



Legislation Text

File #: 10-0361, **Version:** 1

Department of Transportation recommending the Board consider the following pertaining to the Local Agency Disadvantaged Business Enterprise Annual Submittal Form (AGMT 10-52966):

- 1) Adopt Resolution approving the Local Agency Disadvantaged Business Enterprise Annual Submittal Form for Federal Fiscal Year 2010/2011; and,
- 2) Authorize the Chair to sign the Local Agency Disadvantaged Business Enterprise Annual Submittal Form with the State of California Department of Transportation for Federal Fiscal Year 2010/2011.

Resolution 066-2010

Fiscal Impact/Change to Net County Cost:

There is no Fiscal Impact associated with this agenda item. There is no Net County Cost.

Background:

On March 5, 2009 the State of California Department of Transportation (Caltrans) notified the EDC Department of Transportation (Department) that it had just received conditional approval from the Federal Highway Administration (FHWA) to immediately implement Caltrans' Federal Fiscal Year (FFY) 2009/2010 Disadvantaged Business Enterprise (DBE) Goal and Methodology. That approval required the immediate implementation of a new DBE program which included a Race Conscious component (RC DBE Program). Because of the potential opportunities for transportation funding from the recently enacted American Recovery and Reinvestment Act (ARRA), Caltrans and local agencies receiving Federal-aid funds began transitioning to the new RC DBE Program.

On May 5, 2009 the Board approved El Dorado County's new DBE program and authorized the Board Chairman to sign the new DBE Implementation Agreement (AGMT 09-52635). Caltrans provided its approval on May 8, 2009.

Reason for Recommendation:

In order to receive Federal transportation funds, the County must establish a 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. As provided for in the DBE Implementation Agreement, for each FFY Caltrans requires local agencies to complete and submit a Local Agency DBE Annual Submittal Form (AGMT 10-52966) that includes the Annual Anticipated DBE Participation Level (AADPL), methodology for establishing the participation level, the name and contact information of the agency's designated DBE Liaison Officer, the Race Neutral measures that the local agency intends to implement in that year, and the agency's choice of prompt payment provisions to be used by the agency for the FFY.

Implementing the methodology for establishing the AADPL required by FHWA, the Department has calculated an overall AADPL of 15% consisting of a Race Conscious portion equal to 9% and a Race Neutral portion equal to 6% for FFY 2010/2011. The methodology used to arrive at these figures is described in Attachment "A" of AGMT 10-52966.

Attachment "B" of AGMT 10-52966 lists the Race Neutral Measures that the Department believes it

can reasonably implement in FFY 2010/2011.

Attachment "C" of AGMT 10-52966 indicates that, in accordance with Section 9203 of the Public Contract Code, the Department 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.

For the Race Neutral portion, the Department intends to enhance its historical experience by employing the measures listed in Attachment "B." There are no penalties for failure to meet the AADPLs provided the County implements the provisions of the DBE program.

Action to be taken following Board approval:

1. The Board Clerk will obtain the Chair's signature on the Resolution and the two (2) originals of the Local Agency DBE Annual Submittal Form (AGMT 10-52966).
2. The Board Clerk will forward a copy of the Resolution to the Department to send to Caltrans for its files.
3. The Board Clerk will forward the two (2) originals of the partially executed Local Agency DBE Annual Submittal Form (AGMT 10-52966) to the Department to send to Caltrans for its review, approval, and signature.
4. The Department will return one (1) original of the fully-executed Local Agency DBE Annual Submittal Form (AGMT 10-52966) to the Board Clerk.

Contact:

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Concurrences: Approved by County Counsel