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Title: Transportation Department recommending the following pertaining to the Disadvantaged Business Enterprise Program: (1) Adopt Resolution approving the California Department of Transportation's Disadvantaged Business Enterprise Program for transportation projects involving the United States Department of Transportation's Federal funding for El Dorado County; and, (2) Authorize the Chairman to sign the California Department of Transportation's Disadvantaged Business Enterprise Program Implementation Agreement for Local Agencies, AGMT 09-52635. Resolution 088-2009

Attachments: 1. [A - AGMT 09-52635 CoCo appd CRS.pdf](#), 2. [B - AGMT 09-52635 DBE Implementation Agreement.pdf](#), 3. [C - Reso 09-41282 CoCo appd CRS.pdf](#), 4. [D - Reso 09-41292 Resolution.pdf](#)

Related files: [18-0757](#)

History (1)    Text

### Title

Transportation Department recommending the following pertaining to the Disadvantaged Business Enterprise Program:  
(1) Adopt Resolution approving the California Department of Transportation's Disadvantaged Business Enterprise Program for transportation projects involving the United States Department of Transportation's Federal funding for El Dorado County; and,  
(2) Authorize the Chairman to sign the California Department of Transportation's Disadvantaged Business Enterprise Program Implementation Agreement for Local Agencies, AGMT 09-52635.

### Resolution 088-2009

### Body

#### Background:

Pursuant to the El Dorado County Charter, Section 210 b (6), the County may enter into any contract or agreement in cases where the agreement is with or among any other governmental entities or agencies.

In order for the County to receive United States Department of Transportation (US DOT) Federal funding, including potential emergency funds, the County must have a US DOT approved Disadvantaged Business Enterprise (DBE) Program. The US DOT has delegated approval authority for local agency DBE Programs to the California Department of

Transportation (Caltrans). The Transportation Department (Department) implements the Caltrans DBE Program with authority from the Board via the DBE Program Implementation Agreement (DBE Implementation Agreement) for Local Agencies.

On June 6, 2006, per Resolution 160-2006, the Board adopted and approved El Dorado County's current DBE Program and authorized the Chairman to sign the Caltrans DBE Race-Neutral Implementation Agreement for Local Agencies. The Race-Neutral DBE Program requires no contract goals, but requires the Department to submit an annual anticipated DBE participation level (AADPL) and the methodology for establishing this participation level. On June 6, 2006, the Board authorized the Chairman to sign the DBE Annual Submittal Form for Federal Fiscal Year (FFY) 2007-2008 containing the AADPL and methodology. Caltrans provided its approval of the Agreement and the DBE Annual Submittal Form on June 16, 2006.

Subsequently the Board authorized the Chairman to sign the DBE Annual Submittal Form for FFY 2008-2009 on May 20, 2008 with Caltrans approval on May 30, 2008.

Reason for Recommendation:

On March 4, 2009 Caltrans notified the Department that Caltrans had just received conditional approval from the Federal Highway Administration to immediately implement Caltrans' FFY 2009-2010 DBE Goal and Methodology. This approval requires the immediate implementation of a new DBE Program which includes a Race-Neutral component, along with a Race-Conscious component (RC DBE Program), as a result of the recent Caltrans Availability and Disparity Study. This combined DBE Program will replace both the local agencies' and Caltrans' existing Race-Neutral DBE Programs. Because of the potential opportunities for transportation funding from the recently enacted American Recovery and Reinvestment Act (ARRA), Caltrans and local agencies receiving Federal-aid funds must begin transitioning to the new RC DBE Program.

The new RC DBE Program will reinstate contract goals and the Good Faith Effort; however, they will be limited to Underutilized DBEs (UDBEs). Four statistically underutilized groups were revealed in the Caltrans Availability and Disparity Study. The four groups are: African-American, Asian Pacific American, Native American, and women. Use of UDBEs above the contract goal and/or use of DBEs owned and controlled by Hispanic males or Subcontinent Asian males will be reported and counted toward the race-neutral portion of the local agency's overall AADPL.

Local agencies have until June 2, 2009 to transition to the newly approved RC DBE Program. Federal-aid projects awarded before June 2, 2009 and before the new DBE Implementation Agreement is executed, and existing Federal-aid projects awarded with the race-neutral requirements are authorized to continue under the old Race-Neutral DBE Program.

Local agencies are not required to resubmit previously approved FFY 2008-2009 AADPL to include segregated Race-Conscious and Race-Neutral components; however, the contract goals must be calculated and placed on all contracts after the local agency has executed the new DBE Implementation Agreement.

Caltrans' Civil Rights Officer advised the Department that the first priority in order to obtain ARRA or other new Federal funding is to have the new DBE Implementation Agreement executed. Once Caltrans finalizes the guidelines for the new AADPL, the Department will establish the FFY 2009-2010 AADPL. The Department will submit the resulting DBE Annual Submittal Form and the associated AADPL Resolution to the Board for approval in a separate Board action in the near future.

Expediting execution of the new DBE Implementation Agreement will allow Caltrans Local Assistance to move forward with the processing of Authorizations to Proceed (with construction) and obligate funds as long as the Department provides Caltrans Local Assistance the anticipated execution date. However, the Caltrans District Local Assistance Engineer (DLAE) must approve the new DBE Implementation Agreement before the County can award a construction project.

Action to be taken following Board approval:

1. The Board Clerk will obtain the Chairman's signature on the Resolution and the two (2) originals of the DBE Implementation Agreement.
2. The Board Clerk will forward the two (2) originals of the DBE Implementation Agreement and a copy of the Resolution to the Department to send to Caltrans for its approval and signature.
3. The Department will return one (1) original of the fully-executed DBE Implementation Agreement to the Board Clerk for filing.

Contact:

James W. Ware, P.E.

Director of Transportation

Concurrences: Approved by County Counsel



# RESOLUTION NO. \_\_\_\_\_

## OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO TO APPROVE THE CALIFORNIA DEPARTMENT OF TRANSPORTATION'S DISADVANTAGED BUSINESS ENTERPRISE PROGRAM FOR EL DORADO COUNTY

**WHEREAS**, on June 6, 2006, per Resolution 160-2006, the Board approved El Dorado County's current Disadvantaged Business Enterprise (DBE) program. The State of California Department of Transportation (Caltrans) provided their approval on June 16, 2006. The Transportation Department (Department) established this program in accordance with regulations of the United States Department of Transportation (US DOT) Title 49, Part 26 of the Code of Federal Regulations; and,

**WHEREAS**, to receive US DOT Federal funding, including potential emergency funds, the County must have a US DOT approved DBE program; and,

**WHEREAS**, the US DOT has delegated approval authority for local agency DBE programs to Caltrans; and,

**WHEREAS**, on March 4, 2009, Caltrans announced that it and its federal transportation assistance subrecipients will implement a revised DBE program which includes both Race-Neutral and Race-Conscious portions as a result of the Caltrans Availability and Disparity Study; and,

**WHEREAS**, this combined DBE program will replace both the local agencies' and the Caltrans existing Race-Neutral DBE program.

**NOW, THEREFORE, BE IT RESOLVED**, that the El Dorado County Board of Supervisors hereby approves the Caltrans DBE program for El Dorado County for projects involving US DOT Federal funding, thus replacing the current DBE program previously approved on June 6, 2006, and authorizes the Board Chairman to sign the DBE Race-Neutral Implementation Agreement (AGMT 09-52635).

**PASSED AND ADOPTED** by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the \_\_\_\_\_ day of \_\_\_\_\_, 2009, by the following vote of said Board:

<p><b>ATTEST</b> Suzanne Allen de Sanchez Clerk of the Board of Supervisors</p>	<p><b>Ayes:</b>  <b>Noes:</b> <b>Absent:</b></p>
<p>By _____ Deputy Clerk</p>	<p>_____ Chairman, Board of Supervisors</p>

I CERTIFY THAT:  
THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

DATE \_\_\_\_\_  
ATTEST: Suzanne Allen de Sanchez, Clerk of the Board of Supervisors of the County of El Dorado, State of California

By \_\_\_\_\_  
Deputy Clerk

CALIFORNIA  
DEPARTMENT OF TRANSPORTATION  
DISADVANTAGED BUSINESS ENTERPRISE  
PROGRAM  
IMPLEMENTATION AGREEMENT  
FOR  
LOCAL AGENCIES

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# CALIFORNIA DEPARTMENT OF TRANSPORTATION DISADVANTAGED BUSINESS ENTERPRISE IMPLEMENTATION AGREEMENT

For the County of El Dorado, hereinafter referred to as "RECIPIENT."

## I Definition of Terms

The terms used in this agreement have the meanings defined in 49 CFR § 26.5.

## II OBJECTIVE/POLICY STATEMENT (§26/1. 26/23)

The RECIPIENT intends to receive federal financial assistance from the U. S. Department of Transportation (DOT) through the California Department of Transportation (Caltrans), and as a condition of receiving this assistance, the RECIPIENT will sign the California Department of Transportation Disadvantaged Business Enterprise Program Implementation Agreement (hereinafter referred to as Agreement). The RECIPIENT agrees to implement the State of California, Department of Transportation Disadvantaged Business Enterprise (DBE) Program Plan (hereinafter referred to as the DBE Program Plan) as it pertains to local agencies. The DBE Program Plan is based on U.S. Department of Transportation (DOT), 49 CFR, Part 26 requirements.

It is the policy of the RECIPIENT to ensure that DBEs, as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also their policy:

- To ensure nondiscrimination in the award and administration of DOT-assisted contracts.
- To create a level playing field on which DBE's can compete fairly for DOT-assisted contracts.
- To ensure that their annual overall DBE participation percentage is narrowly tailored, in accordance with applicable law.
- To ensure that only firms that fully meet 49 CFR, Part 26 eligibility standards are permitted to participate as DBEs.
- To help remove barriers to the participation of DBEs in DOT-assisted contracts.
- To assist the development of firms that can compete successfully in the market place outside the DBE Program.

## III Nondiscrimination (§26.7)

RECIPIENT will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR, Part 26 on the basis of race, color, sex, or national origin. In administering the local agency components of the DBE Program Plan, the RECIPIENT will not, directly, or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE Program Plan with respect to individuals of a particular race, color, sex, or national origin.

#### **IV Annual DBE Submittal Form (§26.21)**

The RECIPIENT will provide to the Caltrans District Local Assistance Engineer (DLAE) a completed *Local Agency DBE Annual Submittal Form* (Exhibit 9-B) by June 1 of each year for the following Federal Fiscal Year (FFY). This form includes an Annual Anticipated DBE Participation Level (AADPL), methodology for establishing the AADPL, the name, phone number, and electronic mailing address of the designated DBELO, and the choice of Prompt Pay Provision to be used by the RECIPIENT for the following FFY.

#### **V Race-Neutral Means of Meeting the Overall Statewide Annual DBE Goal (§26.51)**

RECIPIENT must meet the maximum feasible portion of its AADPL by using race-neutral means of facilitating DBE participation. Race-neutral DBE participation includes any time a DBE wins a prime contract through customary competitive procurement procedures, is awarded a subcontract on a prime contract that does not carry a DBE goal, or even if there is a DBE goal, wins a subcontract from a prime contractor that did not consider its DBE status in making the award (e.g., a prime contractor that uses a strict low-bid system to award subcontracts).

Race-neutral means include, but are not limited to, the following:

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE, and other small businesses, participation (e.g., unbundling large contracts to make them more accessible to small businesses, requiring or encouraging prime contractors to subcontract portions of work that they might otherwise perform with their own forces);
2. Providing assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs, and other small businesses, obtain bonding and financing);
3. Providing technical assistance and other services;
4. Carrying out information and communication programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists of bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate);
5. Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses;
6. Providing services to help DBEs, and other small businesses, improve long-term development, increase opportunities to participate in a variety of types of work, handle increasingly significant projects, and achieve eventual self-sufficiency;
7. Establishing a program to assist new, start-up firms, particularly in fields in which DBE participation has historically been low;
8. Ensuring distribution of your DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors; and
9. Assisting DBEs, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media.

## **VI Race Conscious Means of Meeting the Overall Statewide Annual DBE Goal (§26.51(d))**

RECIPIENT must establish contract goals for Underutilized Disadvantaged Business Enterprises (UDBEs) to meet any portion of your AADPL you do not project being able to meet using race-neutral means. UDBEs are limited to these certified DBEs that are owned and controlled by African Americans, Native Americans, Women, and Asian Pacific Americans.

## **VII Quotas (§26.43)**

RECIPIENT will not use quotas or set-asides in any way in the administration of the local agency component of the DBE Program Plan.

## **VIII DBE Liaison Officer (DBELO) (§26.25)**

RECIPIENT has designated a DBE Liaison Officer. The DBELO is responsible for implementing the DBE Program Plan, as it pertains to the RECIPIENT, and ensures that the RECIPIENT is fully and properly advised concerning DBE Program Plan matters. RECIPIENT initially designates the following position as the DBE Liaison Officer: **The Supervising Civil Engineer of the Office Engineer Unit of the Construction Division of the El Dorado County Department of Transportation.** The designated DBELO, acting through the Deputy Director of Engineering, Construction Division, has direct, independent access to the El Dorado County Chief Administrative Officer (CAO), concerning DBE program matters. As Office Engineer the DBELO is responsible for Quality Assurance (QA) relative to the Department's Engineering Design staff of 31 people. The Office Engineer coordinates with the construction staff to ensure that the Quality Assurance measures can be practically implemented. The Office Engineer is responsible for overseeing the bid, award, and contract execution for capital improvement projects. As DBELO, the Office Engineer assures that the DBE Program is implemented from design through construction. The DBELO also works with the Contract Services Unit to ensure that the DBE program is implemented in other third party contracts. The DBELO works with this staff of professionals and support personnel each of whom devote a portion of their time to the program. The name, address, telephone number, electronic mail address, and an organization chart displaying the DBELO's position in the organization are found in Attachment A to this Agreement. This information will be updated annually and included on the DBE Annual Submittal Form.

The DBELO is responsible for developing, implementing, and monitoring the RECIPIENT's requirements of the DBE Program Plan in coordination with other appropriate officials. Duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to determine projected Annual Anticipated DBE Participation Level.
4. Ensures that bid notices and requests for proposals are made available to DBEs in a timely manner.
5. Analyzes DBE participation and identifies ways to encourage participation through race-neutral means.
6. Participates in pre-bid meetings.
7. Advises the CEO/governing body on DBE matters and DBE race-neutral issues.
8. Provides DBEs with information and recommends sources to assist in preparing bids, obtaining bonding and insurance.
9. Plans and participates in DBE training seminars.
10. Provides outreach to DBEs and community organizations to fully advise them of contracting opportunities.



## **IX Federal Financial Assistance Agreement Assurance (§26.13)**

RECIPIENT will sign the following assurance, applicable to and to be included in all DOT-assisted contracts and their administration, as part of the program supplement agreement for each project.

The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract, or in the administration of its DBE Program, or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR, Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The recipient's DBE Program, as required by 49 CFR, Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

## **X DBE Financial Institutions (§26.27)**

It is the policy of the RECIPIENT to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions.

Information on the availability of such institutions can be obtained from the DBELO. The Caltrans' Disadvantaged Business Enterprise Program may offer assistance to the DBELO.

## **XI Directory (§26.31)**

RECIPIENT will refer interested persons to the Unified Certification Program DBE directory available from the Caltrans Disadvantaged Business Enterprise Program's website at [www.dot.ca.gov/hq/bep](http://www.dot.ca.gov/hq/bep).

## **XII Required Contract Clauses (§§26.13, 26.29)**

RECIPIENT ensures that the following clauses or equivalent will be included in each DOT-assisted prime contract:

### **A. CONTRACT ASSURANCE**

The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR, Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as recipient deems appropriate.

## B. PROMPT PAYMENT

### Prompt Progress Payment to Subcontractors

The local agency shall require contractors and subcontractors to be timely paid as set forth in Section 7108.5 of the California Business and Professions Code concerning prompt payment to subcontractors. The 10-days are applicable unless a longer period is agreed to in writing. Any delay or postponement of payment over 30 days may take place only for good cause and with the agency's prior written approval. Any violation of Section 7108.5 shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies of that Section. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

### Prompt Payment of Withheld Funds to Subcontractors

The local agency shall ensure prompt and full payment of retainage from the prime contractor to the subcontractor within thirty (30) days after the subcontractor's work is satisfactorily completed and accepted. This shall be accompanied by including either (1), (2), or (3) of the following provisions [local agency equivalent will need Caltrans approval] in their federal-aid contracts to ensure prompt and full payment of retainage [withheld funds] to subcontractors in compliance with 49 CFR 26.29.

1. No retainage will be held by the agency from progress payments due to the prime contractor. Prime contractors and subcontractors are prohibited from holding retainage from subcontractors. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.
2. No retainage will be held by the agency from progress payments due the prime contractor. Any retainage kept by the prime contractor or by a subcontractor must be paid in full to the earning subcontractor in 30 days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.
3. The agency shall hold retainage from the prime contractor and shall make prompt and regular incremental acceptances of portions, as determined by the agency of the contract work and pay retainage to the prime contractor based on these acceptances. The prime contractor or subcontractor shall return all monies withheld in retention from all subcontractors within 30 days after receiving payment for work satisfactorily completed and accepted including incremental acceptances of portions of the contract work by the agency. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating prime contractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of: a dispute involving late payment or nonpayment by the contractor; deficient subcontractor performance; and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

### **XIII Local Assistance Procedures Manual**

The RECIPIENT will advertise, award and administer DOT-assisted contracts in accordance with the most current published Local Assistance Procedures Manual (LAPM).

### **XIV Transit Vehicle Manufacturers (§ 26.49)**

If FTA-assisted contracts will include transit vehicle procurements, RECIPIENT will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on transit vehicle procurements, to certify that it has complied with the requirements of 49 CFR Part 26, Section 49.

### **XV Bidders List (§26.11(c))**

The RECIPIENT will create and maintain a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on its DOT-assisted contracts. The bidders list will include the name, address, DBE/nonDBE status, age, and annual gross receipts of the firm.

### **XVI Reporting to the DLAE**

RECIPIENT will promptly submit a copy of the Local Agency Bidder/Proposer-UDBE Commitment (Consultant Contract), (Exhibit 10-O(1) "Local Agency Bidder/Proposer-DBE Commitment (Consultant Contract)") or Exhibit 15-G(1) "Local Agency Bidder-UDBE Commitment (Construction Contract) to the DLAE at the time of award of the consultant or construction contracts.

RECIPIENT will promptly submit a copy of the Local Agency Bidder-DBE Information (Exhibit 15-G(2) "Local Agency Bidder-DBE (Construction Contracts) – Information" or Exhibit 10-O(2) "Local Agency Proposer/Bidder-DBE (Consultant Contracts)-Information" of the LAPM) to the DLAE at the time of execution of consultant or construction contract.

RECIPIENT will promptly submit a copy of the Final Utilization of DBE participation to the DLAE using Exhibit 17-F "Final Report – Utilization of Disadvantaged Business Enterprises (DBE), First-Tier Subcontractors" of the LAPM immediately upon completion of the contract for each consultant or construction contract.

### **XVII Certification (§26.83(a))**

RECIPIENT ensures that only DBE firms currently certified by the California Unified Certification Program will participate as DBEs on DOT-assisted contracts.

### **XVIII Confidentiality**

RECIPIENT will safeguard from disclosure to third parties, information that may reasonably be regarded as confidential business information consistent with federal, state, and local laws.

### **XIX RECIPIENT'S Contract Administrator**

The County Officer or employee with responsibility for administering this Agreement is Janel Gifford, Supervising Civil Engineer, Office Engineer Unit, Construction Division, Department of Transportation, or successor.

COUNTY OF EL DORADO

By:   
**RON BRIGGS**  
Board of Supervisors  
"RECIPIENT"

Date: 5/5/09

Attest:


Suzanne Allen De Sanchez  
Clerk of the Board of Supervisors

By:   
Deputy Clerk

Date: 5/5/09

This California Department of Transportation's Disadvantaged Business Enterprise Program Implementation Agreement is accepted by:

**CALIFORNIA DEPARTMENT OF TRANSPORTATION**

By:   
Ben Bramer  
Chief, DLAE

Date: 5/08/09

Distribution: (1) Original - DLAE  
(2) Signed copy by the DLAE - Local Agency  
(Updated: March 4, 2009)