



Legislation Details (With Text)

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Title: Amend the Disadvantaged Business Enterprise Program in accordance with the U.S. Department of Transportation regulations 49 CFR Part 23 and 26 for DOT assisted projects, contracts for the Federal Highway Administration, Federal Aviation Administration, Federal Transit Administration, U.S. Department of Housing and Urban Development and U.S. Environmental Protection Agency.

Sponsors: Finance Department

Indexes:

Code sections:

Attachments: 1. DBE PROGRAM Final 10-16-16JRML (Repaired).pdf

Date	Ver.	Action By	Action	Result
11/3/2016	1	City Council	approved	Pass

REPORT TO THE CITY COUNCIL

November 3, 2016

FROM: MICHAEL LIMA, Controller
Finance Department

BY: JEAN THOMAS-RUNNELS, DBE Program Coordinator
Finance Department

SUBJECT

Amend the Disadvantaged Business Enterprise Program in accordance with the U.S. Department of Transportation regulations 49 CFR Part 23 and 26 for DOT assisted projects, contracts for the Federal Highway Administration, Federal Aviation Administration, Federal Transit Administration, U.S. Department of Housing and Urban Development and U.S. Environmental Protection Agency.

RECOMMENDATION

It is recommended that the City Council amend the Disadvantaged Business Enterprise (DBE) program for participation in U.S. Department of Transportation (DOT) assisted projects/contracts due to the extensive revisions to DOT's DBE program, which also applies under 49 CFR Part 23 for projects/contracts funded by the Federal Highway Administration (FHWA), Federal Aviation Administration (FAA), Federal Transit Administration (FTA), U.S. Department of Housing and Urban Development (HUD) and U.S. Environmental Protection Agency (EPA).

EXECUTIVE SUMMARY

As a recipient of federal financial assistance from the DOT, the City of Fresno is required to establish overall goals on an annual basis for DBE participation in DOT assisted projects/contracts. The City is also required to amend its DBE goals/program if there are any significant changes in the DOT program in order to bring it into conformance with DOT's DBE program. Under 49 CFR Part 23, DOT's DBE program also applies to projects/contracts funded through FHWA, FAA, FTA, HUD, and EPA. In FY 2016, the City is awarded contracts totaling \$45,584,353 from those agencies.

BACKGROUND

In order to comply with federal guidelines pertaining to the utilization of Disadvantaged Business Enterprises and to qualify for federal funding, the City is required by DOT to submit goals for DBE participation and to evaluate the program every three years to determine if any revisions are necessary. If the evaluation turns up differences between the City's DBE program and the DOT's DBE program, the City then must submit a DBE program conforming to CFR 49 Parts 23 and 26 to DOT. Once DOT has approved the City's program, the approval counts for all of the City's DOT-assisted programs (except for contracts/projects that require individual goal setting, which are set by the DBE Coordinator for the City's DOT- assisted contracts).

After a complete evaluation, it was determined an amendment was needed to the DBE Program for Federal Projects. Staff has prepared the necessary changes to bring the City's DBE program into compliance with the DOT's DBE program. Once approved by Council, the City's amended DBE program will be submitted to the DOT for their final approval.

ENVIRONMENTAL FINDINGS

This item is not a project of the City of Fresno and as such, the California Environmental Quality Act requirements are not applicable.

LOCAL PREFERENCE

Local preference was not implemented because this item does not include an award of a construction or service contract.

FISCAL IMPACT

None

Attachment:
DBE Program Policies/Guidelines