
To find NAICS codes	<a href="http://www.manta.com/">http://www.manta.com/</a>
To get descriptions of NAICS codes	<a href="http://www.naics.com/">http://www.naics.com/</a>
Used to find updated NAICS codes	<a href="http://www.census.gov/cgi-bin/sssd/naics/naicsrch">http://www.census.gov/cgi-bin/sssd/naics/naicsrch</a>
DBE Directories	<a href="http://www.dot.gov/osdbu/disadvantaged-business-enterprise/state-dot-and-dbe-program-websites">http://www.dot.gov/osdbu/disadvantaged-business-enterprise/state-dot-and-dbe-program-websites</a>
California DBE Directory	<a href="http://www.dot.ca.gov/hq/bep/find_certified.htm">http://www.dot.ca.gov/hq/bep/find_certified.htm</a>
Indiana DBE Directory	<a href="http://www.in.gov/indot/2392.htm">http://www.in.gov/indot/2392.htm</a>
New York DBE Directory	<a href="http://www.nysucp.net/">http://www.nysucp.net/</a>
Washington DBE Directory	<a href="http://www.wsdot.wa.gov/EqualOpportunity/DBEDirectory.htm">http://www.wsdot.wa.gov/EqualOpportunity/DBEDirectory.htm</a>
New York MWBE Directory	<a href="https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?TN=ny&amp;XID=7369">https://ny.newnycontracts.com/FrontEnd/VendorSearchPublic.asp?TN=ny&amp;XID=7369</a>

**SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY/MUNICIPAL RAILWAY  
QUESTIONNAIRE - NONDISCRIMINATION REQUIREMENTS  
FEDERALLY ASSISTED THIRD PARTY CONTRACTS**

**Proposer's Instructions/Information**

1. Each proposer shall complete and submit the attached Nondiscrimination Questionnaire, and Workforce Data Forms, with the price proposal.
2. Please complete the questionnaire for the office that will ultimately perform the project work.
3. The questionnaire must be completed by:
  1. All prime contractors
  2. All joint venture partners
  3. Subcontractors upon request
4. Support firms (e.g., printers, photographers, etc.) need not complete any part of the questionnaire.
5. Approved state or federal Nondiscrimination Programs may be substituted for those items where the information requested in the questionnaire is identical to that contained in the state or federal programs.
6. If the questionnaire(s) is/are not correctly and fully completed, the MTA/Muni may not consider your proposal.

**SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY/MUNICIPAL RAILWAY**

**QUESTIONNAIRE ON RECRUITMENT, HIRING, AND TRAINING PRACTICES**

(Please answer all questions. Use additional sheets if necessary.)

Name of Company: Kent Flyer of America Inc

Address: 214 5th Ave SW  
Crookston, Mn. 56716

Location of Company Workforce (Check one)

San Francisco

Other Location, provide address:

See above.

1. Name, title, telephone number of company official at the establishment who is responsible for recruiting and hiring and who will provide information concerning this matter.

Loretta Berg, Human Resources Manager  
218-277-7112

2. Name, title, and telephone number of senior managing official at the establishment if not the person named in the answer to question 1.

GeFF Maysam, Plant Manager  
218-277-7148

3. Describe briefly the basic business activity at the establishment (i.e., identify the product produced or the services performed).

Final assembly City Transit Buses

Note: Workforce – The term “minorities” or “disadvantaged” refers to the following groups:

African-American, Hispanic, Asian or Pacific Islander, and American Indian or Alaskan Native.

4. Describe briefly how employees at various levels are hired (see attached Workforce Breakdown, page D-8).

A. Technicians and/or others

Technicians are often promoted from within. We advertise & post all positions, interview & choose the most qualified candidate.

B. Support Staff (accounting, reception, and clerical)

We post internally & advertise externally - interview & choose the most qualified candidate.

5. Describe in full, Nondiscrimination Programs in the past two years, which serve to increase the number of underrepresented minorities. (Proposers may submit one (1) copy of their Nondiscrimination Program directly to San Francisco Municipal Railway's Contract Compliance, 1145 Market Street, 7<sup>th</sup> Floor, San Francisco, CA 94103, (415) 934-3985.

- Participation in training programs.

We train all employees

- Participation in apprenticeship programs.

N/A

- Participation in any summer hire programs or own program to hire minority and female students in the summer and/or part-time.

N/A

- Paid educational leave or tuition for minorities or women to improve skills and level.

Educational assistance is available to all employees

- Participation in scholarship fund specifically designated for minorities and women.

N/A

- Participation in minority clerical training programs.

N/A

Participation in "other" programs.

6. If minorities and/or women are underutilized explain steps firm would take to increase their participation. Nondiscrimination Programs with goals and timetables can be included.



Procurement of 30-ft, 40-ft and 60-ft Low Floor Diesel Hybrid Coaches

*Please see attached 2014 AAP*

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- 7. Describe joint ventures or sub consulting/subcontracting arrangements in past projects. If there is a company policy on this issue, include it.

*N/A*

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- 8. Complete workforce breakdown on page D-8.

- 9. Complete hires in last 12 months on page D-9.

3a. Workforce Data

8. Please fill out this workforce breakdown

Name of firm: New Flyer of America Inc  
Address: 214 5<sup>th</sup> Ave SW Crookston, Mn. 55116

EMPLOYEE * CATEGORIES	TOTAL EMPLOYEE		AFRICAN AMERICAN		HISPANIC		ASIAN/ PAC. ISL.		AMER. IND./ ALAK. NTV.		TOTAL MINORITY		PERCENTAGE WHITE		PERCENTAGE MINORITY	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Officials																
Managers	42	6	1		2			1	1		4	1	90	83	10	17
Professionals	10	3			2		1		1		3		70	100	30	0
Technicians	36	4			7						7		81	100	19	
Admin. Support		2												100		
Trainees																
Others	194	69	2	1	28	18	1	2	7	3	38	24	80	65	20	35
Full time	282	84	3	1	38	18	2	3	9	3	52	25	82	70	18	30
Part Time																
<b>TOTAL</b>	<b>282</b>	<b>84</b>	<b>3</b>	<b>1</b>	<b>38</b>	<b>18</b>	<b>2</b>	<b>3</b>	<b>9</b>	<b>3</b>	<b>52</b>	<b>25</b>	<b>82</b>	<b>70</b>	<b>18</b>	<b>30</b>

COMPLETED BY Name: Loretta Berg Title: HR Manager Date: July 22/14

\* If the list of occupations on the left side of the workforce data form does not match your occupation titles, please modify the data form to indicate occupations peculiar to your organization.

3b. Workforce Data

9. Hires in the last 12 months

Name of firm: New Flyer of America Inc  
Address: 214 5th Ave SW Ord, Mo 64676

EMPLOYEE * CATEGORIES	TOTAL EMPLOYEE		AFRICAN AMERICAN		HISPANIC		ASIAN/ PAC. ISL.		AMER. IND./ ALAK. NTV.		TOTAL MINORITY		PERCENTAGE WHITE		PERCENTAGE MINORITY	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Officials																
Managers	5		1		1						2		60		40	
Professionals	2	1			1		1				2		0		100	
Technicians	6				2						2		67		33	
Admin. Support		1												100		
Trainees																
Others	55	29		1	12	7	2	1	4	3	18	12	67	33	59	41
Full time <sup>ALL Full time</sup>	68	31	1	1	16	7	3	1	4	3	24	12	65	35	61	39
Part Time																
<b>TOTAL</b>	<b>68</b>	<b>31</b>	<b>1</b>	<b>1</b>	<b>16</b>	<b>7</b>	<b>3</b>	<b>1</b>	<b>4</b>	<b>3</b>	<b>24</b>	<b>12</b>	<b>65</b>	<b>35</b>	<b>61</b>	<b>39</b>

COMPLETED BY Name: Lorette Berg Title: HR Manager Date: July 22/14

\* If the list of occupations on the left side of the workforce data form does not match your occupation titles, please modify the data form to indicate occupations peculiar to your organization.

**EXECUTIVE ORDER 11246  
AFFIRMATIVE ACTION PROGRAM  
FOR MINORITIES AND WOMEN**

**New Flyer of America**

214 Fifth Avenue S.W.  
Crookston, Minnesota 56716

**Plan Year 2014**

*Support Data: January 1 through December 31, 2013*

EEO Coordinator: Loretta Berg  
Human Resources Manager  
214 Fifth Avenue S.W.  
Crookston, Minnesota 56716  
(218) 281-5752

  
\_\_\_\_\_  
Jeffrey Bahls, Plant Manager

3/26/2014  
Date

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## PREFACE

In the preparation of this Affirmative Action Program (AAP), the terminology used in Executive Order 11246 (EO11246) and its implementing regulations has been used as a guide. Therefore, the use of such terms as "underutilization," "deficiency," "concentration," "affected class," "placement goals," etc., should not be construed as an admission, in whole or in part, that either minorities or women have been or presently are being underutilized, concentrated, or discriminated against in any way by New Flyer of America in violation of federal, state, or local fair employment practice laws. Further, nothing contained in this AAP or its supporting data should be construed as an admission, in whole or in part, that New Flyer of America has contravened such federal, state, or local employment practice laws.

In developing and implementing this AAP, New Flyer of America has been guided by its established policy of providing equal employment opportunity (EEO). Any goals which are established herein are not intended as rigid, inflexible quotas, but rather as targets reasonably attainable by applying every good faith effort in implementing this AAP. The use of goals and timetables in this AAP is not intended, nor is the effect of such goals and timetables intended, to discriminate against an individual or group of individuals with respect to any employment opportunity for which he, she, or they are qualified. Indeed, nothing herein is intended to sanction the discriminatory treatment of any person. Thus, this AAP has been developed in strict reliance upon the Guidelines on Affirmative Action issued by the Office of Federal Contract Compliance Programs.

The statistical data set forth in this AAP is deemed to constitute trade secrets, operational information, and other confidential commercial and financial data within the meaning of the Freedom of Information Act (5 U.S.C. §522 et. seq.), Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. § 2000(e)), the Trade Secrets Act (18 U.S.C. § 1905) and 44 U.S.C. § 3508, the disclosure of which is prohibited by law.

**CONFIDENTIAL TRADE SECRET MATERIALS**

(Not for distribution except on a need-to-know basis within New Flyer of America)

This Affirmative Action Plan contains company confidential, trade secret and commercial information. 18 U.S.C. § 1905 prevents the Office of Federal Contract Compliance Programs from voluntarily releasing this information pursuant to the Freedom of Information Act. In addition, exemptions 3 and 4 of the Freedom of Information Act protect information in this document from mandatory disclosure to Freedom of Information Act requesters. See, e.g., Chrysler v. Brown, 441 U.S. 281 (1979). Furthermore, release of any trade secret, confidential statistical or commercial information would be arbitrary and capricious in violation of the Administrative Procedure Act (APA). See, e.g., CNA Financial Corp. v. Donovan, 830 F.2d 1132, 1144 & n. 73 (D.C.Cir.) certiorari denied, 485 U.S. 977 (1988).

## **COMMITMENT TO EQUAL EMPLOYMENT OPPORTUNITY**

It has been, and will continue to be, the policy of New Flyer of America to be an equal opportunity employer. New Flyer of America's official EEO policy statement follows. In keeping with this policy, New Flyer of America will continue to recruit, hire, train, and promote into all job levels the most qualified persons without regard to age, race, color, religion, sex, or national origin. Similarly, New Flyer of America will continue to administer all other personnel matters (such as compensation, benefits, transfers, layoffs, company-sponsored training, education, tuition assistance, and social and recreational programs) in accordance with Company policy.

New Flyer of America bases employment decisions on objective standards as much as possible in the furtherance of equal employment opportunity.



**New Flyer of America  
EEO POLICY STATEMENT**

This is to affirm New Flyer of America's policy of providing Equal Opportunity to all employees and applicants for employment in accordance with all applicable Equal Employment Opportunity/Affirmative Action laws, directives and regulations of Federal, State and Local governing bodies or agencies thereof.

New Flyer of America is committed to equal employment opportunity for all persons. It will not discriminate against or harass any employee or applicant for employment because of race, color, creed, religion, national origin, sex, sexual orientation, disability, age, marital status or status with regard to public assistance. We will take Affirmative Action to ensure that all employment practices are free of such discrimination. Such employment practices include, but are not limited to, the following: hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, selection, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. We will provide reasonable accommodation to applicants and employees with disabilities. New Flyer of America is committed to utilizing employment practices that protect individuals from illegal discrimination. The responsibility for implementing these policies is upon the Administration Department of New Flyer of America. Individuals with questions or grievances regarding New Flyer of America's policies or procedures should seek assistance from the Administration Department.

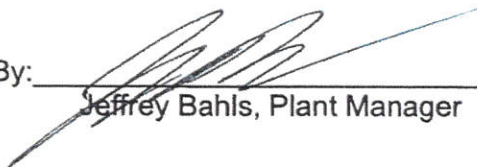
Specifically, New Flyer of America has appointed the Human Resources Manager, Loretta Berg, to manage the Equal Employment Opportunity Program. Her responsibilities include monitoring all equal employment opportunity activities and reporting the effectiveness of this Affirmative Action Program as required by federal, state, and local agencies to the Plant Manager. The Plant Manager of New Flyer of America will receive and review reports on the progress of the program. If an employee or applicant for employment believes he or she has been discriminated against, please contact the following: Human Resources Manager, Loretta Berg, New Flyer of America, 214 5<sup>th</sup> Avenue SW, Crookston, Minnesota 56715; (218) 281-5752.

Date:

3/26/2014

New Flyer of America

By: \_\_\_\_\_

  
Jeffrey Bahls, Plant Manager

## **DISSEMINATION OF POLICY**

### ***Internal Dissemination***

New Flyer of America disseminates its EEO policy internally by:

- a. including it in the New Flyer of America's Employee Handbook;
- b. including it in internal job postings and other internal media as appropriate;
- c. conducting special meetings with executive, management, and supervisory personnel to explain the intent of the EEO policy and make it clear that individual supervisors and managers have the responsibility for effective assistance in implementing the policy;
- d. communicating to employees the existence of its EEO policy and making available such elements of the policy as will enable employees to know of and avail themselves of its benefits; and
- e. explaining it thoroughly in employee orientations and during management training sessions.

### ***External Dissemination***

New Flyer of America disseminates its policy externally by:

- a. informing recruiting sources verbally and in writing of its EEO policy, stipulating that such sources should recruit and refer minorities and women for all positions listed;
- b. advising applicants of New Flyer of America's equal employment policy;
- c. incorporating its EEO policy in all purchase orders, leases, and contracts covered by Executive Order 11246, as amended;
- d. informing prospective employees of the existence of its Affirmative Action Program and benefits, if any, which may be available to the prospective employee under the program; and
- e. sending written notification of the Policy to "covered" subcontractors, vendors, and suppliers requesting appropriate action on their part.

## **RESPONSIBILITY FOR IMPLEMENTATION**

Jeffrey Bahls, Plant Manager, has the responsibility for the overall effectiveness and implementation of the Affirmative Action Program. New Flyer has assigned

coordination of the responsibility to implement the policy to Loretta Berg, Human Resources Manager. She ensures that EEO / AAP policies are designed to effectively achieve the goals of the program; monitors the program and reports on its progress to the Plant Manager. She has the unqualified support of top management and is assured the staffing necessary to execute our EEO / AAP responsibilities.

### ***Duties of AAP Coordinator***

Specifically, her responsibilities include, but are not limited to, the following:

- a. Developing policy statements, affirmative action programs, and internal and external communication procedures.
- b. Assisting in the identification of problem areas.
- c. Assisting management in arriving at effective solutions to problems.
- d. Designing and implementing audit and reporting systems that will:
  - (1) Measure the effectiveness of our program.
  - (2) Indicate any need for remedial action; and
  - (3) Determine the degree to which goals and objectives have been met.
- e. Serving as liaison between New Flyer of America and enforcement agencies.
- f. Serving as liaison between New Flyer of America and minority organizations, women's organizations and community action groups concerned with employment opportunities for minorities and women.
- g. Keeping management informed of the latest developments in the entire equal employment opportunity / affirmative action area.
- h. Meeting with department supervisors to make certain that New Flyer of America's EEO policies are being followed.
- i. Informing all supervisors that their individual work performance is being evaluated on the basis of the EEO efforts and results, as well as other criteria.

### ***Duties of Managers/Supervisors***

It is the responsibility of all supervisors and managers to implement the affirmative action plan and regularly discuss this program among themselves and with

their employees. Specifically, all department managers will be assigned AAP responsibilities and will be held accountable for evaluations based on the following:

- a. Assisting in the identification of problem areas; formulation of solutions; and establishing departmental and unit goals and objectives where necessary.
- b. Involvement with local minority organizations, women's organizations, community action groups, and community service programs.
- c. Performing periodic audit of training programs, hiring, and promotion patterns to remove impediments to the attainment of goals and objectives.
- d. Reviewing the qualification of all employees to ensure that minorities and women are given full opportunities for transfer and promotions, and providing career counseling for all employees.
- e. Performing audits periodically to ensure compliance in such areas as:
  - (1) proper display of EEO posters;
  - (2) comparable facilities such as locker rooms and rest rooms for both sexes; and
  - (3) minority and female employees are afforded full opportunity and are encouraged to participate in all company-sponsored education, programs, recreational, and social activities.
- f. Understanding that their work performance is being evaluated on the basis of their EEO efforts and results, as well as other criteria.
- g. Preventing any harassment of any employees placed through affirmative action efforts.

## **WORKFORCE**

As of December 31, 2013, New Flyer of America employed 416 employees. We have provided an Organizational Chart.

## **JOB GROUP ANALYSIS**

Jobs are grouped in this AAP on the basis of similarities in job content, level of responsibility, wage and salary rates, and promotional opportunities. The hierarchy of positions was taken into consideration to assure that the groups reflect actual internal sources of promotable and transferable employees and the progressions they may follow to higher levels in the organization. Thus, the "feeder group" relationships as

indicated by the Two-Factor Analysis constitute a valid personnel planning model within which the availability analysis and goal-setting process was performed. While job groups of 50 or more employees could not be formed, generally enough incumbents were grouped to permit a meaningful analysis. In all cases, at least the bulk of the incumbents are reasonably clustered as to wage or salary. In some instances, a group will contain one or two exceptions at the upper or lower extremes which, because they are so few in number, were not organized into separate groups.

## **AVAILABILITY ANALYSIS**

As required, separate analyses were performed for each job group for women and total minorities in New Flyer of America's workforce on December 31, 2013.

**Data Sources - Factor 1.** Information on Factor 1 for Minorities and Women was developed from the 2006-2010 Detailed Census Occupation by Residence Geography. For purposes of this facility located in Crookston, Minnesota, the recruitment areas for each job group was as follows:

Job Group 1A (Executive/Senior Level Officials and Managers) - EEO Residence Data for United States.

Job Group 1B (First Level Officials and Managers) - EEO Residence Data for United States; State of Minnesota; Benton+Stearns counties, MN; Cincinnati-Middletown, OH-KY-IN metro area, and Grand Forks, ND-MN metro area (weighed appropriately).

Job Group 1C (Mid Level Officials and Managers) - EEO Residence Data for United States; Becker+Hubbard+Mahnomen+Norman counties, MN; Northeast North Dakota counties; Northwest Minnesota counties; Fresno County, CA; Cincinnati-Middletown, OH-KY-IN metro area, and Grand Forks, ND-MN metro area (weighed appropriately).

Job Group 2 (Professionals) – EEO Residence Data for Northwest Minnesota counties; Northeast North Dakota counties; Becker+Hubbard+Mahnomen+Norman Counties, MN; and Grand Forks, ND-MN metro area (weighed appropriately).

Job Group 3 (Technicians) – EEO Residence Data for the United States, Benton+Stearns counties, MN; Northwest Minnesota counties; Cincinnati-Middletown, OH-KY-IN metro area, and Grand Forks, ND-MN metro area (weighed appropriately).

Job Group 4 (Sales) – EEO Residence Data for the United States.

Job Group 5 (Office and Clerical) – EEO Residence Data for Fresno County, CA; Becker+Hubbard+Mahnomen+Norman Counties, MN; Cincinnati-Middletown, OH-KY-IN metro area; and Grand Forks, ND-MN metro area (weighed appropriately).

Job Group 6 (Craft Workers) – EEO Residence Data for Cass County, ND; Becker+Hubbard+Mahnommen+Norman counties, MN; Northeast North Dakota counties; and Grand Forks, ND-MN metro area (weighed appropriately).

Job Group 7A (Operatives) – EEO Residence Data for Northwest Minnesota counties; Becker+Hubbard+Mahnommen+Norman counties, MN; and Grand Forks, ND-MN metro area (weighed appropriately).

Job Group 7B (Lower Level Operatives) – EEO Residence Data for Northwest Minnesota counties; Becker+Hubbard+Mahnommen+Norman counties, MN; and Grand Forks, ND-MN metro area (weighed appropriately).

Job Group 8 (Laborers) – EEO Residence Data for Fresno County, CA; Cincinnati-Middletown, OH-KY-IN metro area and Grand Forks, ND-MN metro area (weighed appropriately).

Job Group 9 (Service Workers) – EEO Residence Data for Grand Forks, ND-MN metro area.

Each job group generally consisted of one or more occupational codes weighed appropriately.

In some instances, the requisite skills data utilized for Factor 1 may overstate the actual availability of persons possessing the job skills required by this New Flyer of America facility. The facility has some positions that were not identified precisely in the Occupational Codes Index from the census, and therefore, more generalized codes were utilized.

**Factor 2.** Where a feeder group existed, it is identified in this section of the Factor 2 Availability Analysis.

**Weighing.** The weighing of the raw data on the Availability Analysis worksheets reflects the relative importance of the Company's hiring and placement practice, outside hiring, and internal promotions which are necessary to obtain people with the qualifications for the positions contained in each job group. In all cases, both factors were considered with little or no weight given to those internal or external factors which play a minimal or non-existent role in New Flyer of America's employment determination. With respect to external data, generally the greatest weight was placed on requisite skills because this is the best indicator of the availability of women or minorities capable of performing the respective jobs at New Flyer of America

**Availability Analysis.** Placement goals are indicated in the Job Group Analysis worksheets wherever women or minorities were represented in lower percentages than would reasonably be expected given their availability.

## **IDENTIFICATION OF POTENTIAL PROBLEM AREAS AND PROPOSED REMEDIES**

### ***Analysis of Potential Problem Areas***

As part of the New Flyer of America's ongoing audit process, analysis focuses on the following personnel matters:

1. New Flyer of America's retained applicant flow data by minority group and gender, evaluated in the context of its hiring experience over the next 12 months.
2. The EEO Coordinator examines the total selection process, including position descriptions, job titles, applicant forms, interview procedures, the use and administration of job-related tests, referral procedures, the final selection process, training, transfers, and promotions to ensure that any requisite qualifications are job-related and non-discriminatory. Hire, promotion, and termination by minority groups and gender for the preceding year is included in the Support Data section of this AAP.
3. New Flyer of America's physical facilities including company-sponsored recreation and social events, and special programs, including educational assistance, are all applied and made available on a non-discriminatory basis. Data on participation and training programs will be maintained to confirm that employees are participating on a non-discriminatory basis.
4. Employees are advised that employee benefit and compensation programs are administered in a totally non-discriminatory fashion.
5. The EEO Coordinator is responsible to ensure that there is no such discrimination.
6. An examination of New Flyer of America's seniority practices has been made, resulting in a finding that length of service is just one of many factors considered by the facility in making employment decisions. Other factors include experience, work record, and ability to perform the job.
7. Management desires to make the work environment supportive of EEO and periodically will solicit the views of employees with respect to this subject.
8. New Flyer of America is ensuring that it is technically in compliance with requirements such as posting its Equal Employment Opportunity policies, retaining application forms, and notifying subcontractors.
9. The techniques that have been established for evaluating the effectiveness of the AAP will include periodic review by the EEO Coordinator of the statistics contained in the Support Data section. Further, the EEO Coordinator makes continuing periodic reports to

management regarding the status of the AAP and the progress being made.

10. A thorough analysis of the compensation, promotion, selection, and other policies and practices will be made to confirm that no affected class exists among the facility's workforce.

### ***Remedies***

The following conclusions have been reached:

1. Where deficiencies in any job group exist, goals have been established.
2. The lateral and vertical movement of minority and women employees is occurring at a generally satisfactory rate, given their availability.
3. The selection process employed is non-discriminatory and no standards are used which have the effect of eliminating from consideration a significantly higher percentage of minorities or women than of non-minorities and men given availability.
4. Application forms and related pre-employment inquiry forms are in compliance with applicable federal, state, and local EEO laws.
5. Position descriptions are reviewed periodically to ensure that they properly identify job-related requirements.
6. Employment interviewing and screening are performed by personnel fully cognizant of New Flyer of America's policy of EEO.
7. No de facto segregation exists.
8. No artificial barriers or restrictive seniority provisions that result in overt or inadvertent discrimination exist.
9. Managers, supervisors, and employees support New Flyer of America's EEO policy.
10. There is no lack of access to suitable housing which might impede the employment of minorities and women.
11. Transportation, both public and private, is not a significant problem with respect to minority employment.
12. Subcontractors and suppliers are advised of their EEO responsibilities. Further, purchase orders contain the required equal employment clause.
13. EEO posters provided by the federal government are prominently displayed in appropriate places.



## Identification of Problem Areas by Job Group

### 1A Executive/Senior Level Officials and Managers

New Flyer of America has not established placement goals for minorities or females in this job group. If any vacancies should occur in this job group during the upcoming twelve months, we will make good faith efforts to recruit interested and qualified female and minority candidates.

### 1B First Level Officials and Managers

New Flyer of America has established placement goals for minorities and females in this job group given their availability percentages of 19.71% and 29.60%. If any vacancies should occur in this job group during the upcoming twelve months, we will make good faith efforts to recruit interested and qualified female and minority candidates.

### 1C Mid Level Officials and Managers

New Flyer of America has not established placement goals for minorities or females in this job group. As vacancies occur in this job group during the upcoming twelve months, we will make good faith efforts to recruit interested and qualified female and minority candidates.

### 2 Professionals

New Flyer of America has not established a placement goal for minorities in this job group. New Flyer has established a placement goal for females in this job group given their availability percentage of 29.57%. As vacancies occur in this job group during the upcoming twelve months, we will make good faith efforts to recruit interested and qualified female and minority candidates.

### 3 Technicians

New Flyer of America has established placement goals for minorities and females in this job group given their availability percentages of 21.40% and 35.14%. If any vacancies should occur in this job group during the upcoming twelve months, we will make good faith efforts to recruit interested and qualified female and minority candidates.

### 4 Sales Workers

New Flyer of America has not established placement goals for minorities or females in this job group. If any vacancies should occur in this job group during the upcoming twelve months, we will make good faith efforts to recruit interested and qualified female and minority candidates.

5 Office and Clerical

New Flyer of America has not established placement goals for minorities or females in this job group. If any vacancies should occur in this job group during the upcoming twelve months, we will make good faith efforts to recruit interested and qualified female and minority candidates.

6 Craft Workers

New Flyer of America has established placement goals for minorities and females in this job group given their availability percentages of 25.11% and 18.40%. As vacancies occur in this job group during the upcoming twelve months, we will make good faith efforts to recruit interested and qualified female and minority candidates.

7A Operatives

New Flyer of America has established placement goals for minorities and females in this job group given their availability percentages of 36.23% and 27.54%. As vacancies occur in this job group during the upcoming twelve months, we will make good faith efforts to recruit interested and qualified female and minority candidates.

7B Lower Level Operatives

New Flyer of America has not established a placement goal for minorities in this job group. New Flyer has established a placement goal for females in this job group given their availability percentage of 31.96%. As vacancies occur in this job group during the upcoming twelve months, we will make good faith efforts to recruit interested and qualified female and minority candidates.

8 Laborers

New Flyer of America has not established placement goals for minorities or females in this job group. If any vacancies should occur in this job group during the upcoming twelve months, we will make good faith efforts to recruit interested and qualified female and minority candidates.

9 Service Workers

New Flyer of America has not established placement goals for minorities or females in this job group. If any vacancies should occur in this job group during the upcoming twelve months, we will make good faith efforts to recruit interested and qualified female and minority candidates.

## **DEVELOPMENT AND EXECUTION OF ACTION-ORIENTED PROGRAMS**

We have instituted action-oriented programs designed to eliminate identified problem areas and help us achieve our affirmative action goals. These include:

1. Conduct periodic analyses of position descriptions to ensure that they accurately reflect position functions, and are consistent for the same position from one location to another.
2. Validating worker specifications by division, department, or other organizational unit and by job title using job performance criteria. Special attention is given to academic, experience, and skill requirements to ensure that the requirements themselves do not constitute inadvertent discrimination. Specifications are consistent for the same job title in all locations and are free from bias as regards to race, color, religion, sex, or national origin. In the event, any requirements screen out a disproportionate number of minorities or women, these requirements will be professionally validated with respect to their relationship to actual job performance and business necessity.
3. Making available position descriptions and worker specifications to recruiting sources and all members of management involved in the recruiting, screening selection, and promotion process.
4. Evaluation of the total selection process to ensure freedom from bias and, thus, aid the attainment of goal and objectives, including observing compliance with the Uniform Guidelines.
  - a. Review job application and other pre-employment forms to ensure that inquiries are job related.
  - b. Evaluate selection methods that may have a disparate impact on minorities or women to ensure that they are job related and necessary.
  - c. Select and train all persons involved in the personnel process on proper techniques, inquiries and documentation, and New Flyer of America's affirmative action objectives.
5. These are some of the techniques used to improve recruitment and increase the flow of minority and female applicants. We presently undertake the following:
  - a. Inclusion of the phrase "Equal Opportunity / Affirmative Action Employer" in all printed employment advertisements.

- b. Dissemination of information on job opportunities and our affirmative action objectives to organizations representing minorities, women and employment development agencies.
  - c. Encouragement of minority and female employees to refer applicants.
  - d. Making special effort to include minorities and women on the staff.
  - e. Requesting the participation of minority and female employees in Career Days, Job Fairs, and related activities in their communities.
  - f. Recruitment at secondary schools and the state university with minority or female enrollments.
  - g. Recruitment on the Internet by posting job openings on-line.
  - h. Ensure that referral agencies used, if any, are referring minorities and women in a non-discriminatory manner.
6. Ensuring that minority and female employees are given equal opportunity for promotion.
- a. Necessary remedial, job training and work-study programs are provided to assist employees in meeting performance standards and preparing for employment.
  - b. Offering counseling programs such as EAP to assist individuals in situations such as attitude development and supervisors are counseled to provide buddy systems and similar programs if necessary.
  - c. Posting promotional opportunities.
  - d. Offering counseling to assist employees in identifying promotional opportunities, training and educational programs to enhance promotions, and opportunities for job rotation or transfer. When apparently qualified minority or female employees are passed over for upgrading, require supervisory personnel to submit written justification.
  - e. Administering an employee performance evaluation program designed to assist employees in meeting performance standards in a non-discriminatory manner.
7. Making certain that facilities and company sponsored social and recreational activities are desegregated. We encourage all employees to participate.

8. Encouraging childcare, housing, and transportation programs appropriately designed to improve the employment opportunities for minorities and women.

## **INTERNAL AUDIT AND REPORTING SYSTEM**

The Affirmative Action Coordinator for New Flyer of America has the responsibility for developing the formal documents of the EEO/AAP Program. The Affirmative Action Coordinator is the focal point for effective implementation of the EEO/AAP Program, but responsibility is likewise vested in each supervisor, manager, and department head. The Company's audit and reporting system has been designed to:

- \* measure the effectiveness of the program;
- \* indicate those areas where remedial action is needed; and,
- \* determine the degree to which the facility's goals and objectives have been obtained.

In addition, the reporting and auditing system provides for:

1. Monitoring records of referral, placements, transfers, promotions and terminations at all levels to ensure non-discriminatory policy is carried out.
2. Requiring formal reports from unit managers on a schedule basis as to degree to which corporate or unit goals are attained and timetables met.
3. Reviewing report results with all levels of management.
4. Advising top management of program effectiveness and submit recommendations to improve unsatisfactory performance.
5. Appointing key members of management to serve on merit employment councils, community boards, and similar organizations.
6. Encouraging minority and female employees to participate in programs for youth motivation.
7. Supporting vocational guidance institutes, vestibule training programs and similar activities.
8. Assisting secondary schools and colleges in programs designed to enable minority and female graduates of these institutions to compete in the open employment market on a more equitable basis.
9. Publicizing achievements of minority and female employees in local and minority news media.

10. Supporting programs concerned with employment opportunities for minorities or women.
11. At least annually, internal audit reports will be prepared in table format and dated. Data collected for these reports will include applicant flow, new hires, promotions, transfers, and terminations (voluntary and involuntary) by job group. Figures for each personnel process must show a breakdown by sex, minority classification, and disability status. Reports will be disseminated to appropriate levels of management, and any problem areas will be addressed as promptly as possible. External reports will be submitted to government agencies, like the Minnesota Department of Human Rights, as required.

## **SUPPORT DATA**

1. Workforce Analysis
2. Job Group Analysis
3. Availability Analysis
4. Incumbency vs. Availability
5. Placement Goals
6. Summary of Prior Year Affirmative Action Program Results
7. Impact Ratio Analysis for Hires
8. Impact Ratio Analysis for Promotions
9. Impact Ratio Analysis for Terminations
10. Non-Harassment, Non-Discrimination, and Non-Retaliation Policies
11. Annualized Compensation

**AFFIRMATIVE ACTION PROGRAM  
FOR  
INDIVIDUALS WITH DISABILITIES  
AND PROTECTED VETERANS**

**New Flyer of America**

214 Fifth Avenue S.W.  
Crookston, Minnesota 56716

**Plan Year 2014**

Support Data: January 1 through December 31, 2013

EEO Coordinator: Loretta Berg  
Human Resources Manager  
New Flyer of America  
214 Fifth Avenue S.W.  
Crookston, Minnesota 56716  
218-281-5752

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Jeffrey Bahls, Plant Manager

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Date



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## **Policy Statement**

It has been, and will continue to be, the policy of New Flyer of America, Inc. to be an equal opportunity employer. New Flyer of America's official EEO policy statement follows.

**New Flyer of America**  
**Equal Employment Opportunity Policy**  
***Statement of Policy***

New Flyer of America has adopted and is committed to pursuing policies of Equal Employment Opportunity and will take affirmative action to provide this opportunity. In furtherance of this goal, New Flyer of America is committed to the following policy:

1. recruit, hire, train, and promote persons in all job titles, without regard to race, color, religion, sex, national origin, disability, or an employee's status as a disabled individual or protected veteran (i.e., disabled veteran, Armed Forces service medal veteran, recently separated veteran, or other veteran who served during a war, or in a campaign or expedition for which a campaign badge has been authorized), except where sex is a bona fide occupational qualification;
2. base decisions on employment so as to further the principle of equal employment opportunity;
3. ensure that promotion decisions are in accordance with principles of equal employment opportunity by imposing only valid requirements for promotional opportunities;
4. ensure that all personnel actions such as compensation, benefits, transfers, layoffs, return from layoff, and Company-sponsored training, social, and recreation programs, will be administered without regard to race, color, religion, sex, national origin, disability, or an employee's status as a individual with disabilities or protected veteran; and
5. take affirmative action to employ and advance in employment qualified disabled individuals and protected veterans at all levels of employment, including the executive level. Such action shall apply to all employment practices, including, but not limited to, the following: hiring, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship and on-the-job training programs.

New Flyer of America and its Plant Manager are committed to full implementation of this policy and the following plan.

In furtherance of its policy of Affirmative Action and Equal Opportunity, New Flyer of America has developed a written Affirmative Action Program which sets forth the policies, practices, and procedures which New Flyer of America is committed to applying in order to ensure that its policy of non-discrimination against, and affirmative action for, individuals with disabilities and protected veterans, is accomplished. This Affirmative Action Program is available for inspection by any employee or applicant for employment, during normal business hours, in the main office. Interested persons should contact Loretta Berg, Human Resources Manager, at 218-281-5752 for assistance.

New Flyer of America

\_\_\_\_\_   
Date

By \_\_\_\_\_   
Jeffrey Bahls, Plant Manager

## **Review of Personnel Processes**

New Flyer of America will periodically review its employment procedures to assure careful, thorough and systematic consideration of the job qualifications of known disabled individuals and protected veteran applicants for job vacancies filled either by hiring or promotion, and for all training opportunities offered or available. This review shall also ensure that personnel procedures do not stereotype disabled persons or protected veterans in a manner which limits their access to all jobs for which they are qualified.

To facilitate compliance with this requirement, the following procedures have been implemented:

- A. The application or personnel form of each known qualified applicant with a disability or a protected veteran status should be annotated to identify each vacancy for which the applicant was considered;
- B. The personnel form of each known employee with a disability or a protected veteran status should include the identification of each promotion and training program for which that employee was considered,
- C. When an employee or qualified applicant with a known disability or a protected veteran status is rejected for employment, promotion, or training, a statement of the reason should be appended to the personnel file along with a description of any reasonable accommodation considered. If practicable, a statement comparing the qualifications of the rejected employee or applicant and the person selected should be included, and
- D. When an employee or qualified applicant is selected for hire, promotion, or training, and reasonable accommodation has been undertaken to enable the selection of an employee or applicant with a disability or protected veteran status, the applicant form or personnel record should contain a description of the reasonable accommodation.

## **Physical and Mental Qualifications**

At least annually, New Flyer of America shall review all physical and mental job qualification requirements with line management and supervisors to ensure that, to the extent qualification requirements tend to screen out qualified disabled individuals or disabled veterans, they are job-related and consistent with business necessity and the safe performance of the job.

To the extent that physical or mental job qualification requirements tend to screen out qualified disabled individuals or disabled veterans in the selection of employees or applicants for employment or other changes in employment status such as promotion or training, New Flyer of America assures that the requirements are

related to the specific job(s) for which the individual is being considered and are consistent with business necessity and the safe performance of the job.

Information obtained from applicants/employees concerning a physical or mental condition is kept confidential and maintained on separate forms and in separate files, except that (a) supervisors and managers may be informed regarding accommodations or restrictions on work or duties and (b) first aid and safety personnel may be informed when, and to the extent, appropriate, if the condition might require emergency treatment. All physical or mental job qualifications will be reviewed and updated annually.

### **Reasonable Accommodation to Physical and Mental Limitations**

New Flyer of America makes reasonable accommodations to the physical and mental limitations of employees or applicants to the extent that such accommodation does not impose an undue hardship on the conduct of its business. When an employee with a known disability is having significant difficulty performing his or her job and it is reasonable to conclude that the performance problem may be related to the known disability, the employee will be notified of the performance problem and asked if the problem is related to the disability. If the employee indicates the performance problem is related to his or her disability, the employee will be asked if reasonable accommodation is needed.

New Flyer of America's building planning includes reasonable accommodation to the special needs of disabled individuals and disabled veterans including access to the building, utilization of rest room facilities, and mobility requirements within the building and parking locations.

### **Harassment**

New Flyer of America will develop and maintain procedures to ensure that its employees and applicants will not be subject to harassment because of disability or their status as a protected veteran.

### **Dissemination of Policy, Outreach and Positive Recruitment**

#### ***Internal Dissemination***

- A copy of our affirmative action program is made available for inspection to any employee or applicant upon request to promote understanding, acceptance, and support. It is reemphasized to managers and supervisors annually.
- New Flyer of America's Affirmative Action Policy and the EEO poster are posted on bulletin boards located throughout its facility.

- All applicants and employees who believe that they are physically or mentally disabled as defined in Section 503 of the Rehabilitation Act of 1973, as amended, and/or as a protected veteran under the equal employment opportunity provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, have been invited to identify themselves if they wish to benefit under this affirmative action program. Such invitation has been posted on bulletin boards throughout the facility. Employees may self-identify at any time.
- All employees are to be advised annually of the company's policy and encouraged to aid in affirmative action efforts necessary to ensure a fair and effective program.
- Briefing sessions are to be conducted for managers and supervisors to review the applicable regulations and to discuss such affirmative action measures as training and reasonable accommodation.
- When making internal Equal Opportunity audits, implementation of this affirmative action plan will be reviewed.
- This facility's EEO Coordinator has attended company sponsored workshops which stressed the use of vocational rehabilitation agencies in hiring individuals with disabilities and qualified disabled veterans and reasonable accommodation.
- A copy of the Affirmative Action Policy shall be communicated to employees in the orientation of new employees, meetings with present employees, supervisory training programs and Company publications.
- A non-discriminatory clause shall be included in the Company policy manual.

#### ***External Dissemination***

- All subcontractors, vendors and suppliers have been sent written notification of company policy on Equal Opportunity and Affirmative Action for employment of qualified individuals with disabilities or qualified protected veterans.
- All recruiting sources, including state employment agencies, educational institutions and social service agencies have been informed of company policy concerning employment of qualified individuals with disabilities or qualified protected veterans and have been advised to actively recruit and refer qualified persons for positions listed.
- The affirmative action clause for individuals with disabilities or protected veterans are included in all nonexempt subcontracts and purchase orders.

### ***Outreach and Recruitment***

New Flyer of America has reviewed its employment practices in order to ensure that its personnel programs provide required affirmative action in the employment and advancement in employment of qualified individuals with disabilities or protected veterans.

Based on the findings of its review, New Flyer of America has taken appropriate outreach and positive recruitment activities and may enlist, when appropriate, recruitment assistance and support of recruiting sources including, but not limited to:

- State Employment Security Department
- Occupational Analysts
- Local Veterans Administration Representative
- Placement services at the various universities

New Flyer of America has developed internal communication of its obligations to engage in affirmative action efforts to employ qualified individuals with disabilities or protected veterans in order to foster understanding, acceptance, and support among New Flyer of America's employees, and to encourage those persons to take the necessary action to assist New Flyer of America in meeting its obligations.

New Flyer of America informs all employees, actual or prospective, of its commitment to take affirmative action to increase employment opportunities for individuals with disabilities and protected veterans.

New Flyer of America lists all employment openings ***except for executive, top management, positions that will be filled from within the organization, and positions lasting three days or less*** with the appropriate local office of the State Employment Service, and maintains regular contact with the Veterans Employment Representatives. A copy of New Flyer of America's Affirmative Action Policy for individuals with disabilities or protected veterans is available to State Employment Service if requested.

Each employee's records are reviewed at least annually to determine the availability of known individuals with disabilities or protected veterans who are presently employed by New Flyer of America, and to determine whether their present and potential skills are being fully developed and utilized.

### **Audit and Reporting System**

New Flyer of America has designed and implemented an audit and reporting system that will:

- A. measure the effectiveness of its affirmative action program,

- B. determine the degree to which its objectives have been attained,
- C. determine whether individuals with known disabilities have had the opportunity to participate in all company sponsored educational, training, recreational and social activities,
- D. measure its compliance with the affirmative action program's specific obligations, and
- E. where the affirmative action program is found deficient, New Flyer of America shall undertake necessary action to bring the program into compliance.

## **Responsibility for Implementation**

### ***Responsibilities of EEO Coordinator***

In furtherance of its commitment to Affirmative Action for individuals with disabilities, and protected veterans, New Flyer of America has appointed Loretta Berg, Human Resources Manager, as the EEO Coordinator. She has been provided with top management support and with the staff necessary to meet her responsibilities, which include, but are not, limited to, the following:

1. The development of this Affirmative Action Program, Affirmative Action policy statements, personnel policies and procedures, internal and external communication of the policy and monitoring of the effectiveness of these actions.
2. Review of all personnel actions, policies, and procedures, to ensure compliance with New Flyer of America's Affirmative Action obligations.
3. Review of the qualifications of each applicant for employment, to ensure careful consideration of all applicants, and to ensure that all hiring is done without regard to disability or veteran status.
4. Assist in the identification of problem areas and the development of solutions to those problems.
5. Monitor the effectiveness of the program on a continuing basis, through the development and implementation of an audit and reporting system which measures the effectiveness of the program, indicates the need for remedial action and determines the degree to which New Flyer of America's objectives have been attained.
6. Keep the Plant Manager of New Flyer of America informed of equal opportunity progress and problems within the company, through quarterly reports.



7. Provide department managers with a copy of the Affirmative Action Program for Qualified Individuals with Disabilities and Qualified Protected Veterans, and review the program with them on an annual basis to ensure knowledge of their responsibilities for implementation of the program.
8. Review the company's Affirmative Action Policy for individuals with disabilities and protected veterans with all managers and supervisors at all levels to ensure that the policy is understood and is followed in all personnel activities.
9. Audit the contents of company bulletin boards annually to ensure that compliance information is posted and is up-to-date.
10. Serve as liaison between New Flyer of America and enforcement agencies.
11. Serve as liaison between New Flyer of America and organizations for individuals with disabilities and protected veterans.

#### ***Responsibilities of Managers and Supervisors***

Managers and supervisors are advised annually of their responsibilities under the company's Affirmative Action Program and policy for individuals with disabilities and protected veterans and of their obligations to:

1. Cooperate with the EEO Coordinator and assist company management at all levels in the identification of problem areas and implementation of corrective action steps.
2. Review the company's Affirmative Action policy for individuals with disabilities and protected veterans with subordinate managers and supervisors to ensure that they are aware of the policy and understand their obligation to comply with it in all personnel actions.
3. Make all supervisors and managers aware that their work performance is being evaluated on the basis of their affirmative action efforts and results as well as other criteria.
4. Review all employees' performance to ensure that non-discrimination and affirmative action is adhered to in all personnel activities.
5. Encourage all employees to participate in company-sponsored recreational activities, training, and education, regardless of race, color, sex, religion, national origin, disability, or veteran status.

6. Take all necessary action to ensure that there is no harassment of employees placed through the company's Affirmative Action efforts.

## **Training**

All personnel involved in the recruitment, screening, selection, promotion, disciplinary, and related processes shall be trained to ensure that the commitments in New Flyer of America's affirmative action program are implemented.