



## Legislation Details (With Text)

**File #:** 18-0757 **Version:** 1  
**Type:** Agenda Item **Status:** Approved  
**File created:** 5/3/2018 **In control:** Board of Supervisors  
**On agenda:** 6/5/2018 **Final action:** 6/5/2018  
**Title:** Community Development Services, Department of Transportation, recommending the Board adopt and authorize the Chair to sign Resolution 108-2018 the Local Agency Disadvantaged Business Enterprise Annual Submittal Form for Federal Fiscal Year 2018-19, and further to authorize the Community Development Services, Department of Transportation to submit said Form to the California Department of Transportation.

### Sponsors:

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### Code sections:

**Attachments:** 1. A - Approved Resolution Routing Sheet, 2. B - Resolution, 3. C - Approved Contract Routing Sheet, 4. D - DBE Annual Submittal (9B) FFY 18-19, 5. E - AGMT 09-52635, 6. Executed Resolution 108-2018

Date	Ver.	Action By	Action	Result
6/5/2018	1	Board of Supervisors	Approved	Pass

Community Development Services, Department of Transportation, recommending the Board adopt and authorize the Chair to sign Resolution **108-2018** the Local Agency Disadvantaged Business Enterprise Annual Submittal Form for Federal Fiscal Year 2018-19, and further to authorize the Community Development Services, Department of Transportation to submit said Form to the California Department of Transportation.

### DEPARTMENT RECOMMENDATION

Community Development Services, Department of Transportation (Transportation), recommending the Board adopt a Resolution (Resolution) authorizing the Chair to sign the Local Agency Disadvantaged Business Enterprise (DBE) Annual Submittal Form for Federal Fiscal Year (FFY) 2018-2019, and further to authorize Transportation to submit said Form to the California Department of Transportation (Caltrans).

### DISCUSSION / BACKGROUND

In order to receive federal transportation funds, the County must follow Caltrans' DBE Program for implementation into projects funded with United States Department of Transportation (USDOT) funds. The DBE Program does not apply to projects without USDOT funding. The Federal Highway Administration (FHWA) is the Operating Administrator for USDOT funding of transportation projects.

On March 5, 2009, Caltrans notified the County that it had just received conditional approval from FHWA to immediately implement the Caltrans FFY 2009-2010 DBE goal and methodology. That approval required the immediate implementation of a new DBE Program, which included a Race Conscious component.

On May 5, 2009 (Item 27), the Board adopted Resolution 088-2009 approving the new Caltrans DBE Program and authorized the Board Chair to sign the Caltrans DBE Program Implementation

Agreement for Local Agencies 09-52635 (DBE Implementation Agreement) (Attachment E). Caltrans provided its approval on May 8, 2009 on behalf of the FHWA. In accordance with 49 Code of Federal Regulations Part 26.21, this approval of the Program counts for all of the County's USDOT-assisted programs.

The DBE Implementation Agreement requires that local agencies provide to the Caltrans District Local Assistance Engineer a completed Local Agency DBE Annual Submittal Form (Exhibit 9B) (Attachment D) for each FFY, which includes the name, phone number, and electronic mailing address of the designated DBE Liaison Officer; the Race Neutral Measures that the local agency intends to implement for that year; and, the Prompt Payment Provision choice for that year.

This year's Local Agency DBE Annual Submittal Form is for FFY 2018-2019 (DBE Annual Submittal Form) and includes the following two attachments:

- 1) Attachment A - Lists the Race Neutral Measures that Transportation believes it can reasonably implement in FFY 2018-2019.
- 2) Attachment B - Indicates that, in accordance with Section 9203 of the Public Contract Code, Transportation elects to retain funds from the prime contractor. The selected method describes the conditions for release of retained funds and the requirements and timelines prime contractors must abide by for the release of retention withheld from their subcontractors.

## **ALTERNATIVES**

If the Board does not adopt the Resolution and authorize submittal of the DBE Annual Submittal Form, Transportation will not be able to request federal funding for County projects for FFY 2018-2019.

## **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel has reviewed and approved the Resolution and the DBE Annual Submittal Form.

## **CAO RECOMMENDATION / COMMENTS**

It is recommended that the Board approve this item.

## **FINANCIAL IMPACT**

The DBE Annual Submittal Form is required for continued compliance with regulations associated with federal funding provided by USDOT. As these types of funds are regularly utilized to implement capital projects throughout the County, approval of the annual submittal is critical to the improvement and maintenance of the County's infrastructure.

## **CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) The Clerk of the Board will obtain the Chair's signature on one (1) original of the Resolution and on two (2) originals of the DBE Annual Submittal Form.
- 2) The Clerk of the Board will forward one (1) signed copy of the Resolution and the two (2) original copies of the partially executed DBE Annual Submittal Form to Transportation, Fairlane Engineering, attention Matt Smeltzer.

## **TRANSPORTATION FOLLOW UP ACTIONS**

- 1) Transportation will send a copy of the Resolution to Caltrans for its files.
- 2) Transportation will send the two (2) original copies of the partially executed DBE Annual Submittal Form to Caltrans for its review, approval, and signature.
- 3) Upon receipt from Caltrans, Transportation will return one (1) fully executed original copy of the

DBE Annual Submittal Form to the Clerk of the Board for its files.

**STRATEGIC PLAN COMPONENT**

Infrastructure

**CONTACT**

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Community Development Services, Department of Transportation