

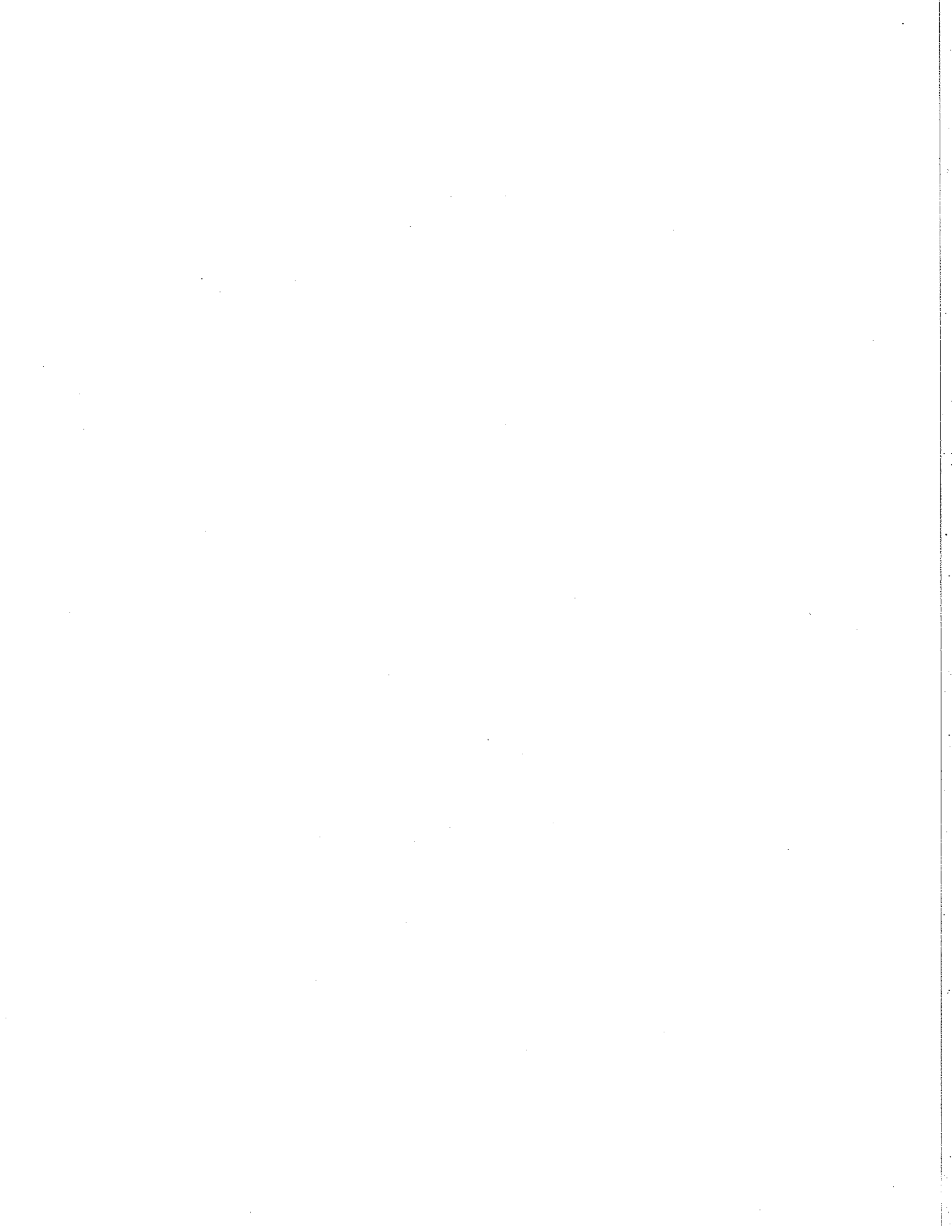
**City of Vacaville
Disadvantaged Business Enterprise
Program**

for

Federal Fiscal Year – 2009/10

**Approved by City Council of the City of Vacaville
December 12, 2000**

This program is in accordance with Title 49 of the
Code of Federal Regulations Part 26



City of Vacaville

I. DEFINITIONS OF TERMS

The terms used in this program have the meanings defined in 49 CFR §26.5.

II. OBJECTIVES /POLICY STATEMENT (§§26.1, 26.23)

The City of Vacaville ("CITY") has established a Disadvantaged Business Enterprise ("DBE") Program in accordance with regulations of the U.S. Department of Transportation ("DOT"), 49 CFR Part 26. CITY has received Federal financial assistance from the DOT, and as a condition of receiving this assistance, CITY will sign an assurance that it will comply with 49 CFR Part 26.

It is the policy of CITY to ensure that DBEs, as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also CITY's policy

1. To ensure nondiscrimination in the award and administration of DOT-assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs; and
5. To help remove barriers to the participation of DBEs in DOT-assisted contracts.

The Public Works Contract Compliance Specialist II ("CCS") has been designated as the DBE Liaison Officer ("DBELO"). In that capacity, the CCS is responsible for implementing all aspects of the DBE Program. Implementation of the DBE Program is accorded the same priority as compliance with all other legal obligations incurred by CITY in its financial assistance agreements with the Federal Transportation Administration ("FTA").

CITY Engineering staff has disseminated this policy statement to the City Council of the City of Vacaville ("COUNCIL") and all the components of its organization. We have distributed this statement to DBE and non-DBE business communities that perform work for CITY on DOT-assisted contracts by publishing this statement in general circulation, minority-focused and trade association publications.

III. NONDISCRIMINATION (§26.7)

CITY will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE Program, CITY will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE Program with respect to individuals of a particular race, color, sex, or national origin.

IV. DBE PROGRAM UPDATES (§26.21)

CITY will provide to FTA a proposed Annual Anticipated Disadvantaged Business Enterprises Participation Level (AADPL) methodology and other program updates by August 1st of every year.

V. QUOTAS (§26.43)

CITY will not use quotas in any way in the administration of this DBE Program.

VI. DBE LIAISON OFFICER (DBELO) (§26.25)

CITY has designated the of DBE Liaison Officer to:

Carole Dorsey
650 Merchant Street
Vacaville, CA 95688
707/449-5305
cdorsey@cityofvacaville.com

The DBELO is responsible for implementing all aspects of the DBE Program to ensure that CITY complies with all provisions of 49 CFR Part 26. This Federal Regulation is available on the Internet at osdbuweb.dot.gov/main.cfm. The DBELO has direct, independent access to the Director of Public Works concerning DBE Program matters. An organization chart displaying the DBELO's position in the organization is found in Exhibit I to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE Program, in coordination with other appropriate officials. Duties and responsibilities include, but are not limited to, the following:

1. Gathers and reports statistical data and other information as necessary.
2. Reviews third party contracts and proposals for compliance with the DBE Program.
3. Participates in determining the recommended AADPL.

4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
6. Analyzes and determines Good Faith Efforts by proposed bidders.
7. Analyzes CITY's progress toward goal attainment and identifies ways to improve progress.
8. Participates in pre-bid meetings when held.
9. Advises the Director of Public Works and COUNCIL on DBE matters and achievement.
10. Informs DBE's by posting information about submitting bids and obtaining bonding and insurance on the City's website.
11. Plans and participates in DBE training seminars.
12. Provides outreach to DBEs, contractors, and community organizations to advise them of opportunities with regard to DOT-funded projects for CITY.
13. Regularly updates the City's website with information about DBE contracting opportunities, current regulations and other necessary information.

VII. FEDERAL FINANCIAL ASSISTANCE AGREEMENT ASSURANCE (§26.13)

CITY will sign the following assurance, applicable to all DOT-assisted contracts and their administration as part of the program supplement agreement for each project: 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. CITY shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. CITY's DBE Program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to CITY of its failure to carry out its approved program, DOT may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

VIII. DBE DIRECTORY (§26.31)

CITY will refer interested persons to the California Unified Certification Program DBE Directory available from Caltrans Civil Rights website at:

http://www.dot.ca.gov/hq/bep/find_certified.htm.

IX. OVERCONCENTRATION (§26.33)

CITY has not identified any types of work in DOT-assisted contracts that have an overconcentration of DBE participation. If in the future CITY identifies the need to address overconcentration; measures for addressing overconcentration will be submitted to the FTA Office of Civil Rights Region IX for approval.

X. BUSINESS DEVELOPMENT PROGRAMS (§26.35)

CITY does not have a business development or mentor protégé program. If CITY identifies the need for such a program in the future, the rationale for adopting such a program and a comprehensive description of it will be submitted to FTA for their approval.

XI. REQUIRED CONTRACT CLAUSES (§§26.13, 26.29)

Contract Assurance

CITY will ensure that the following clause is placed in every DOT-assisted contract and subcontract:

The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this 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 CITY deems appropriate.

Prompt Payment

CITY ensures that the following clauses or equivalent will be included in each DOT-assisted prime contract:

Attention is directed to the provisions in Sections 10262 and 10262.5 of the California Public Contract Code and Section 7108.5 of the California Business and Professions Code which requires a prime contractor or subcontractor to pay a subcontractor not later than 10 days of receipt of each progress payment, unless otherwise agreed to in writing. In addition, Federal Regulation (49 CFR 26.29) requires a prime contractor or subcontractor to pay a subcontractor no later than 30 days of receipt of each payment, unless any delay or postponement of payment among the parties takes place only for good cause and with the prior written approval of the agency. Section 7108.5 of the California Business and Professions Code also contains enforcement actions and penalties. These requirements apply to both DBE and non-DBE subcontractors.

CITY shall hold retainage from the prime contractor and shall make prompt and regular incremental acceptances of portions, as determined by CITY of the contract work and pay retainage to the prime Contractor based on these acceptances. The prime contractor or subcontractor shall return all monies withheld in retention from all subcontractors within

30 days after receiving payment for work satisfactorily completed and accepted including incremental acceptances of portions of the contract work by CITY. Any delay or postponement of payment may take place only for good cause and with CITY's prior written approval. Any violation of these provisions shall subject the violating prime contractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of: a dispute involving late payment or nonpayment by the contractor; deficient subcontractor performance; and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

In the above method, a subcontractor's work is satisfactorily completed when all tasks called for in the subcontract have been accomplished and documented as required by CITY. The work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed, when an agency has made an incremental acceptance of a portion of the contract work. Federal Regulation (49 CFR 26.29) also requires that any delay or postponement of payment among the parties may take place only for good cause, must have the prior written approval of CITY, and that appropriate means of enforcement such as those contained in Section 7108.5 of the California Business and Professions Code must be included in the contract.

CITY will assign personnel to monitor and track actual DBE participation through contractor and subcontractor reports of payments in accordance with the following:

A. After Contract Award

After the contract award, CITY will review the award documents for the portion of items and corresponding dollar value that each DBE and first tier subcontractors will perform. With these documents CITY will be able to determine the work to be performed by the DBEs or subcontractors listed.

B. Preconstruction Conference

1. A preconstruction conference will be scheduled between CITY and the contractor or their representative to discuss the work each DBE subcontractor will perform.
2. Before work can be started on a subcontract, CITY will require the contractor to submit a completed "Subcontracting Request Form," (Form VLF-001) or equivalent. When CITY receives the completed form it will be checked for agreement of the first tier subcontractor and DBEs. CITY will not approve the request when it identifies someone other than the DBE or first tier subcontractor listed in the previously completed "CITY Bidder DBE Information," Exhibit 15-G2. The "Subcontracting Request" will not be approved until any discrepancies are resolved. If an issue cannot be resolved at that time, or there is some other concern, CITY will require the contractor to eliminate the subcontractor in question before signing the subcontracting request. A change in the DBE or first tier subcontractor may be addressed during a substitution process at a later date.

Substitutions will be subject to the Subletting and Subcontracting Fair Practices Act ("FPA"). CITY will require contractors to adhere to the provisions within FPA, Public Contract Code Sections 4100-4144. FPA requires the contractor on projects for the construction of streets or highways, including bridges to list all subcontractors in excess of one half of one percent (0.5%) of the contractor's total bid or \$10,000, whichever is greater. The statute is designed to prevent bid shopping by contractors. The FPA explains that a contractor may not substitute a subcontractor listed in the original bid except with the approval of the awarding authority.

4. CITY will give the contractor a blank Exhibit 17-F, "Final Report Utilization of Disadvantaged Business Enterprises," and will explain to them that the document will be required at the end of the project, for without which payment can be withheld, in conformance with the contract.

C. Construction Contract Monitoring

1. CITY will ensure that CITY's Resident Engineer, Project Inspectors and CCS know what items of work each DBE is responsible for performing. Inspectors will notify the contractor immediately of apparent violations.
2. When a firm other than the listed DBE subcontractor is found performing the work, CITY will notify the contractor of the apparent discrepancy and potential loss of payment. Based on the contractor's response, CITY will take appropriate action: The DBELO will perform a preliminary investigation to identify any potential issues related to the DBE subcontractor performing a commercially useful function. Any substantive issues will be forwarded to the FTA Office of Civil Rights. If the contractor fails to adequately explain why there is a discrepancy, payment for the work will be withheld and a letter will be sent to the contractor referencing the applicable specification violation and the required withholding of payment.
3. If the contract requires the submittal of a monthly truck document, the contractor will be required to submit documentation to the DBELO showing the owner's name; California Highway Patrol CA number; and the DBE certification number of the owner of the truck for each truck used during that month for which DBE participation will be claimed. The trucks will be listed by California Highway Patrol CA number in the daily diary or on a separate piece of paper for documentation. The numbers are checked by inspectors (or by other designated CITY staff) regularly to confirm compliance.

Providing evidence of payments to DBE participants is the responsibility of the contractor.

D. Substitution

1. When a DBE substitution is requested, the CCS will request a letter from the contractor explaining why substitution is needed. The CCS will obtain written

concurrence from the DBE subcontractor regarding this change. If the contractor is not meeting the contract goal with this substitution, the contractor must provide good faith effort documentation to CITY for consideration. Additionally, all substitutions must comply with the provisions of the Public Contract Code.

2. If there is any doubt in the mind of the CCS regarding the propriety of the requested substitution, the CCS may contact FTA Office of Civil Rights for assistance and direction.

E. Record Keeping and Final Report Utilization of Disadvantaged Business Enterprises

1. The contractor shall maintain records showing the name and address of each first-tier subcontractor. The records shall also show:
 - a) The name and business address, regardless of tier, of every DBE subcontractor, DBE vendor of materials and DBE trucking company.
 - b) The date of payment and the total dollar figure paid to each of the DBE firms.
 - c) The DBE prime contractor shall also show the date of work performed by their own forces along with the corresponding dollar value of the work claimed toward DBE goals
2. When a construction contract has been completed the contractor will provide a summary of the records stated above. The DBE utilization information will be documented for use in FTA's Semiannual Reports.
 - a) The DBELO will compare the completed Exhibit 17-F to the contractor's completed Exhibit 15-G.
 - b) The DBEs shown on the completed Exhibit 17-F should be the same as those originally listed unless an authorized substitution was allowed, or the contractor used more DBEs and they were added, with CITY approval.
 - c) The dollar amount should reflect any changes made in planned work done by the DBE.
 - d) The contractor will be required to explain in writing why the names of the subcontractors, the work items or dollar figures are different from what was originally shown on the completed Exhibit 15-G when:
 - (1) There have been no changes made by CITY.
 - (2) The contractor has not provided a sufficient explanation in the "comments" section of the completed Exhibit 17-F.
 - (3) The explanation will be attached to the completed Exhibit 17-F for submittal. The Inspector will file this in the project records.

The DBELO will keep track of the DBE certification status on the Internet at <http://www.dot.ca.gov/hq/bep> and keep the Inspector informed of changes that affect the

contract. CITY will require the contractor to act in accordance with existing contractual commitments regardless of decertification.

XII. OVERALL ANNUAL ANTICIPATED DBE PARTICIPATION LEVEL (AADPL) AND CONTRACT GOALS (§26.45)

Amount of AADPL

CITY's overall AADPL for the FFY 2009/10 (October 1, 2009 thru September 30, 2010) is the following: 11% of the Federal financial assistance in FTA-assisted contracts.

Process (See Methodology in attached Exhibit II)

The amount of overall AADPL, the method to calculate the AADPL and the breakout of estimated race-neutral participation will be required annually by August 1st, in advance of the General fiscal year beginning October 1st for FTA-assisted contracts. Submittals will be made to the FTA Office of Civil Rights.

As stated elsewhere in this DBE Program, CITY maintains a Bidders List. This Bidders List will be used to determine the overall AADPL. As part of establishing an overall AADPL, CITY will make good faith efforts to consult with minority, women and general contractor groups; community organizations and officials; and business organizations. With that consultation referenced, CITY will submit the draft overall AADPL information (amount of overall AADPL, the method to calculate the AADPL, and the breakout of estimated race-neutral and race-conscious participation) to the FTA Office of Civil Rights for preliminary comments. Once the FTA Civil Rights Officer has responded with preliminary comments and the comments have been incorporated into the draft overall AADPL information, CITY will publish a notice of the proposed overall AADPL, informing the public that the proposed AADPL and its rationale are available for inspection during normal business hours at CITY Hall, Department of Public Works, 650 Merchant Street, Vacaville, CA for 30 calendar days following the date of the notice, and informing the public that the comments will be accepted on the AADPL for 45 calendar days following the date of the notice. Advertisements in newspapers, minority focus media, trade publications and web sites will be the normal media to accomplish this effort. The notice will include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed. The overall AADPL resubmission to the FTA Civil Rights Officer will include a summary of information and comments received during this public participation process and CITY's responses. This will be due by October 1st, of each year to the FTA Civil Rights Officer. The FTA Civil Rights Officer will have a month from September 1 to September 30 to make a final review so CITY may begin using the overall AADPL on October 1st of each year.

XIII. CONTRACT GOALS (§26.51)

CITY will establish contract goals only on those DOT-assisted contracts that have subcontracting opportunities. CITY's DBE Program is based on race-conscious and race-neutral goals. Contracts will not be awarded on basis of DBE participation levels.

However, CITY will endeavor to encourage certified DBE contractors participate in CITY's bidding process for all contracts.

XIV. COUNTING DBE PARTICIPATION (§26.55)

CITY will count DBE participation toward overall and contract goals as set forth in 49 CFR §26.55 and as provided in the contract special provisions for the prime contractor, subcontractor, joint venture partner with prime or subcontractor, or vendor of material or supplies. (Refer to IX, A, "After Contract Award.")

XV. CERTIFICATION (§26.83(a))

CITY ensures that only DBE firms currently certified by California Unified Certification Program DBE Certification List and those certified by other agencies approved by the FTA will participate as DBEs in CITY's DBE Program.

XVI. INFORMATION COLLECTION AND REPORTING

Bidders List

CITY maintains a Bidders List consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The Bidders List includes the name, address, DBE/non-DBE status and annual gross receipts of firms.

Further data gathering will be accomplished by a public notice advertised annually to solicit applicable consulting firms and contractors who participate in DOT-assisted contracts. A survey of consulting firms and contractors, that were awarded DOT-assisted contracts in the past, will be conducted in FFY 2010 to obtain additional data.

Monitoring Payments To DBEs

CITY will require prime contractors to maintain records and documents of payments to DBEs for at least three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of CITY or FTA. These reporting requirements also extend to any certified DBE subcontractor.

CITY will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

Reporting To Federal Transit Administration

CITY will report DBE participation to the FTA Office of Civil Rights semiannually.

Confidentiality

CITY will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, State, and local laws.



City of Vacaville
Disadvantaged Business Enterprises (DBE) Program
Organization Chart
Federal Fiscal Year 2009/2010

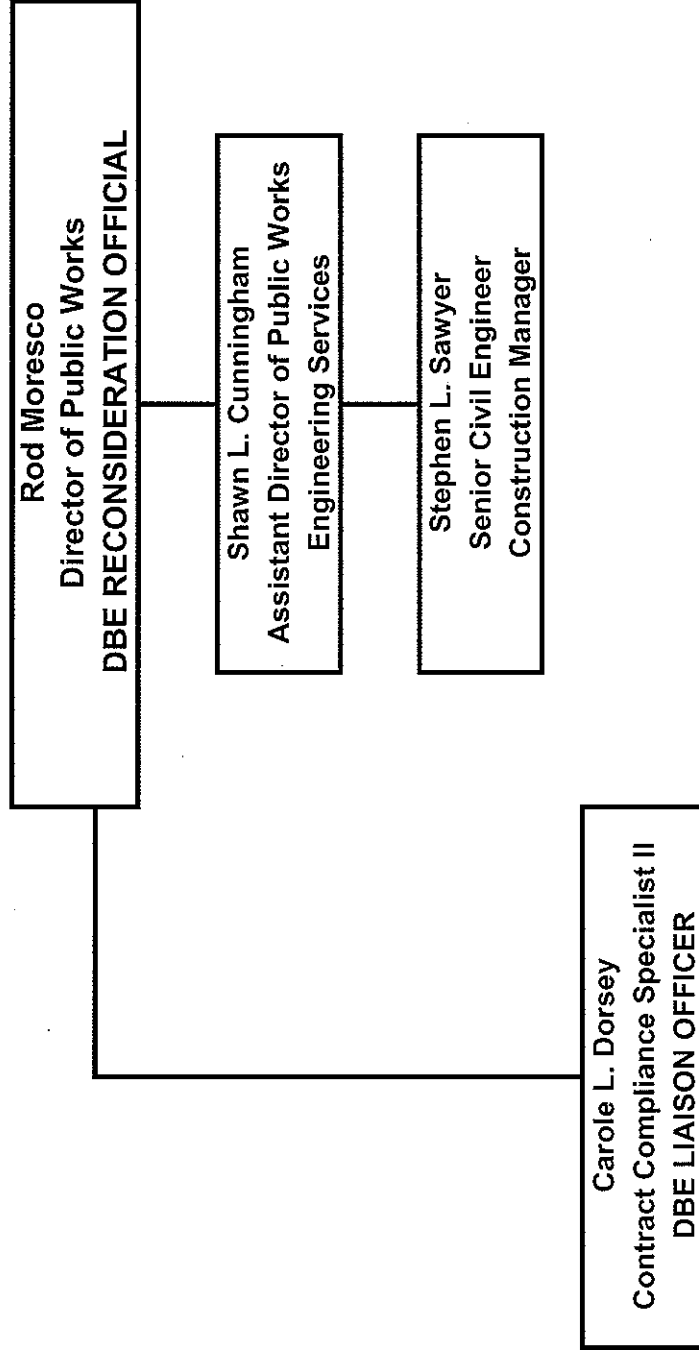
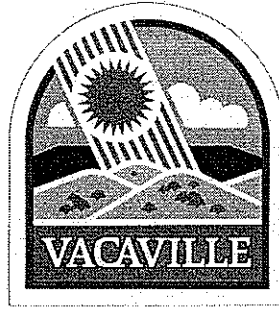


Exhibit II



CITY OF VACAVILLE

**ANNUAL ANTICIPATED DISADVANTAGED BUSINESS ENTERPRISES
PARTICIPATION LEVEL (AADPL) METHODOLOGY
FOR FTA-ASSISTED CONTRACTS
FOR FEDERAL FISCAL YEAR 2009/10**

(Covering the period of October 1, 2009 through September 30, 2010)

I. INTRODUCTION

The City of Vacaville ("CITY") hereby sets forth its Annual Anticipated DBE Participation Level ("AADPL") methodology for FFY 2009/10. The CITY's FTA-Assisted program includes the purchase of transit buses, transit bus shelters, and electronic fare boxes. Also included in the program is the construction of the Vacaville Intermodal Station, which is partially funded by American Recovery and Reinvestment Act funds.

II. FTA-ASSISTED CONTRACTING PROGRAM FOR FFY 2009/10

Table 1 is a breakdown of the project components used in preparing its AADPL in accordance with 49 CFR Part 26.1 and its DBE Program. These projects have viable contracting and subcontracting opportunities:

Table 1

Project	Total Estimated Project Cost	Estimated Construction Costs	Estimated Share for Professional Services
Transit Operations	\$1,064,259		\$1,064,259
Vacaville Intermodal Station	\$5,818,657	\$5,715,657	\$103,000
TOTAL	\$6,882,916	\$5,715,657	\$1,167,259

Table 2 provides a summary of estimated Federal monies to be expended on the projects listed in Table 1.

Table 2

Project	Total Estimated Federal Share	Estimated Federal Share for Construction	Estimated Federal Share for Professional Services
Transit Operations	\$1,064,259		\$1,064,259
Vacaville Intermodal Station	\$482,700	\$474,155	\$8,545
TOTAL	\$1,546,959	\$474,155	\$1,072,804

Table 3 provides a summary of work grouped by the primary categories: *Construction and Professional Service*, excluding the purchase of transit busses and prime contracts less than \$250,000, which are excluded from the calculation of the City's overall DBE goal in accordance with 49CFR26.45(2).

Table 3

Contract Category	Estimated FTA-Assisted Contracts	% of FTA-Assisted Contracts
Construction	\$474,155	31%
Professional Services	\$1,072,804	69%
TOTAL	\$1,546,959	100%

Table 4 provides a breakdown of work by work type, and percentage of estimated contracting opportunities as follows utilizing the 2007 North American Industry Classification System (NAICS) work categories and 2007 Census Business Patterns NAICS. Table 4 also identifies the estimated Dollar Share, as follows:

Table 4

Category of Work	NAICS ¹	Estimated Contract Amount	Estimated % of All Contracts
Water & Sewer Line & Related Services	237110	\$37,494	7.8%
Highway, Street & Bridge Construction	237310	\$41,304	8.6%
Other Heavy & Civil Engineering Construction	237990	\$130,766	27.1%
Concrete Product, Structural Precast Concrete	238120	\$16,757	3.5%
Electrical Contractors	238210	\$71,513	14.8%
Site Preparation Contractors	238910	\$41,083	8.5%
Other Specialty Contractors	238990	\$135,237	28.0%
Bus & Other Mode Motor Vehicle Transit Systems Operators	485113	\$1,064,259	15.5%
Surveying & Mapping	541370	\$4,812	1.0%
Materials Testing	541380	\$3,734	.8%
TOTALS:		\$1,546,959	100%

¹ Refer to Attachments I and II for corresponding detail of all work trades grouped under the primary NAICS Codes.

III. AADPL – METHODOLOGY

Step 1: Determination of a Base Figure

To establish the CITY's Base Figure of the relative availability of DBEs to all comparable firms (DBEs and Non-DBEs) available to bid or to propose to provide professional services on the CITY's FFY 2009/10 FTA-assisted contracting opportunities projected to be solicited, the CITY used the following methodology to determine availability. This was accomplished by accessing the *California Unified Certification Program ("CUCP") DBE Database of Certified Firms* and the *2007 U.S. Census Bureau County Business Patterns ("CBP") Database*. Comparisons were made by corresponding contractors reported for each County within each work group within the CITY's market area (defined as the counties of Alameda, Contra Costa, Napa, Marin, Sacramento, Solano, Sonoma, and Yolo). These work groups are identified in Table 2. The City's local market area represents where the substantial majority of the City's dollars are expended and/or where the substantial majority of contractor bids or quotes are received.

The CITY made a concerted effort to ensure that the scope of businesses included in the numerator was as close as possible to the scope included in the denominator. For corresponding detail of all work category classifications grouped, refer to Attachments #1 and #2.

- ⇒ *For the numerator:* *California UCP DBE Database of Certified Firms*
- ⇒ *For the denominator:* *2007 U.S. Census Bureau's Business Pattern Database*

To determine the relative availability of DBEs, the CITY divided the numerator representing the ratio of ready, willing and able DBE firms within the City's defined market area, by the denominator representing all firms (DBEs and Non-DBEs) available by each work category within the defined market area. Application of this formula yielded the following baseline information:

$$\frac{\text{Number of Ready, Willing \& Able DBEs}}{\text{Number of All Available Firms (Including DBEs \& Non-DBEs)}} = \text{BASE FIGURE}$$

The Base Figure was further adjusted by weighting the relative availability of DBEs grouped within the major work categories, giving more weight to the work categories in which the City projects to spend more FTA-assisted dollars. The Base Figure resulting from this weighted calculation is as follows:

Step 2: Base Figure (weighted by type of work to be performed and corresponding contracting dollars). – Attachment #3 details the calculations for the Base Figure for Construction Services and Attachment #4 details the calculations for the Base Figure for the Professional Services items.

Step 3: Base Figure calculating the total of Construction Services & Professional Services weighted by percentages of Federal funding.

Weighting		
Construction Services		Professional Services
.31 (.1964)		.69 (.0782)
(.0609)	+	(.0540)
*Base Figure = 11%		

** Rounded to the nearest whole number*

A. Other Relevant Criteria

The CITY is aware of CFR 26.41, Subpart C – Goals, Good Faith Efforts & Counting, and the role of the statutory 10% goal.

The CITY considered past attainments as tangible evidence of DBE availability beyond availability identified in the Step I calculation, which strictly utilized the 2007 U.S. Census information and CUCP Database. Therefore the adjustment of the calculated goal is not warranted.

Step 4: Overall Resultant AADPL Adjustment

Based upon the aforementioned, the CITY has determined its AADPL to be 11% for FFY 2009/10. The AADPL is expressed as a percentage of all FTA-assisted funds that the City will expend in the forthcoming fiscal year.

IV. RACE-NEUTRAL MEASURES

The CITY has implemented race-neutral measures to meet its overall AADPL objectives, including but not limited to:

- Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE and other small business participation.
- Unbundling large contracts to make them more accessible to small businesses, requiring or encouraging prime contractors to subcontract portions of work that they might, otherwise perform with their own forces.
- Maintaining an active Bidder’s List which contains pertinent information about all DBE and Non-DBE firms that bid and/or quote for all Capital Improvement Program projects in the CITY that are funded by local, State, and/or Federal funds. Additional analysis is done for all bidders who provide quotes or submit bids on DOT-Assisted contracts.

- Providing information and communications programs on contracting procedures and specific contract opportunities.

V. PROMPT PAYMENT OF WITHHELD FUNDS

Federal regulation (49 CFR 26.29) requires one of the three methods described therein to be used in Federal-aid contracts to ensure prompt and full payment of any retainage kept by the prime contractor or subcontractor to a subcontractor. The CITY uses the method described below:

The agency shall hold retainage from the prime contractor and shall make prompt and regular incremental acceptances of portions, as determined by the agency of the contract work and pay retainage to the prime contractor based on these acceptances. The prime contractor or subcontractor shall return all monies withheld in retention from all subcontractors within 30-days after receiving payment for work satisfactorily completed and accepted including incremental acceptances of portions of the contract work by the agency. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating prime contractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of: a dispute involving late payment or nonpayment by the contractor; deficient subcontractor performance; and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

VI. PUBLIC PARTICIPATION

In accordance with 49 CFR 26.45, the CITY has posted a public notice located at the City Hall of the CITY, 650 Merchant Street, Vacaville, CA 95688 (See Exhibit "A"). This notice will be posted from September 21, 2009 to October 25, 2009. Concurrently, public notices will be placed in the *Vacaville Reporter* and the Napa/Solano Builders Exchange Construction News outlets.

VII. DBE LIAISON OFFICER

The CITY has designated the position of DBE Liaison Officer (DBELO) to Carole L. Dorsey, Contract Compliance Specialist II. The CITY's DBELO is responsible for implementing all aspects of the DBE Program and ensuring that the City complies with all provisions of 49 CFR Part 26. This Federal Regulation is available on the Internet at www.osdbuwet.dot.gov/main.cfm. The DBELO has direct, independent access to the Director of Public Works concerning DBE Program matters. An Organization Chart displaying the DBELO's position in the organization is found in Exhibit "B" to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE Program, in coordination with other appropriate officials. Duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as necessary.
2. Reviews third party contracts and purchase requisitions for compliance with the DBE Program.
3. Participates in determining the recommended AADPL or Goal.

4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
6. Analyzes and determines Good Faith Efforts by contractors who submit bids for CITY projects.
7. Analyzes City's progress toward goal attainment and identifies ways to improve progress.
8. Participates in pre-bid meetings when held.
9. Advises the Director of Public Works and the City Council of the CITY on DBE matters and achievement.
10. Chairs the DBE Advisory Committee.
11. Provides DBEs with information and other resources with regards to submission of bids and meeting bonding and insurance requirements.
12. Plans and participates in DBE training seminars.
13. Provides outreach to DBEs, contractors, and community organizations to advise them of opportunities with regard to FTA-funded projects for the City.

**CITY OF VACAVILLE
DBE OVERALL ANNUAL GOAL ANALYSIS FOR FFY 2009/10
for FEDERAL TRANSIT ADMINISTRATION - ASSISTED PROJECTS**

ESTABLISHMENT OF THE NUMERATOR

Number of Certified DBE Firms¹ by Primary Work Category for Construction, Professional Services and Materials & Equipment
Procurement by the Corresponding NAICS Work Codes within the City of Vacaville's Market Area²

CONSTRUCTION

2007 NAICS	NAICS Description	Certified DBE's
237110	Water & Sewer Line & Related Structures	10
237310	Highway, Street, and Bridge Construction	71
237990	Other Heavy & Civil Engineering Construction	25
238120	Concrete Product, Structural Precast Concrete	32
238210	Electrical Contractors	31
238910	Site Preparation Contractors	37
238990	All Other Specialty Trade Contractors	80
TOTAL NUMBER OF CERTIFIED DBE FIRMS:		286

PROFESSIONAL SERVICES

2007 NAICS	NAICS Description	Certified DBE's
485113	Bus & Other Motor Vehicle Transit Systems	1
541370	Surveying & Mapping (except Geophysical) Services	11
541380	Testing Laboratories	7
TOTAL NUMBER OF CERTIFIED DBE FIRMS:		19

¹ Defined as Surrounding Counties

² DATA SOURCE: California Unified Certification Program Database

CITY OF VACAVILLE
DBE OVERALL ANNUAL GOAL ANALYSIS FOR FFY 2009/10
for FEDERAL TRANSIT ADMINISTRATION - ASSISTED PROJECTS
ESTABLISHMENT OF THE DENOMINATOR

Number of Established Firms by Primary Work Categories (Construction, Professional Services and Materials & Equipment Procurement) and the Corresponding NAICS Codes within the City of Vacaville's Market Area¹

2007 NAICS	NAICS DESCRIPTION	BY COUNTY										TOTAL
		Alameda	Contra Costa	Marin	Napa	Sacramento	Solano	Sonoma	Yolo			
237110	Water & Sewer Line & Related Structures	34	25	5	13	35	13	31	10			166
237310	Highway, Street, and Bridge Construction	41	31	6	12	34	11	24	4			163
237990	Other Heavy & Civil Engineering Construction	16	18	5	9	11	4	12	2			77
238120	Concrete Product, Structural Precast Concrete	18	12	0	1	19	10	7	0			67
238210	Electrical Contractors	354	214	97	45	272	88	175	27			1,272
238910	Site Preparation Contractors	84	87	24	24	99	34	111	19			482
238990	All Other Specialty Trade Contractors	122	102	35	14	170	42	74	10			569
	TOTAL NUMBER OF ESTABLISHED FIRMS:	669	489	172	118	640	202	434	72			2,796

PROFESSIONAL SERVICES

2007 NAICS	NAICS DESCRIPTION	BY COUNTY										TOTAL
		Alameda	Contra Costa	Marin	Napa	Sacramento	Solano	Sonoma	Yolo			
485113	Bus & Other Motor Vehicle Transit Systems	4	3	0	1	3	0	1	1			13
541370	Surveying & Mapping (except Geophysical) Services	24	28	10	6	20	6	21	4			119
541380	Testing Laboratories	54	30	2	6	31	12	9	11			155
	TOTAL NUMBER OF ESTABLISHED FIRMS:	82	61	12	13	54	18	31	16			287

¹ DATA SOURCE - U.S. Census Bureau 2007 County Business Patterns

² Defined as the surrounding Counties

**CITY OF VACAVILLE
OVERALL ANNUAL DBE GOAL ANALYSIS FOR FFY 2009/10**

CALCULATION OF BASE FIGURE - CONSTRUCTION (31%)

2007 NAICS	NAICS Description	Numerator		Denominator	SUBTOTAL	% of Federal \$'s	BASE FIGURE
		DBE's Available in Market Area	All Firms Available in Market Area				
237110	Water & Sewer Line & Related Structures	10	166	166	0.0602	7.8%	0.0047
237310	Highway, Street and Bridge Construction	71	163	163	0.4356	8.6%	0.0375
237990	Other Heavy & Civil Engineering Construction	25	77	77	0.3247	27.1%	0.0880
238120	Concrete Product, Structural Precast Concrete	32	67	67	0.4776	3.5%	0.0167
238210	Electrical Contractors	31	1,272	1,272	0.0244	14.8%	0.0036
238910	Site Preparation Contractors	37	482	482	0.0768	8.5%	0.0065
238990	All Other Specialty Contractors	80	569	569	0.1406	28.0%	0.0394
TOTAL ESTABLISHED DBE FIRMS:					148	2,323	0.1964

Weighting @ 0.31
Base Figure = 0.0609

**CITY OF VACAVILLE
OVERALL ANNUAL DBE GOAL ANALYSIS FOR FFY 2009/10**

CALCULATION OF BASE FIGURE - PROFESSIONAL SERVICES (69%)

2007 NAICS	NAICS Description	Numerator DBE's Available in Market Area	Denominator All Firms Available in Market Area	SUBTOTAL	% of Federal \$'s	BASE FIGURE
485113	Bus & Other Mode Motor Vehicle Transit Systems Operators	1	13	0.0769	1.0000	0.0769
541370	Surveying & Mapping	11	119	0.0924	0.0100	0.0009
541380	Testing Laboratories	7	155	0.0452	0.0080	0.0004
	TOTAL ESTABLISHED DBE FIRMS:	19	287			0.0782

**Weighting @ 0.69
Base Figure = 0.0540**



PUBLIC NOTICE
CITY OF VACAVILLE

NOTICE IS HEREBY GIVEN, that the City of Vacaville, has established a Proposed Annual Anticipated Disadvantaged Business Enterprise (DBE) Goal of 11%, applicable to Federal Transit Administration-assisted contracting opportunities scheduled to be awarded during the period of October 1, 2009 through September 30, 2010. The City of Vacaville's Proposed Overall Annual Anticipated Goal and its rationale were developed in response to U.S. Department of Transportation's Disadvantaged Business Enterprise Program Title 49 CFR Part 26 and are available for inspection for thirty (30) days following the date of this Notice, from 8:30 AM to 5:00 PM., Pacific Standard Time, Monday through Friday at City of Vacaville's Public Works Department / Engineering Division located at:

City of Vacaville
650 Merchant Street
Vacaville, CA 95688

Attn: Carole L. Dorsey, DBE Liaison Officer
Phone: (707) 449-5305

Comments will be accepted on the Annual Anticipated DBE Goal for forty-five (45) days from the date of this Notice. Comments can be forwarded to Mr. Brian McLean, Transit Manager at the City of Vacaville, at the above stated address or to Mr. Derrin Jourdan, Civil Rights Officer, Region IX, U.S. Department of Transportation, Federal Transit Administration, 201 Mission Street, Suite 2210, San Francisco, CA 94105.

Dated at Vacaville, California, this 21st day of September 2009.

Carole L. Dorsey
DBE Liaison Officer

Exhibit "A"