



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Public Works
Department No.: 054
For Agenda Of: June 24, 2008
Placement: Administrative
Estimated Tme:
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Scott D. McGolpin, Director of Public Works, 568-3010
Director
Contact Info: Dacé Morgan, Deputy Director – Transportation, 568-3064
**SUBJECT: Disadvantaged Business Enterprise (DBE) Program for Federal Fiscal Year 2008/09,
All Supervisorial Districts**

County Counsel Concurrence

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors

- A. Approve and authorize the Chair to execute the Annual Anticipated DBE Participation Level (AADPL) of 9.6% and the methodology that are presented herein, in accordance with Title 49 of the Code of Federal regulations, Part 26, and the State of California, Department of Transportation Disadvantaged Business Enterprise (DBE) Program (Exhibit 9-B).
- B. Designate and authorize the Public Works Director to act on the County's behalf as the DBE Liaison Officer for the Disadvantaged Business Enterprise (DBE) Program, to negotiate and execute all documents pertaining to DBE program to the extent permitted by law.

Summary Text:

Each year the County of Santa Barbara is required to adopt a Disadvantaged Business Enterprise (DBE) Program for projects utilizing Federal-aid highway funds. This program was implemented by the Federal Highway Administration to ensure non-discrimination in the award and administration of the Department of Transportation (DOT)-assisted contracts.

In order to determine the County's Annual Anticipated DBE Participation Level, the Department calculated its weighted Base Figure by first determining the number of ready, willing and able DBEs in its FY 2007/08 Bidders List by work category, and dividing the number of DBEs by the total number of firms in the same work category. 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,

County of Santa Barbara’s DOT-assisted contracting for FY 2007/08. By utilizing this formula the Department has determined the Annual Anticipated DBE Participation Level to be 9.6% for Federal Fiscal Year 2008/09.

For FY 2008/09 the Department has programmed expenditures of approximately \$ 8.3mil of Federal Aid Funding. To maintain our federal aid funding eligibility it is necessary that the County submit its FFY 2008/09 Annual Anticipated DBE Participation Level to Caltrans. Your Board’s approval today will be the final step required to continue receiving federal project reimbursement.

Background:

For several years, Caltrans through the local agencies implemented a DBE Program in accordance with applicable requirements and included race-conscious components in the program. In May 2005 the Ninth Circuit Court of Appeals issued a decision on Western States Paving, Inc. vs. Washington Department of Transportation et al, which required the State of Washington to comply with new evidentiary standards necessary to constitutionally support the use of race-conscious DBE goals such as those being used by Caltrans. The decision is binding on the states within its jurisdiction, including California.

On May 1, 2006, Caltrans implemented a race-neutral DBE program. As a result of this decision by Caltrans, local agencies will no longer have their own separate DBE programs, but must complete “Disadvantage Business Enterprise Race-Neutral Implementation Agreement”, which your Board executed on June 6, 2006. In addition, local agencies may no longer advertise and award contracts with federal-aid funds containing race-conscious DBE goals. Local agencies such as Santa Barbara County who receive Federal funding from Caltrans are required to abide by their decision to implement a race-neutral program.

Fiscal and Facilities Impacts:

Budgeted: N/A

Fiscal Analysis:

<u>Funding Sources</u>	<u>Current FY Cost:</u>	<u>Annualized On-going Cost:</u>	<u>Total One-Time Project Cost</u>
General Fund			
State			
Federal			
Fees			
Other:			
Total	\$ -	\$ -	\$ -

Narrative: To maintain our federal aid funding eligibility it is necessary to approve this program by June 2008.

Staffing Impacts:

Legal Positions:

FTEs:

Special Instructions:

Please forward a Certified Stamped Minute Order approving this action and all four (4) of the signed original Exhibit 9-B's to the Transportation Division, attn: Gena Valentine Felix, ext. 3064. I will obtain the Caltrans signature on the agreement and return one (1) original to the Clerk of the Board.

Attachments:

Exhibit 9-B Local Agency DBE Annual Submittal Form (4 copies)

Authored by: Gena Valentine Felix, Departmental Assistant, ext. 3064.

cc: