



STAFF REPORT

Authorizing the Adoption of the Disadvantaged Business Enterprise (DBE) Program for Federally Funded Roadway Improvements for use on U.S. Department of Transportation Funded Projects (Fiscal Year 2003/2004)

Honorable Mayor and City Council:

Summary

The Code of Federal Regulation, Title 49, Part 26, required agencies receiving federal funds to establish and maintain a DBE Program and to publish approved DBE goals in a local newspaper. Caltrans has tentatively approved the City of Belmont's Draft DBE Program and the Federal requirements for public notification and comment have been satisfied.

This DBE Program will enable the City to qualify for and receive approximately \$373,000 in federal funds over the fiscal year 2003/2004. Without a new DBE Program, the City will forfeit this funding opportunity.

Background and Discussion

City Council has adopted resolutions authorizing applications for approximately \$373,000 of Federal funds. The project includes a safe routes to school project to install in-pavement crosswalk lights. Caltrans is requiring all applicants for federal funds to draft, establish and maintain a new Disadvantaged Business Enterprise (DBE) Program for current and future funding cycles.

The Draft Disadvantaged Business Enterprise (DBE) Program was approved by Caltrans on March 23, 2004. An advertisement inviting public comment on the document was published in the San Mateo County Times on March 27, 2004.

The Draft DBE document has been available per the Code of Federal Regulations. The Code requires 30 day review period and 15 day comment period made available at the City of Belmont Public Works Offices. Copies of the report were available free of charge and would be mailed to

interested parties or individuals. Despite the public outreach measures above, the City did not receive any comment regarding the City's Draft DBE Program.

The City of Belmont's DBE Program will establish a minority and women owned business participation goal of 4% on all Federally Assisted construction projects and Federal Assistance in the event of natural disasters.

Program requirements also include the annual monitoring of the DBE Program participation goal, and re-evaluation of the DBE participation goal percentage. Records will be kept to track and evaluate direct DBE participation, subcontractors' lists, bidder lists, good faith efforts and other factors that may indicate evidence for subsequent adjustment of the DBE participation goal. This information will be made available to Caltrans. Appropriate recommendations may result for City Staff and Caltrans evaluations of this information. Any change to the DBE Program will be returned to the City Council for approval.

Fiscal Impact

There will be no fiscal impact of adopting the DBE Program.

Recommendation

It is recommended that the City Council approve the City's Draft Disadvantaged Business Enterprise (DBE) Program by adopting the attached resolution.

Alternatives

1. Deny Request
2. Refer back to staff for additional information

Attachments

1. Resolution

Respectfully submitted,

Raymond E. Davis, P.E. PTOE
Director of Public Works

Jere A. Kersnar
City Manager

RESOLUTION NO. _____
CITY OF BELMONT
San Mateo County California

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT
AUTHORIZING THE ADOPTION OF THE DISADVANTAGED BUSINESS ENTERPRISE
(DBE) PROGRAM FOR FEDERALLY FUNDED ROADWAY IMPROVEMENTS FOR USE ON
U.S. DEPARTMENT OF TRANSPORTATION FUNDED PROJECTS – FISCAL YEAR 2003/04**

WHEREAS, the City of Belmont will receive funds through the U.S. Department of Transportation for certain approved transportation-related projects; and,

WHEREAS, it is the requirement of all recipients of these Federal Funds to promote the utilization of Disadvantaged Business Enterprises; and,

WHEREAS, the City of Belmont invited public comments on the DBE program that was published in the San Mateo County Times on March 27, 2004; and,

WHEREAS, it is the requirement of all recipients of these Federal Funds to adopt an approved program detailing the setting of goals for utilization of DBE's in federally funded contracts and the inclusion of these goals and other requirements in all such projects; and,

WHEREAS, the City of Belmont has duly fulfilled the State and Federal requirements regarding the establishment of an official program that establishes goals for the utilization of DBE's in federally funded contracts and the inclusion of these goals and other requirements in all such projects.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Belmont that:

- (1) The City approves the Disadvantaged Business Enterprise (DBE) Program for Fiscal Year 2003/2004 and its initial participation goal of 4%.
- (2) The City directs the Public Works Department to monitor and evaluate the newly adopted DBE Program goal in accordance with the direction and requirements of the Federal Department of Transportation and its duly authorized agents.

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Belmont at a regular meeting thereof held on May 11, 2004.

AYES, COUNCILMEMBER(S): _____

NOES, COUNCILMEMBER(S): _____

ABSTAIN, COUNCILMEMBER(S): _____

ABSENT, COUNCILMEMBER(S): _____

City Clerk of the City of Belmont

APPROVED:

Mayor of the City of Belmont