DEPARTMENT OF TRANSPORTATION
DISTRICT 3
703 B STREET
MARYSVILLE, CA 95901-0911
PHONE (530) 741-5116
FAX (530) 741-5466
TTY (530) 741-4509

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PLACER COUNTY
DEPT. OF PUBLIC WORKS

June 5, 2012

Mr. Ken Grehm
Director of Public Works
County of Placer
3091 County Center Drive, Ste. 220
Auburn, CA 95603

Attention: Ms. Marla Holveck, DBE Coordinator

Dear Mr. Grehm,

The County of Placer's Annual DBE submittal (Exhibit 9-B) for 2012/2013, dated May 31, 2012 is approved.

A copy of the Submittal is enclosed. Please Note: we have amended your agreement to run consistent with the federal fiscal year.

Prior to advertising any contracts, and to make sure you are using the latest available information, download the Caltrans Boiler Plate Contract and Specification documents from the Internet at:
http://www.dot.ca.gov/hq/LocalPrograms/sam_boil/sam_boil.htm.
You may then modify them for your use.

If you have any questions, please contact our DBE coordinator, Jim Day, at (530) 741-5116.

Sincerely,

James P Day

Signed by James P. Day for:

JOHN HOOLE
District Local Assistance Engineer

Exhibit 9-B Local Agency DBE Annual Submittal Form
Manual Local Agency DBE Annual Submittal Form

TO: CALTRANS DISTRICT 3
District Local Assistance Engineer

The Information for Exhibit 9-B 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 City/County/Region of Placer County Department of Public Works, submits our annual 9-B information for the Fiscal Year 2012/2013, beginning on October 1, 2012 and ending on September 30, 2013.

Disadvantaged Business Enterprise Liaison Officer (DBELO)
Cynthia Taylor, Administrative Services Officer
3091 County Center Drive, Suite 220
Auburn, CA 95603
(530)745-3599
(530)745-7544 FAX
ctaylor@placer.ca.gov

Planned Race Neutral Measures

The following information details the race-neutral measures our local agency plans to implement for the upcoming Federal Fiscal Year (per 59 CFR Part 26.51 and Section V of the California Dept. of Transportation Race Conscious DBE Program Implementation Agreement for Local Agencies):

- Assignment of a department DBE Coordinator implementing and facilitating all requirements of the DBE program including data collection, pre-bid meetings, participation in instructional programs, creating and updating DBE website.
- Placer County has designed and implemented a DBE website developed to provide useful information; instructions for required forms and reports; links to important announcements and activities and certification resources.
- Pre-Bid and Pre-Proposal meetings have been initiated with primes and DBEs to review the requirements of the program and assist with the bidding process.
- Staff is participating in educational and instructional programs focused on training for DBE Outreach and Communication.
- Staff hosts small business council, committee meetings, and community meetings to encourage participation In the DBE Program.

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. ***(Please see the attached listing designating one of the three methods for prompt payment provision the local agency will use).***

Prompt Pay Enforcement Mechanism

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).***

- Construction management personnel are on site on regular basis monitoring the activities and certifying contractor compliance with all regulations.
- County administrative staff is monitoring and tracking contract payments and certified payroll through construction management consultants and in-house personnel to validate prime contractor's proof of prompt payment to all subcontractors.
- Create and maintain a Bidders List consisting of information collected on DBE and Non-DBE contractors bidding on DOT –Assisted contracts/agreements for Placer County Department of Public Works.

Ken Grehm

(Signature)

5/31/12

Date

Ken Grehm, Director of Public Works

(Print Name and Title)

ADMINISTERING AGENCY

(Authorized Governing Body Representative)

(530) 745-7590

Phone Number

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

John G. Hoole, D3 DLAE

6/5/12

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.

PLACER COUNTY
DEPARTMENT OF PUBLIC WORKS

Ken Grehm, Director
Peter Kraatz, Deputy Director

Updated February 12, 2012

DBE PROGRAM & SMALL BUSINESS PARITICIPATION PLAN

In April of 2009 Placer County Board of Supervisors approved and adopted the 2009 Disadvantaged Business Enterprise (DBE) Implementation Agreement establishing Placer County's DBE Goal and Methodology providing for a Race-Conscious (RC) and Race-Neutral goal program. Adoption of the 2009 Implementation Agreement is a requirement for local agencies to obtain federal transportation funding for consultant and construction contracts awarded after June 2, 2009.

The goal of the program is to insure non-discrimination and create a level playing field in which DBEs can compete fairly for Department of Transportation (DOT)-assisted contracts. The current DBE Program includes a Race-Conscious component (RC DBE Program) that will require race-conscious contract specific goals to be incorporated into all DOT-funded consultant and construction contracts. ***Race-Conscious contract goals and Good Faith Efforts (CFR 49 Part 26.53) will be limited to Underutilized DBEs (UDBE):*** *African American, Native American, Asian Pacific American, and Women.*

Definition of UDBE *– "Underutilized Disadvantaged Business Enterprise" The findings from the Caltrans Availability and Disparity Study revealed statistically significant underutilization in four of the six groups presumed to be disadvantaged as defined by the Code of Federal Regulations, 49 CFR Part 26. The four groups are African American, Asian Pacific American, Native American, and Women.*

Caltrans has established an overall Annual Anticipated DBE Participation Level (AADPL) of 13.5% (6.75% Race-Conscious and 6.75% Race-Neutral) for the current fiscal year, and is committed to meeting the overall goal. As recipients of federal highway funds, Placer County must also comply with all federal regulations, and make every effort to encourage and assist in the outreach and participation of DBE firms.

In calculating specific contract goals Placer County will utilize the California Unified Certification Program (CUPC), found on the Caltrans (District 3) Local Assistance Civil Rights Website with the search criteria limited to UDBEs only. As noted on the DBE Database, *"For Bidders: It is recommended that when making a query to locate certified DBEs for subcontracting opportunities, your search include, at minimum, "Work Categories" and "NAICS Categories."*

In addition to the DBE Program Placer County is implementing a Small Business Participation Outreach, ***(per CFR 49 Part 26.39)***. By actively pursuing the Race-Neutral component of the current DBE program, the County is making substantive efforts to encourage prime contractors and proposers to use all means to solicit and reach out to local Small Business organizations by:

Auburn (Dewitt Center) 3091 County Center Drive, Ste. 220 / Auburn, CA 95603 | (530) 745-7500 / Fax (530) 745-7544
Road Division: 11428 F Avenue / Auburn CA 95603-2714 | (530) 745-7565 / Fax (530) 889-6989
Tahoe Engineering Division, P.O. Box 336, 7717 North Lake Blvd. (SR 28), Kings Beach, CA 96143 | 530-581-6238 / Fax 530-581-6239
Tahoe (Cabin Creek) 870 Cabin Creek Rd. - Truckee, CA 96161 / P.O. Box 1909 - Tahoe City, CA 96145-1909 | 530-550-1212 / Fax 530-550-0266
www.placer.ca.gov/works • publicworks@placer.ca.gov

- “Un-bundling” contract requirements (breaking down the contracts) making it more available for small businesses to bid and participate as prime contractors and subcontractors.

- Updating webpage information with the latest activities and announcements pertaining to Small Business organizations in the local district and project areas.

- Contact information and directories available to all prospective bidders and proposers is provided on the County website.

- Pre-Bid Meetings introducing and instructing prospective bidders and proposers on reaching out and utilizing Small Business organizations as well as DBEs.

- Organizing and coordinating an annual “Outreach Consortium” for local contractors and businesses providing information and guidance in utilizing DBEs and Small Business Enterprises.

- Coordinating with the Placer County Procurement Division to actively participate in the outreach efforts by providing Small Business organizations with notifications and bid assistance on current County projects.