

Exhibit 9-B Local Agency DBE Annual Submittal Form

TO: CALTRANS DISTRICT 5
District Local Assistance Engineer

The amount of the Annual Anticipated DBE Participation Level (AADPL) and methodology are presented herein, in accordance with Title 49 of the Code of Federal Regulations (CFR), Part 26, and the State of California, Department of Transportation Disadvantaged Business Enterprise (DBE) Program Plan.

The County of Santa Barbara, submits our AADPL information. We have established an AADPL of 7.3 %, (3.4 % Race Neutral, 3.9 % Race Conscious) for the Federal Fiscal Year 2010/11, beginning on October 1, 2010, and ending on September 30, 2011.

Methodology

USE OF A BIDDERS LIST

By using the required Bidders List, the County of Santa Barbara will calculate its weighted, overall AADPL Base Figure by first, determining the number of ready, willing and able DBEs in its FY 2009/10 Bidder's List by work category, and dividing that number by the total number of firms in the same work category. This figure is then multiplied it by its percentage of the total project funding. The Race Conscious Goal is calculated using the same equation, dividing the number of ready, willing and able UDBEs by work category, by the total number of firms in the same work category. The Race Neutral Goal is calculated by subtracting the Race Conscious Goal from the overall AADPL.

Through this method, the County of Santa Barbara can measure availability by the number of firms that have directly participated in, or attempted to participate in, the County of Santa Barbara's DOT-assisted contracting for FY 2009/10.

Application of this formula yields the following baseline information:

Number of Ready, Willing and Able DBE's = **BASE FIGURE, Overall AADPL**
Number of All Ready, Willing and Able Firms

Number of Ready, Willing and Able UDBE's = **BASE FIGURE, Race Conscious Goal**
Number of All Ready, Willing and Able Firms

Overall AADPL – Race Conscious Goal = Race Neutral Goal

The Base Figure resulting from this calculation is as follows:

	237310	237310			
	Contractors	Sub Contractors	541330	541620	541380
Base Figure =	$\frac{.80 \text{ (DBE's)}}{\text{Firms}}$	$+$ $\frac{.134 \text{ (DBE's)}}{\text{Firms}}$	$+$ $\frac{.039 \text{ (DBE's)}}{\text{Firms}}$	$+$ $\frac{.009 \text{ (DBE's)}}{\text{Firms}}$	$+$ $\frac{.019 \text{ (DBE's)}}{\text{Firms}}$
	$\frac{.80 \text{ (UDBE's)}}{\text{Firms}}$	$+$ $\frac{.134 \text{ (UDBE's)}}{\text{Firms}}$	$+$ $\frac{.039 \text{ (UDBE's)}}{\text{Firms}}$	$+$ $\frac{.009 \text{ (UDBE's)}}{\text{Firms}}$	$+$ $\frac{.019 \text{ (UDBE's)}}{\text{Firms}}$

$$\text{Base Figure} = \frac{.80 (7)}{167} + \frac{.134 (12)}{56} + \frac{.039 (5)}{41} + \frac{.009 (2)}{8} + \frac{.019 (2)}{11} = .073 - \text{Overall AADPL}$$

$$\frac{.80 (2)}{167} + \frac{.134 (7)}{56} + \frac{.039 (4)}{41} + \frac{.009 (1)}{8} + \frac{.019 (1)}{11} = .034 - \text{Race Conscious Goal}$$

$$\text{Base Figure} = .033 + .03 + .005 + .002 + .003 = .073 - \text{Overall AADPL}$$

$$.010 + .017 + .004 + .001 + .002 = .034 - \text{Race Conscious Goal}$$

$$\text{Base Figure} = .073 \times 100 = 7.3 \% \text{ Overall AADPL}$$

$$.034 \times 100 = 3.4 \% \text{ Race Conscious Goal}$$

$$7.3 \% - 3.4 \% = 3.9 \% \text{ Race Neutral Goal}$$

Disadvantaged Business Enterprise Liaison Officer (DBELO)

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Planned Race-Neutral Measures

The County will work within its contracting and specification process to encourage participation of DBE's in transportation projects. Participation levels will be monitored and DBE's will be encouraged to participate in ongoing and future projects.

Prompt Pay

Federal regulation (49 CFR 26.29) requires one of three methods be used in federal-aid contracts to ensure prompt and full payment of any retainage, kept by the prime contractor or subcontractor, to a subcontractor. (Attached is a listing of the three methods. On the attachment, please designate which prompt payment provision the local agency will use.)

49 CFR Part 26.29(d) requires providing appropriate means to enforce prompt payment. These means may include appropriate penalties for failure to comply with the terms and conditions of the contract. The means may also provide that any delay or postponement of payment among the parties may take place only for good cause, with the local agency's prior written approval. Please briefly describe the monitoring and enforcement mechanisms in place to ensure that all subcontractors, including DBEs, are promptly paid.

Submitted by:

[Signature of Janet Wolf, Chair, Board of Supervisors of the
County of Santa Barbara, State of California]

Date

[Print Name, Janet Wolf, Chair, Board of Supervisors of the
County of Santa Barbara, State of California]

Phone Number

Reviewed by Caltrans:

(Signature of Caltrans District Local Assistance Engineer [DLAE])

Date

(Attachment)

Prompt Payment of Withheld Funds to Subcontractors

Federal regulation (49 CFR 26.29) requires one of the following three methods be used in federal-aid contracts to ensure prompt and full payment of any retainage kept by the prime contractor or subcontractor to a subcontractor.

Please check the box of the method chosen by the local agency to ensure prompt and full payment of any retainage.

- ☐ **Method 1:** No retainage will be held by the agency from progress payments due to the prime contractor. Prime contractors and subcontractors are prohibited from holding retainage from subcontractors. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.
- ☐ **Method 2:** No retainage will be held by the agency from progress payments due the prime contractor. Any retainage kept by the prime contractor or by a subcontractor must be paid in full to the earning subcontractor in 30 days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.
- ☒ **Method 3:** The agency shall hold retainage from the prime contractor and shall make prompt and regular incremental acceptances of portions, as determined by the agency of the contract work and pay retainage to the prime contractor based on these acceptances. The prime contractor or subcontractor shall return all monies withheld in retention from all subcontractors within 30 days after receiving payment for work satisfactorily completed and accepted including incremental acceptances of portions of the contract work by the agency. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating prime contractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies otherwise available to the contractor or subcontractor in the event of: a dispute involving late payment or nonpayment by the contractor; deficient subcontractor performance and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.