



# County of El Dorado

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## Legislation Details (With Text)

**File #:** 07-879      **Version:** 1

**Type:** Agreement      **Status:** Approved

**File created:** 5/21/2007      **In control:** Board of Supervisors

**On agenda:** 6/12/2007      **Final action:** 6/12/2007

**Title:** Transportation Department recommending Chairman be authorized to sign the Local Agency Disadvantaged Business Enterprise (DBE) Annual Submittal Form (AGMT 07-1479) with the State of California Department of Transportation for Fiscal Year 2007/2008 commencing October 1, 2007 through September 30, 2008.  
RECOMMENDED ACTION: Approve, subject to minor modifications approved by County Counsel.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. County Counsel Approval.pdf, 2. AGMT 07-1479 Attachment A.pdf, 3. AGMT 07-1479 Annual Submittal Form.pdf

Date	Ver.	Action By	Action	Result
6/12/2007	1	Board Of Supervisors	Approved	Pass

Transportation Department recommending Chairman be authorized to sign the Local Agency Disadvantaged Business Enterprise (DBE) Annual Submittal Form (AGMT 07-1479) with the State of California Department of Transportation for Fiscal Year 2007/2008 commencing October 1, 2007 through September 30, 2008.

**RECOMMENDED ACTION:** Approve, subject to minor modifications approved by County Counsel.

<b>BUDGET SUMMARY:</b>		
Total Estimated Cost		\$0
Funding		
Budgeted	\$0	
New Funding	\$	
Savings	\$	
Other	\$	
Total Funding Available	\$0	
Change To Net County Cost		\$0

**Fiscal Impact/Change to Net County Cost:**

The DBE program administration cost is incorporated into overhead rates, and indirectly funded through the capital program. There is no cost to the County's General Fund.

**Background:**

On September 9, 2003, per Resolution 260-2003, your Board approved the County's DBE Race-Conscious Program. The State of California Department of Transportation (Caltrans) provided their approval on September 15, 2003. The 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. To receive US DOT Federal funding on transportation projects, including potential emergency funds, local agencies (the County) must have a US DOT approved DBE program in place. The US DOT has delegated approval authority for local agency DBE programs to Caltrans.

On May 1, 2006, Caltrans announced that it and its federal transportation assistance subrecipients will implement a DBE race-neutral program pending the results of a more comprehensive study of the facts relating to evidence of discrimination or its effects on transportation contracts. This combined DBE program will replace both the local agencies' existing race-conscious DBE Programs and the Caltrans existing race-conscious DBE Program.

On June 6, 2006, per Resolution 160-2006, your Board approved the Caltrans' DBE program, for El Dorado County, for projects involving US DOT Federal funding, thus replacing the County's DBE program you previously approved on September 9, 2003, and authorized the Board Chairman to sign the Local Agency DBE Race-Neutral Implementation Agreement and the DBE Annual Submittal Form. (Caltrans) provided their approval on June 16, 2006.

**Reason for Recommendation:**

Caltrans requires that local agencies complete and submit a Local Agency DBE Annual Submittal Form (AGMT 07-1479) that includes an Annual Anticipated DBE Participation Level (AADPL), methodology for establishing the participation level, the name and contact information of the agency's designated DBE Liaison Officer and the agency's choice of prompt payment provisions to be used, by the agency, for the following federal fiscal year.

In the methodology for establishing the County's AADPL, the guidelines suggest reviewing the volume of work performed by DBE's on El Dorado County projects in recent years to determine if an adjustment is needed. El Dorado County Department of Transportation has bid two projects since the start of the race-neutral program; Missouri Flat Road/El Dorado Road Signalization and Intersection Improvements (projected DBE participation based on awarded bid, 1.7%), and Pleasant Valley Two-Way Left-Turn Lane Widening (projected DBE participation based on awarded bid, 3.5%). Both projects have not been finalized.

Given the factors outlined above, we recommend continuing with an AADPL of 3%. The County will continue to evaluate its DBE participation on upcoming federally assisted contracts for use in establishing future DBE participation levels.

The Department contacted Placer and Sacramento Counties (adjacent counties and relevant market area) and learned that they have not calculated their AADPL at this point in time.

**Action to be taken following Board approval:**

1. The Board Chairman will sign two originals of the California Department of Transportation's DBE Race-Neutral Local Agency DBE Annual Submittal Form (AGMT 07-1479), subject to minor modifications approved by County Counsel.

2. The Board Clerk will forward two originals of the executed Form to the Department to send to Caltrans for their review, approval, and signature.

3. A fully executed original Form will be returned to the Board Clerk for filing.

Contact: Elizabeth B. Diamond, P.E., Deputy Director, West Slope Engineering & Project Delivery, Ext. 5982.

Concurrences: