



Agenda Date: 10/25/2005  
Agenda Placement: 6H

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Michael Stoltz for Robert Peterson - Director  
Public Works  
**REPORT BY:** Juan Arias, Civil Engineer , 259-8374  
**SUBJECT:** Adoption of Napa County's Disadvantaged Business Enterprise (DBE) Program methodology and goal for the Federal Government Fiscal Year 2005-2006 for Federal Highway Administration funded projects

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### **RECOMMENDATION**

Director of Public Works requests adoption of the Disadvantaged Business Enterprise program methodology and goal for the Federal Government Fiscal Year 2005-2006 for Federal Highway Administration funded projects.

### **EXECUTIVE SUMMARY**

The County of Napa is required by Federal Law to adopt a Disadvantaged Business Enterprise (DBE) program goal and methodology every year for Federal Highway Administration (FHWA) funded projects. The draft goal and methodology for fiscal year 2005-2006 has been approved by Caltrans, has been advertised in a local paper, builders exchange, a minority focused newspaper and the required public comment period has elapsed. Formal adoption by the Board of Supervisors is now required.

### **FISCAL IMPACT**

Is there a Fiscal Impact?                      No

### **ENVIRONMENTAL IMPACT**

There is no Environmental Impact for this item.

**BACKGROUND AND DISCUSSION**

The U.S. Department of Transportation's (DOT) Disadvantaged Business Enterprise (DBE) program is intended to remedy past and current discrimination against disadvantaged business enterprises to ensure a "level playing field" and foster equal opportunity in DOT-assisted contracts, improve the flexibility and efficiency of the DBE program, and reduce burdens on small businesses.

Local agency recipients of Federal funds are required to comply with all the elements of Title 49, Part 26 of the Code of Federal Regulations (CFR) entitled "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs." These provisions apply to all Federal-aid funded transportation projects and require local agencies participation. After October 1, 2000, each local agency was to implement a DBE Program and establish an annual overall goal prior to submitting a "Request for Authorization" to proceed with a Federal-aid project.

Napa County submitted a draft overall DBE participation goal of 23% for all federal-aid highway funds in FHWA assisted contracts in the Federal Government Fiscal Year 2005-2006. This goal can be accomplished through race-neutral methods and/or race-conscious methods. This determination is made by the County. Race-neutral methods include making efforts to assure that bidding and contract requirements facilitate participation by DBEs and other small businesses; unbundling large contracts to make them more accessible to small businesses; encouraging prime contractors to subcontract portions of the work that they might otherwise perform themselves; and providing technical assistance, and other support services to facilitate consideration of DBEs and other small businesses. Race-conscious methods include establishing contract specific goals on contracts with contracting possibilities, when needed to meet the goal. This methodology is focuses specifically on assisting only DBEs. The County has established a 23% goal intended to be achieved through race-conscious methods.

The contents and elements of the draft have been reviewed and approved by CalTrans. Further, a 30-day public notice was published in the Napa Valley Register, the Solano-Napa Builders Exchange Construction News and the Impulso News stating among other things that, "Napa County has established an Overall Annual Disadvantaged Business Enterprise Goal applicable to contracting opportunities scheduled to be awarded during the period of October 1, 2005 through September 30, 2006. There ensued a forty-five day public comment period on the DBE Goals. No comments have been received by the County or CalTrans.

**SUPPORTING DOCUMENTS**

None

CEO Recommendation: Approve

Reviewed By: Andrew Carey