



Legislation Text

File #: 15-0787, **Version:** 1

Community Development Agency, Administration and Finance Division, recommending the Board adopt and authorize the Chair to sign Resolution **111-2015** authorizing the Chair to sign the Local Agency Disadvantaged Business Enterprise Annual Submittal Form for Federal Fiscal Year 2015/16.

FUNDING: N/A

DEPARTMENT RECOMMENDATION

Community Development Agency (CDA), Administration and Finance Division, recommends the Board adopt and authorize the Chair to sign the resolution authorizing the Chair to sign the Local Agency Disadvantaged Business Enterprise Annual Submittal Form for Federal Fiscal Year 2015/16.

DISCUSSION / BACKGROUND

In order to receive federal transportation funds, the 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 May 5, 2009, the Board approved the County's adoption of Caltrans' 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 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, reference Attachment D) for each Federal Fiscal Year (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 2015/16.

The Local Agency DBE Annual Submittal Form for FFY 2015/16 includes the Form and two attachments:

Attachment A lists the Race Neutral Measures that the CDA believes it can reasonably implement in FFY 2015/16.

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.

ALTERNATIVES

The County is required to participate in the Caltrans DBE Program and prepare the proposed Annual Submittal Form in order to utilize USDOT funding on transportation projects. Should the Board elect to discontinue its participation in the program, the County would no longer be eligible to receive USDOT funding.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel has reviewed and approved the Resolution and Caltrans Exhibit 9-B Annual Submittal Form.

CAO RECOMMENDATION

CAO recommending the Board move staff's recommendations.

FINANCIAL IMPACT

There is no fiscal impact or change to Net County Cost associated with this item. Continued participation in the Caltrans DBE Program allows the County to remain eligible for USDOT funding for transportation projects.

CLERK OF THE BOARD FOLLOW UP ACTIONS

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 contracts unit.
3. The Clerk of the Board will forward the two originals of the partially executed Annual Submittal Form to the CDA contracts unit.

STRATEGIC PLAN COMPONENT

Infrastructure

CONTACT

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