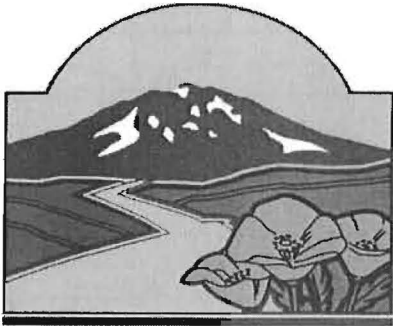


CITY OF
ANDERSON



AGENDA ITEM

July 20, 2010 City Council Meeting

Approved for Submittal By:

Dana Shigley
Dana Shigley, City Manager

To Be Presented By:

Jeff Kiser
Jeff Kiser, Public Works Director

To: Honorable Mayor and Members of the Anderson City Council

Through: Dana Shigley, City Manager
Telephone 378-6646

From: Jeff Kiser, Public Works Director
Telephone 378-6636

Date: July 20, 2010

SUBJECT

Adoption of a Local Disadvantaged Business Enterprise (DBE) Policy for contracts utilizing State and Federal Transportation Funds.

RECOMMENDATION

The Public Works Director recommends that the City Council:

Adopt a Resolution establishing a Disadvantaged Business Enterprise (DBE) Policy Goal as defined in Part 26, Title 49 Code of Regulations for agencies that desire to use State and Federal-aid Transportation Funds; establishing an overall Annual Goal for the utilization of DBE's at 8.3% with 4.0% Race Neutral and 4.3% Race Conscious for the Federal Fiscal Year October 1, 2010 to September 30, 2011; and designating the Deputy Director of Public Works as DBE Liaison Officer to develop and carry out the technical assistance programs for DBE's.

FISCAL IMPACT

This action would not have an impact on current fiscal operations. If adopted, the resulting policy would fulfil State and Federal Transportation Grant Requirements administered by Caltrans.

DISCUSSION and BACKGROUND

Part 26 of Title 49, Federal Code of Regulations, requires all agencies applying for Federal-aid Funds to adopt a Disadvantages Business Enterprise (DBE) Policy. This commitment is made in three parts.

1. The City Council affirms that all contractors and subcontractors, who are recipients of Federal-aid Funds, shall agree to ensure DBE firms have the maximum opportunity to participate in the performance of contracts and subcontracts.
2. The City Council establishes an annual overall DBE Goal of 8.3%, with a Race Neutral goal of 4.0% and a Race Conscious goal of 4.3% for participation in Federal-aid funded Projects.
3. The City Council designates the Deputy Public Works Director as the DBE Liaison Officer for the City of Anderson.

On all Federal and some State funded transportation projects, the City is required to show they are making a good faith effort to ensure all DBE's are given every opportunity to compete for participation in public works projects. To comply with this requirement and to meet our DBE Policy Goals, we include specific language in our project specifications.

Through the specifications, all bidding contractors must show good faith efforts to give qualified DBE's opportunity to participate. However, this does not require the City to accept a higher bid from a DBE contractor, if a lower bidder can show they made a good faith to achieve the DBE goal or is using a qualified DBE sub contractor to meet the requirements as required by the Federal requirements of Part 26 of Title 49.

Recent project examples that fall under the DBE guidelines are the Caltrans grant funded projects, such as, Bruce and Emily Safe Route to School and the Anderson Bikeway Bicycle Transportation Account Grant (BTA).

ATTACHMENTS

1. Resolution establishing DBE Policy, and Annual Goal

RESOLUTION 10-___**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANDERSON APPROVING THE DISADVANTAGED BUSINESS ENTERPRISE POLICY, SETTING OF THE ANNUAL GOAL, AND APPOINTING A DBE LIAISON OFFICER FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2010 TO SEPTEMBER 30, 2011**

WHEREAS; the City of Anderson, its contractors and subcontractors, which are recipients of Federal-aid funds are required, as defined in Part 26 of Title 49, Federal Code of Regulations, to adopt a Disadvantaged Business Enterprise (DBE) Policy on an annual basis for the utilization of Disadvantaged Business Enterprise, and;

WHEREAS; the City of Anderson DBE Policy is consistent with Part 26 of Title 49, Federal Code of Regulations, and;

WHEREAS; for the fiscal year October 1, 2010 to September 30, 2011, the City Council of the City of Anderson has set the overall annual DBE goal of 8.3 %, and;

WHEREAS, the City Council designates the Deputy Public Works Director as the DBE Liaison Officer;

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Anderson hereby adopts a Disadvantaged Business Enterprise (DBE) Program, sets the overall goal for utilization of DBE's at 8.3% with Race Neutral of 4.0% and Race Conscious of 4.3% and designates the Deputy Public Works Director as DBE Liaison Officer for the City of Anderson.

PASSED AND ADOPTED by the City Council of the City of Anderson this 20th day of July 2010 by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

Norma Cornick, Mayor

ATTEST:

Juanita Barnett, City Clerk