



Legislation Text

File #: 16-0464, **Version:** 1

Community Development Agency, Transportation Division, recommending the Board adopt and authorize the Chair to sign Resolution **098-2016** authorizing the Local Agency Disadvantaged Business Enterprise Annual Submittal Form for Federal Fiscal Year 2016/17 to also be signed by the Board Chair for submittal.

FUNDING: N/A

DEPARTMENT RECOMMENDATION

Community Development Agency (CDA), Transportation Division, recommending the Board adopt and approve Resolution **098-2016** authorizing the Chair to sign the Local Agency Disadvantaged Business Enterprise (DBE) Annual Submittal Form for Federal Fiscal Year (FFY) 2016-2017.

DISCUSSION / 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) 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' 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 No. 27), 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.

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 2016-2017.

The proposed Local Agency DBE Annual Submittal Form for FFY 2016-2017 includes the Form and two attachments:

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

2016-2017.

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

If the Board does not accept and approve the Resolution, the Transportation Division will not be able to request federal funding for County projects for FFY 2016-2017.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel approved the Resolution and Federal Annual Submittal Form.

CAO RECOMMENDATION

Chief Administrative Office concurs with staff's recommendations.

FINANCIAL IMPACT

The Local Agency DBE Annual Submittal Form for FFY 2016-2017 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 Resolution and the two (2) originals of the Annual Submittal Form.
2. The Clerk of the Board will forward one (1) copy of the Resolution to the CDA.
3. The Clerk of the Board will forward the two (2) 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.

STRATEGIC PLAN COMPONENT

Infrastructure

CONTACT

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