



## Legislation Text

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**File #:** 19-0753, **Version:** 1

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Department of Transportation recommending the Board adopt and authorize the Chair to sign Resolution **081-2019** and the Local Agency Disadvantaged Business Enterprise Annual Submittal Form for Federal Fiscal Year 2019/20, and further to authorize the Department of Transportation to submit said Form to the California Department of Transportation.

**FUNDING:** N/A

### **DISCUSSION / BACKGROUND**

In order to receive federal transportation funds, the County must follow 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 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 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, Legistar 09-0344, 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 D). On behalf of the FHWA, Caltrans provided its approval on May 8, 2009. 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 C) 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 (Exhibit 9B) is for FFY 2019-2020 and includes the following two attachments:

- 1) Attachment A - lists the Race Neutral Measures that Transportation believes it can reasonably implement in FFY 2019-2020.
- 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 Resolution and authorize submittal of the DBE Annual Submittal Form, Transportation will not be able to request federal funding for County projects for FFY 2019-2020.

#### **PRIOR BOARD ACTION**

See Discussion / Background Section above.

#### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel 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) original copies of the DBE Annual Submittal Form.
- 2) The Clerk of the Board will forward one (1) signed copy of the Resolution to Transportation 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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Department of Transportation