

REPORT TO SHASTA COUNTY RTPA

SUBJECT	MEETING DATE	ITEM NUMBER
Consider Adoption of the Disadvantaged Business Enterprises (DBE) Program for the Shasta County Regional Transportation Planning Agency (RTPA)	10/26/04	3-5

RECOMMENDATION

It is recommended the Agency:

1. Adopt Resolution No. 04-06 approving the Disadvantaged Business Enterprise (DBE) Program for the Shasta County Regional Transportation Planning Agency (RTPA); and
2. Direct RTPA staff to prepare reports and documentation as needed to comply with state and federal requirements.

SUMMARY

Local agencies, including the RTPA, are required to adopt a DBE Program to receive federal funds. The adoption process includes a "Notice of Overall Goals" and a 45-day public comment period. The new program includes the latest state and federal requirements and must be adopted to receive federal funds for the current year.

DISCUSSION

In order to receive federal funds for planning, capital acquisition, engineering and construction costs for transportation projects, local agencies are required to adopt annual goals and programs to encourage DBE participation in federally funded contracts. Prior to adoption by local agencies and acceptance by Caltrans, local agencies are required to complete a Public Participation Process. The process includes a 45-day public comment period. No comments were received.

The proposed DBE goal for the Regional Transportation Planning Agency is 8 percent. This means that when the Agency contracts for professional services such as traffic model upgrades and planning studies, the contract would include DBE contractors that would do at least 8 percent of the work.

Staff is recommending that the Agency adopt the DBE program that includes the methodology and goal setting rationale. The DBE program adoption process is an annual process. This year's process is the same as last year's. A public hearing is not required for this process.

ALTERNATIVES

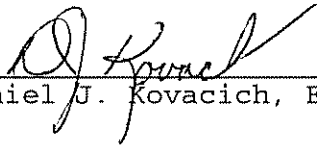
The Agency could choose not to adopt the DBE program. This is not recommended because the Agency would become ineligible to receive federal funds.

OTHER AGENCY INVOLVEMENT

This project was supported by the Technical Advisory Committee (TAC) at their October 12, 2004 meeting. Caltrans also has an oversight role for this process.

FINANCING

The adoption of an overall annual goal is required to receive federal funding for planning, capital acquisition, engineering and construction costs for transportation projects. Federal funds will be withheld from agencies that have not completed this process in accordance with the guidelines set forth by Caltrans and federal agencies.



Daniel J. Kovacich, Executive Officer

WR/jac

Enclosure: Resolution No. 04-06
 DBE Public Notice
 DBE Program

RESOLUTION NO. 04-06

ADOPTING A DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM
FOR THE SHASTA COUNTY REGIONAL TRANSPORTATION PLANNING AGENCY
AS IT PERTAINS TO THE FEDERAL HIGHWAY ADMINISTRATION FUNDING,
AND SETTING AN OVERALL GOAL AND METHODOLOGY FOR FEDERAL FISCAL
YEAR 2004/05 OF EIGHT PERCENT (8%)

WHEREAS, as a condition of receiving federal funds, local agencies are required to adopt a program for the inclusion of those firms qualifying as a Disadvantaged Business Enterprise (DBE); and

WHEREAS, federal regulations require that an annual goal and methodology be established and actively pursued to ensure that DBE firms are not excluded from the competitive bidding process; and

WHEREAS, DBE requirements are set forth in Title 49, Part 26, of the Code of Federal Regulations; and

WHEREAS, the U.S. Department of Transportation has entrusted Caltrans with local agency oversight responsibility for DBE implementation.

NOW, THEREFORE, BE IT RESOLVED that the Shasta County Regional Transportation Planning Agency, as it pertains to Federal Highway Administration Funding, adopts the attached Caltrans approved Disadvantaged Business Enterprise (DBE) Program and Annual Overall Goal and Methodology of 8% for Federal fiscal year 2004/05. This ensures a good faith effort to meet the established goal and ensures participation by small business concerns owned and controlled by socially and economically disadvantaged individuals.

DULY PASSED AND ADOPTED this 26th day of October 2004, by the Shasta County Regional Transportation Planning Agency.

Pat Kight, Chairman
Shasta County Regional
Transportation Planning Agency

PUBLIC NOTICE

SHASTA COUNTY REGIONAL TRANSPORTATION PLANNING AGENCY

NOTICE IS HEREBY GIVEN, that the Shasta County Regional Transportation Planning Agency (RTPA) has established an Overall Annual Disadvantaged Business Enterprise Goal, applicable to contracting opportunities scheduled to be awarded during the period of October 1, 2004 through September 30, 2005. The Shasta County RTPA and its member agencies proposed Overall Annual Goal and its rationale were developed in response to U.S. Department of Transportation's New Disadvantaged Business Enterprise Program Final Rule (49 CAR Part 26) and are available for inspection for thirty (30) days following the date of this Notice, from 8:00 a.m. to 5:00 p.m., Pacific Standard Time, Monday through Friday at our principal place of business located at:

Shasta County RTPA
1855 Placer Street
Redding, CA 96001
www.scrtpa.org

Comments will be accepted on the Goal for forty-five (45) days from the date of this Notice. Comments can be forwarded to Shasta County RTPA at the above stated address or to the District Local Assistance Engineer at the California Department of Transportation, Caltrans District 2, P.O. Box 496073, Redding, CA 96049-6073.

Dated at Redding , California, this 14th day of September 2004. Daniel J. Kovacich, Executive Director, Shasta County Regional Transportation Planning Agency.

**Shasta County Regional Transportation Planning Agency
(RTPA)**

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

I Definition of Terms

The terms used in this program have the meanings defined in 49 CFR §26.5.

II Objectives /Policy Statement (§§26.1, 26.23)

The Shasta County Regional Transportation Planning Agency (RTPA) has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The Shasta County RTPA has received Federal financial assistance from the DOT, and as a condition of receiving this assistance, the Shasta County RTPA will sign an assurance that it will comply with 49 CFR Part 26.

It is the policy of the Shasta County RTPA to ensure that DBEs, as defined in part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

- To ensure nondiscrimination in the award and administration of DOT-assisted contracts;
- To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
- To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
- To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
- To help remove barriers to the participation of DBEs in DOT-assisted contracts; and
- To assist the development of firms that can compete successfully in the market place outside the DBE Program.

The Senior Planner has been delegated as the DBE Liaison Officer. In that capacity, the Senior Planner is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the Shasta County RTPA in its financial assistance agreements with the California Department of Transportation (Caltrans).

The Shasta County RTPA staff has disseminated this policy statement to the Shasta County Regional Transportation Planning Agency and all the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts by publishing this statement in general circulation, minority-focused and trade association publications.

III Nondiscrimination (§26.7)

The Shasta County RTPA will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, the Shasta County RTPA will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

IV DBE Program Updates (§26.21)

The Shasta County RTPA will continue to carry out this program until the Shasta County RTPA has established a new goal setting methodology or until significant changes to this DBE Program are adopted. Shasta County RTPA will provide to Caltrans a proposed overall goal and goal setting methodology and other program updates by June 1 of every year.

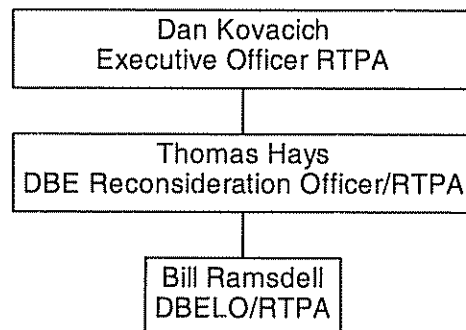
V Quotas (§26.43)

The Shasta County RTPA will not use quotas or set-asides in any way in the administration of this DBE program.

VI DBE Liaison Officer (DBELO) (§26.45)

The Shasta County RTPA has designated the following individual as the DBE Liaison Officer: Bill Ramsdell, 1855 Placer Street, Redding, California 96001, 530/245-6821, bramsdell@co.shasta.ca.us.

In that capacity, Bill Ramsdell is responsible for implementing all aspects of the DBE program and ensuring that the Shasta County RTPA complies with all provisions of 49 CFR Part 26. This is available on the Internet at osdbuweb.dot.gov/main.cfm. Thomas Hays has direct, independent access to the RTPA Executive Officer concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found below.



The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. Duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
6. Analyzes Shasta County RTPA's progress toward goal attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the CEO/governing body on DBE matters and achievement.
9. Chairs the DBE Advisory Committee.
10. Participates with the legal counsel and project director to determine contractor compliance with good faith efforts.
11. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
12. Plans and participates in DBE training seminars.
13. Provides outreach to DBEs and community organizations to advise them of opportunities.

VII Federal Financial Assistance Agreement Assurance (§26.13)

Shasta County RTPA will sign the following assurance, applicable to all FHWA-assisted contracts and their administration as part of the program supplement agreement for each project:

The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE Program or the requirements of 49 CFR part 26. The recipient shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The recipient's DBE Program, as required by 49 CFR part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

VIII DBE Financial Institutions

It is the policy of the Shasta County RTPA to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions.

Information on the availability of such institutions can be obtained from the DBE Liaison Officer. The Caltrans Disadvantaged Business Enterprise Program may offer assistance to the DBE Liaison Officer.