

TO: James L. App, City Manager  
FROM: Mike Compton, Director of Administrative Services  
SUBJECT: Disadvantaged Business Enterprise (DBE) Goal for Fiscal Year 2008  
DATE: August 7, 2007

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Needs: For the City Council to adopt resolution approving a Disadvantaged Business Enterprise (DBE) Goal for Fiscal Year 2008.

Facts:

1. The City receives monies from the Federal Transit Administration for transit operations.
2. Department of Transportation regulations require the recipients have a DBE program in place.
3. This requirement was previously addressed through filings by Public Works for federal transportation grants administered through CalTrans but CalTrans no longer requires DBE filings.
4. This action and subsequent filing with FTA will satisfy the DBE requirement for transit operations.

Analysis & Conclusion:

The City must establish a DBE goal as part of its program in order to continue receiving FTA funding. It is proposed that the goal be established at the same level at the last Public Works filing.

Fiscal Impact:

Assuming an acceptable filing is made with FTA, no fiscal impact is expected. City will continue receiving FTA funds as expected.

Options:

- a. That the Council adopt Resolution No. 07-XXX approving a Disadvantaged Business Enterprise (DBE) Goal for Fiscal Year 2008; or
- b. Amend, modify, or reject the above option.

RESOLUTION NO. 07-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
ADOPTING A DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

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WHEREAS, local agencies receiving Federal Transit Administration grants must adopt a Disadvantaged Business Enterprise (DBE) Program; and

WHEREAS, the City receives Federal Transit Administration 5307 grant monies for transit operations; and

WHEREAS, the City is required to solicit public input to its DBE Program; and

WHEREAS, individuals are invited to review and comment on the DBE contract goal and the rationale for establishing this goal, which is available at the City Clerk's Office at 1000 Sprint Street, Paso Robles, CA; and

WHEREAS, comments should be submitted to the Department of Administrative Services, to the attention of the Director of Administrative Services; and

WHEREAS, deadline for comments shall be 5:00 pm on Friday, August 31, 2007.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. That the City Council of the City of Paso Robles does hereby approve the attached DBE Program establishing an overall goal that 2% of all contracts would endeavor to be DBE approved business enterprises and authorize the City Manager to sign on behalf of the City.

SECTION 2. That the City Council of the City of Paso Robles does hereby direct staff to advertise and publish this Resolution in the local newspaper.

SECTION 3. That the City Council of the City of Paso Robles does hereby authorize staff to forward the signed DBE Program to the Federal Transit Administration.

SECTION 4. That the City Council of the City of Paso Robles does hereby authorizes staff to implement the program once it has been approved/accepted by Federal Transit Administration.

ADOPTED by the City Council of the City of El Paso de Robles this 7<sup>th</sup> day of August 2007 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Frank R. Mecham, Mayor

ATTEST:

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**City of El Paso de Robles**  
**DBE Policy**  
**August 2007**

- A. The City shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR part 26. The City will take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts.
  
- B. The City will include language in all contracts as follows:

“that the contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of a contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.”
  
- C. In the case of “Requests for Proposals” (RFP), the City will require all responders as a condition of satisfactory bid to certify as to their DBE status.
  
- D. It shall be the goal of the City that not less than zero percent (0%) of the authorized funds spent are expended with DBEs. This goal is based upon the “Request for Proposals” (RFP) dated February 9, 2007 for which the City received four (4) responses from companies nationally known to provide desired services. While none were certified as DBEs, they all filed Certification Disadvantaged Business Enterprise Program/Equal Employment Opportunity forms as part of their RFP response.
  
- E. The City shall widely distribute this Policy among staff and will publish the Resolution adopting this Policy in a newspaper of local general circulation no less than twice and shall solicit public comment on this Policy.

Signed: \_\_\_\_\_  
Jim App, City Manager

Date: \_\_\_\_\_