



Legislation Text

File #: 14-0632, **Version:** 1

Community Development Agency, Administration and Finance Division, recommending the Board adopt and approve Resolution **085-2014** authorizing the Chair to sign the Local Agency Disadvantaged Business Enterprise Annual Submittal Form for Federal Fiscal Year 2014-2015.

Fiscal Impact/Change to Net County Cost

There is no fiscal impact or net County cost associated with this agenda item.

Background

In order to receive federal transportation funds, the County of El Dorado (County) must follow the State of California Department of Transportation's (Caltrans) Disadvantaged Business Enterprise (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 an Operating Administration 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 Caltrans' Federal Fiscal Year (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, the Board approved the County's adoption of Caltrans' new DBE Program and authorized the Board Chair to sign the new DBE Implementation Agreement (AGMT 09-52635, reference Attachment E). Caltrans provided its approval on May 8, 2009 on behalf of FHWA. In accordance with 49 Code of Federal Regulations (CFR) Part 26.21, this approval of the Program counts for all of the County's USDOT-assisted programs.

On June 29, 2012, Caltrans informed all local agencies that all contract goals for USDOT funded projects authorized after July 1, 2012 or advertised after August 17, 2012 must include all DBE groups; and otherwise, the contract goals apply to the four Underutilized DBE (UDBE) groups authorized by the FHWA in 2008.

Reason for Recommendation

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, reference 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 in that year; and the choice of the Prompt Payment Provision to be used by the County for the FFY. This DBE annual submittal and attachments apply to FFY 2014-2015.

The Local Agency DBE Annual Submittal Form for FFY 2014-2015 includes the Form and two attachments:

Attachment A lists the Race Neutral Measures that the Community Development Agency (CDA) believes it can reasonably implement in FFY 2014-2015.

Attachment B indicates that, in accordance with Section 9203 of the Public Contract Code, the CDA 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.

Action(s) to be taken following Board approval

1. The Clerk of the Board will obtain the Chair's signature on the Resolution and the two originals of the Annual Submittal Form.
2. The Clerk of the Board will forward a copy of the Resolution to the CDA.
3. The Clerk of the Board will forward the two originals of the partially executed Annual Submittal Form to the CDA.

Action(s) to be taken by the CDA following Board approval

1. The CDA will send a copy of the Resolution to Caltrans for its files.
2. The CDA will send the two originals of the partially executed Annual Submittal Form to Caltrans for its review, approval, and signature.
3. Upon receipt from Caltrans, the CDA will return one original of the fully executed Annual Submittal Form to the Clerk of the Board.

Contact

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Concurrence

County Counsel