



County of Fresno

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Legislation Text

File #: 21-0705, **Version:** 1

DATE: October 5, 2021

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: FY 2021-22 Exhibit 9-B Local Agency Disadvantaged Business Enterprise Annual Submittal Form

RECOMMENDED ACTION(S):

- 1. Approve and authorize the Chairman to execute the Exhibit 9-B Local Agency Disadvantaged Business Enterprise Annual Submittal Form with the California Department of Transportation for Federal FY 2021-22.**

- 2. Authorize the Director of the Department of Public Works and Planning to execute future Local Agency Disadvantaged Business Enterprise Annual Submittal Forms on behalf of the County.**

Approval of the first recommended action will satisfy the requirements of the Disadvantaged Business Enterprise (DBE) Program Implementation Agreement No. 20-445 for Local Agencies with the California Department of Transportation (Caltrans). The agreement requires that a Local Agency DBE Annual Submittal Form be sent to Caltrans for the following Federal Fiscal Year (FFY). Approval of the second recommended action will authorize the Director to execute future Local Agency DBE Annual Submittal Forms on behalf of the County. This item is countywide.

ALTERNATIVE ACTION(S):

If the first recommended action is not approved, the County will not be eligible to receive Federal reimbursement or additional funding authorizations for transportation projects in FFY 2021-22.

If the second recommended action is not approved, future Local Agency DBE Annual Submittal Forms will need to be brought to the Board for execution.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. The form is required to continue receiving Federal reimbursement for transportation projects the Department has or will bring before your Board separately for consideration.

DISCUSSION:

The United States Department of Transportation (DOT) requires recipients of Federal aid for transportation projects to implement Caltrans' DBE program to ensure nondiscrimination in the award and administration of DOT assisted contracts administered by Caltrans. Local agencies are required to submit an Exhibit 9-B form annually, implement race-neutral measures to encourage DBE participation, help remove barriers to DBE participation, and to establish project or contract specific DBE goals to ensure DBEs have an equal

opportunity to compete and participate. Race-neutral measures may include arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE and other small business participation. The Department establishes DBE contract goals on a project-by-project basis to facilitate DBE contractor and consultant participation. Included as part of Exhibit 9-B are the Department's Attachment A: Prompt Payment of Withheld Funds to Subcontractors and Attachment B: Prompt Payment Enforcement Mechanism.

Authorizing Director execution of future Local Agency DBE Annual Submittal Forms will save staff time by eliminating the necessity for preparation of an annual agenda item for your Board's consideration and will ensure timely execution and return to Caltrans. This item is routine in nature and must be executed annually in order to continue to receive millions of dollars in Federal transportation funding. Caltrans staff have indicated that execution of this form is typically delegated to public works directors or city engineers by other local agencies.

REFERENCE MATERIAL:

BAI #41, November 3, 2020

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit 9-B

CAO ANALYST:

Ron Alexander