



# DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

Butte County Association of Governments  
& Butte Regional Transit

Prepared by: Butte County Association of Governments  
326 Huss Drive, Suite 150  
Chico, CA 95928  
(530) 809-4616  
Fax (530) 879-2444

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## I. POLICY STATEMENT AND PROGRAM OBJECTIVES

### A. Policy Statement (§26.3; §26.7; §26.21; §26.23)

The Butte County Association of Governments has established a Disadvantaged Business Enterprise (DBE) Program in accordance with Title 49 Code of Federal Regulations (CFR), Part 26: *“Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs”* and subsequently issued U.S. Department of Transportation (FTA) Guidance<sup>1</sup> (Race-Neutral Policy Implementation Directives). BCAG receives federal financial assistance from the U.S. Department of Transportation (FTA) and, as a condition of receiving this assistance, BCAG has signed an assurance that it will fully comply with Title 49 CFR, Part 26. These regulatory provisions and BCAG’s DBE Program apply to all of BCAG’s FTA-assisted contracts.

### B. Program Objectives (§26.1; §26.23)

It is the policy of Butte County to ensure that DBEs, as defined in Title 49 CFR, Part 26, have an equitable opportunity to compete for and participate in the BCAG’s FTA-assisted contracts and subcontracts. BCAG is firmly committed to its DBE Program and the following objectives, which are designed to:

- Ensure nondiscrimination in the award and administration of BCAG’s FTA-assisted contracts;
- Create a level playing field by which DBEs can fairly compete for BCAG’s FTA-assisted contracts;
- Ensure that BCAG’s DBE Program and Overall goals are narrowly tailored in accordance with applicable law;
- Ensure that only firms that fully meet Title 49 CFR, Part 26 eligibility standards are permitted to participate as DBEs in BCAG’s DBE Program;
- Help remove barriers which impede the participation of DBEs in BCAG’s FTA-assisted contracts; and
- Assist in the development of DBE firms that can compete successfully in the marketplace outside of the DBE Program.

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<sup>1</sup> DOT Race-Neutral Policy Implementation Guidance and Notices: (a) *“Questions and Answers Concerning Response to Western States Paving Company v. Washington State Department of Transportation”*, Published January 2006 by the FTA; (b) *“Disadvantaged Business Enterprises; Western States Guidance for Public Transportation Providers”*, Published March 23, 2006 by the FTA (Docket No. FTA-2006-24063), Effective Implementation Date: April 24, 2006; (c) LPP 06-01: *“DBE Race-Neutral Program Implementation and Civil Rights Updates”*, Published May 1, 2006 by the California Department of Transportation; and (d) LPP 06-06: *“Deletion of DBE Availability Advisories and other Technical Changes”*, Published November 14, 2006 by the California Department of Transportation, as applicable.

- Provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

BCAG further ensures that implementation of its DBE Program is afforded the same priority as compliance with all other legal obligations incurred by the County in its financial assistance agreements with the FTA. It is the expectation of the Chief Executive Officer that all BCAG personnel shall adhere to the full spirit and intent of the DBE Program, and carry out all DBE requirements and procedures accordingly.

BCAG has disseminated this Policy Statement throughout its organization and to the DBE and non-DBE business communities that perform work on BCAG's FTA-assisted contracts through the BCAG's contracts and procurement solicitation process. See Attachment A for the distribution list.

### **C. Non-Discrimination (§26.7)**

BCAG will not 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 governed by Title 49 CFR, Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE Program, BCAG 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, and will further require such contract assurances in every FTA-assisted contract and subcontract.

Through such efforts, BCAG will ensure that its contracting and procurement-related processes promote equity in access, consideration, and opportunity for DBEs in response to the requirements set forth under Title 49 CFR, Part 26: *Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs*.

## **II. RACE-NEUTRAL DBE POLICY GUIDANCE AND IMPLEMENTATION (FEDERAL REGISTER / VOL. 71, NO. 56)<sup>1</sup>**

**BCAG is implementing a strictly Race-Neutral DBE Program in compliance with the Ninth Circuit U.S. Court of Appeals decision and subsequent directives issued by the FTA<sup>1</sup>.**

Pursuant to directives issued in response to The Ninth Circuit Court of Appeals in *Western States Paving Co. v. Washington State DOT* decision, BCAG is currently administering a strictly race-neutral program. BCAG does not currently set contract goals on any of its FTA-assisted contracts for which DBE subcontracting possibilities

exist. BCAG, having an all race-neutral program is not required to establish contract goals to meet any portion of the goal. BCAG did not meet its goal for two years and as a result, contract race-conscious goals will be set for procurements in the construction engineering category for potential opportunities and to evaluate this in overall goal calculation for 2018/19.

BCAG will take affirmative steps to use as many of the race-neutral means (such as unbundling of contracts, providing technical assistance, and establishing business development programs as further delineated in its Program and Title 49 CFR, Part 26.51(b) as possible to meet its Overall DBE goal.

The good faith efforts requirements in 49 CFR 26.53 that apply when DBE contract goals are set have no required application to BCAG since BCAG is implementing a race-neutral program. However, BCAG will continue to collect the data required to be reported in the Uniform Report of DBE Awards or Commitments and Payments Form (see § 26.11) and monitor compliance with the commercially useful function requirements.

Although, BCAG is currently operating under a strictly race-neutral program, BCAG will utilize methods such as DBE participation data collection and reporting, monitoring commercially useful function standards, prompt payment and retainage provisions, and bidder's list development and maintenance rather than waiting passively for DBEs to participate in their program.

### ***Other Pertinent Aspects of the Guidance***

In conformance with FTA directives, BCAG took into consideration Caltrans' 2012 Disparity Study for construction engineering to determine if discrimination or its effects are present within BCAG's marketplace and/or Program and will update as needed. ([http://www.dot.ca.gov/hq/bep/docs/2012\\_Caltrans\\_Availability\\_and\\_Disparity\\_Study\\_Final.pdf](http://www.dot.ca.gov/hq/bep/docs/2012_Caltrans_Availability_and_Disparity_Study_Final.pdf)). From the Disparity Study analysis done on engineering related contracts, BCAG will include race-conscious goals to any engineering contracts to the extent it applies. Upon completion of this process, any necessary program updates will be initiated.

BCAG's FTA-assisted contracts executed prior to the implementation date (April 24, 2006) will be unaffected by BCAG's strictly race-neutral DBE Program implementation procedures. The race-neutral DBE Program implementation procedures shall continue to be applied until such time that BCAG determines it has sufficient evidence of discrimination in its respective marketplace or receives approval from the affected FTA Operating Administration to implement other procedures.

### III. APPLICABILITY (§26.3; §26.21)

BCAG, as a direct recipient of federal funds from the FTA, and as a condition of Federal financial assistance, is required to submit for approval, to the FTA from which it receives the majority of its funding, a DBE

Program developed in accordance with federal regulations published under Title 49 CFR Part 26 and subsequent Guidance<sup>1</sup>. This Program sets forth the policies and procedures to be implemented by BCAG to ensure that DBEs have an equitable opportunity to participate in BCAG's FTA-assisted contracting opportunities.

In direct response to these regulatory requirements, BCAG hereby establishes a DBE Program, which will:

1. Comply with federal regulations and financial assistance agreements;
2. Meet legal standards for unique and narrow-tailoring requirements;
3. Ensure non-discrimination in the award of FTA-assisted contracts; and
4. Reaffirm BCAG's commitment to fairness and the principles of equal opportunity.

In conformance with 49 CFR 26, BCAG will continue to carry out its DBE Program until all funds from FTA financial assistance have been expended.

#### A. DBE Program Updates (§26.21)

BCAG will advise FTA of any significant updates and/or changes to BCAG's DBE Program with its Overall Triennial DBE Goal submission.

### IV. DEFINITION OF TERMS (§26.5)

Any term used in this Program shall have the meaning set forth in the Regulations. Some of the most commonly used terms are defined below (for additional and more in-depth detail, please refer to 49 CFR, Part 26.5):

**Bidders List:** A list of all contractors (DBE and non-DBE), which have expressed an interest in bidding on prime contracts and subcontracts on BCAG's FTA-assisted projects.

**California Unified Certification Program (CUCP):** One-stop certification clearinghouse which enables applicants to apply for DBE certification accepted by all FTA recipients in the State of California, thereby eliminating the need for DBE firms to obtain certification from multiple agencies within the state. The CUCP was implemented on January 1, 2002.

**Commercially Useful Function (CUF):** Work performed by a DBE firm in a particular transaction that, in light of industry practices and other relevant considerations, has a necessary and useful role in the transaction (i.e., the firm's role is not a superfluous step added in an attempt to obtain credit toward goals). A DBE performs a commercially useful function when the DBE firm is responsible for the execution of the work of the contract and is carrying out its responsibility by actually performing, managing and supervising the work involved. To perform a commercially useful function, the DBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the materials and installing (where applicable) and paying for the material itself. If, in BCAG's judgment, the firm (even though an eligible DBE) does not perform a commercially useful function in the transaction, no credit toward the goal may be awarded.

**Compliance:** BCAG or a contractor has correctly implemented the requirements of the DBE Program.

**Contract:** A legally binding relationship obligating a seller to furnish supplies or services (including, but not limited to, construction and professional services) and the buyer to pay for them. For purposes of this part, a lease is considered to be a contract.

**Contractor:** One who participates, through a contract or subcontract (at any tier), in a FTA-assisted program.

**CUCP Database of Certified DBE Firms (DBE Directory):** List of certified firms, which is used by BCAG and its contractors to identify DBE potential prime contractors and subcontractors and suppliers.

**DBELO:** Disadvantaged Business Enterprise Liaison Officer. The DBELO shall be responsible for implementing all aspects of BCAG's DBE program and shall have direct, independent access to BCAG's Chief Executive Officer concerning DBE Program matters.

**Department or DOT (or FTA):** The U.S. Department of Transportation, including the Office of the Secretary, the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and the Federal Aviation Administration (FAA).

**Disadvantaged Business Enterprise or DBE:** A for-profit small business concern —

1. That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals;
2. Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it; and

3. Has been certified as Disadvantaged in accordance with Title 49 CFR, Part 26 by a certifying member agency of the CUCP.

**DBE Certification:** A certification issued to a firm by a certifying member agency of the California Unified Certification Program (CUCP), which has been determined to meet all the requirements in accordance with Title 49 CFR, Part 26. All certification determinations are evidenced by a letter of DBE certification issued by the certifying CUCP member agency.

**DOT-Assisted Contract:** A contract between a recipient and a contractor (at any tier) funded in whole or in part with FTA financial assistance, including letters of credit or loan guarantees, except a contract solely for the purchase of land or improved real property.

**Goal:** A numerically expressed objective, which BCAG or its contractors are required to make Good Faith Efforts to achieve.

**Good Faith Efforts:** Efforts to achieve a DBE goal or other requirement of this Part, which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the program requirement.

**Joint Venture:** An association between a DBE firm and one or more other firms to carry out a single, for-profit business enterprise, in which the parties combine property, capital, efforts, skills and knowledge, and in which the DBE is responsible for a distinct, clearly defined portion of the work of the contract and whose share in the capital contribution, control, management, risks and profits of the joint venture commensurate with its ownership interest.

**Manufacturer:** A firm that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required under the contract and which are of the general character as described by specifications.

**North American Industrial Classification System (NAICS):** The five to six-digit classification number that best describes the primary business of a firm. The basis for industry classification changed from the 1987 Standard Industrial Classification System (SIC) to the 2004 NAICS.

**Noncompliance:** BCAG or a contractor has not correctly implemented the requirements of the DBE program.

**Personal Net Worth:** The net value of the assets of an individual remaining after total liabilities are deducted. An individual's personal net worth does not include: The individual's ownership interest in an applicant or participative DBE firm or the individual's equity in his or her primary place of residence. An individual's personal net

worth includes only his or her own share of assets, jointly or as community property, with the individual's spouse.

**Program:** Any undertaking on BCAG's part to use FTA financial assistance as authorized by laws to which the DBE Program applies.

**Race-Conscious Measure or Program:** A program or portion thereof that focuses specifically on assisting only DBEs, including women-owned DBEs, by the development and inclusion of participation goals or Good Faith Effort activities.

**Race-Neutral Measure or Program:** A program or portion thereof that assists all small businesses, including DBEs, regardless of ownership status, in successfully participating in BCAG's procurement program. For the purposes of the DBE Program, "race-neutral" includes gender-neutrality.

**Recipient:** Any entity that receives FTA financial assistance, whether directly or through another recipient, from one or more FTA Operating Administrations.

**Regular Dealer:** A firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character as described by the specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business. To be a regular dealer, the firm must be an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question. Any supplementing of regular dealers' own distribution equipment shall be by a long-term lease agreement and not on an ad-hoc or contract-by-contract basis.

**Set-Aside:** A contracting practice restricting eligibility for the competitive award of a contract solely to DBE firms or on some other basis not related to qualifications or pricing.

**Small Business or SB:** BCAG adheres to the U.S. Department of Transportation's definition of a Small Business Enterprise.

**Small Business Administration or SBA:** The United States Small Business Administration.

**Small Business Concern:** With respect to firms seeking to participate as DBEs in FTA-assisted contracts, a business which meets the definition contained in Section 3 of the Small Business Act and all other applicable Small Business Administration implementing regulations (13 CFR, Part 121), which also does not exceed the cap on average annual gross receipts as specified in 49 CFR, Part 26.65(b).



**Socially and Economically Disadvantaged Individual:** Any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who is:

1. Found by BCAG to be socially and economically disadvantaged on a case-by-case basis by a certifying agency pursuant to the standards of Title 49 CFR, Part 26.
2. A member of any one or more of the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged:
  - i) "Black Americans," which includes persons having origins in any of the Black racial groups of Africa;
  - ii) "Hispanic Americans," which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;
  - iii) "Native Americans," which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians;
  - iv) "Asian-Pacific Americans," which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), the Commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga, Kiribati, Juvalu, Nauru, Federated States of Micronesia, or Hong Kong;
  - v) "Subcontinent Asian Americans," which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka;
  - vi) Women; and
  - vii) Any additional group whose members are designated as socially and economically disadvantaged by the SBA, at such time as the SBA designation becomes effective.

**Subrecipient:** Any entity that receives FTA financial assistance through a primary recipient.

**Transit Vehicle:** A vehicle used by BCAG (e.g. railcar, bus and/or van) for the primary program purpose of public mass transportation; this definition does not include locomotives or ferry boats.

**Transit Vehicle Manufacturer or TVM:** A manufacturer of vehicles used by BCAG for the primary program purpose of public mass transportation (e.g. railcars, buses and/or vans). The term does not apply to firms that rehabilitate old vehicles or to manufacturers or dealers of transit vehicles with respect to Section 26.49 of the Regulation.

## V. RESPONSIBILITIES FOR DBE PROGRAM IMPLEMENTATION

### A. DBE Liaison Officer (\$26.25)

BCAG has designated the following individual as the Disadvantaged Business Enterprise Liaison Officer (DBELO):

**Cheryl Massae**  
**DBE Liaison Officer**  
**Butte County Association of Governments**  
**326 Huss Drive, Suite 150**  
**Telephone: (530) 809-4616; Fax: (530) 879-2444**  
**Email: [cmassae@bcag.org](mailto:cmassae@bcag.org)**

In this capacity, the DBELO is responsible for implementing all aspects of the DBE Program and ensuring that BCAG complies with all provisions of Title 49 CFR, Part 26 and subsequent FTA-issued guidance. The DBELO has direct, independent access to BCAG's Executive Director concerning DBE Program matters (Refer to Exhibit A, "DBE Program Organizational Chart").

The DBELO has sufficient support personnel who devote a portion of their time to implement the Program. The Deputy Director assists with project management and reporting, contract bids, requests for proposals, reporting requirements, subcontractor information and contract compliance. The Chief Fiscal Officer assists the DBELO with financial information such as, funding amounts paid out and the type of funds used on the project. The Transit Manager assists the DBELO with reporting requirements by BCAG's transit contractor, other assigned contractors and FTA funded projects as well as other duties assigned. The DBELO is responsible for developing, implementing and monitoring the DBE Program, in coordination with other appropriate officials.

The DBELO's and/or designee's duties include, but are not limited to, the following activities:

1. Gathers and reports statistical data and other information as required by the Program, including preparation of semi-annual DBE reports and overall DBE goals and related analysis for submission to the applicable FTA Operating Administration and management ad hoc reporting.
2. Reviews applicable contracts, purchase requisitions, advertisements, boilerplate language specifications and other related documentation specific to implementing applicable DBE requirements.
3. Consults with all affected departments in developing Overall DBE goals.
4. Ensures that bid notices and requests for proposals are made available to DBEs in a timely manner.

5. Reviews FTA-assisted contracts and procurements for purposes of applying contract-specific DBE goals and/or applicable race-neutral methods.
6. Analyzes BCAG's progress towards meeting Overall DBE goal commitments by monitoring individual contract DBE attainments ("Monthly DBE Subcontractor Paid Report Summary [Form 103]").
7. Participates in pre-bid meetings for purposes of reviewing DBE solicitation and contract requirements with potential bidders and/or offerors.
8. Advises the Director and/or the governing body on DBE matters and achievements.
9. Determines contractor compliance with race-conscious DBE Good Faith Efforts provisions as applicable in a race-conscious environment and conducts contract DBE responsiveness reviews, including assessing DBE participation eligibility towards BCAG's Overall DBE goal, as applicable to both race-conscious and race-neutral methods.

Additionally, the DBELO and/or designee is charged with implementing the following race-neutral methods and measures to facilitate DBE participation, as appropriate:

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE, and other small businesses, participation (e.g., 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);
2. Carrying out information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors); provision of information in languages other than English, where appropriate;
3. Ensuring distribution of the DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors (Interested parties are referred to the California Unified Certification Program Database of Certified DBE Firms which can be accessed at [http://www.dot.ca.gov/hq/bep/find\\_certified.htm](http://www.dot.ca.gov/hq/bep/find_certified.htm); and
4. Assisting DBEs, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media (Refer to Section VI. E: "Business Development Programs", which identifies BCAG's various small business training programs).

**B. Reconsideration Official (§26.53 (d))**

The Program's administrative reconsideration process is facilitated by BCAG's Reconsideration Official (RO):

**Deputy Director  
Reconsideration Official  
Butte County Association of Governments  
326 Huss Drive, Suite 150  
Chico, CA 95928  
Telephone: (530) 809-4616; Fax: (530) 879-2444  
Email: [anewsum@bcag.org](mailto:anewsum@bcag.org)**

BCAG, at its discretion, may utilize another FTA recipient agency's DBELO or Reconsideration Official who is a member of the California Unified Certification Program as an independent, impartial party to serve in the capacity of Reconsideration Official.

In instances where race-conscious contract-specific DBE goals are established, and the bidder/offeror fails to satisfy the requirements for meeting the contract-specific goal or fails to document sufficient Good Faith Efforts to do so, in accordance with Section VII. D. 2: "Guidance Concerning Good Faith Efforts in Meeting Established Contract-Specific DBE Goals", BCAG will provide the bidder/offeror, prior to award of the contract, an opportunity for administrative reconsideration of BCAG's determination of non-responsiveness.

Unless otherwise specified, the bidder/offeror may, within five business days of being formed by BCAG of its non-responsiveness due to its failure to document and provide sufficient and adequate Good Faith Efforts in the subject procurement, request administrative reconsideration. Bidders/Offerors must make this request in writing to the Reconsideration Official as designated herein.

To ensure integrity in the process, the Reconsideration Official will not have played any role in the original determination that the bidder/offeror did not meet the established contract-specific DBE goal, or adequately document Good Faith Efforts as specified in the subject procurement.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate Good Faith Efforts to do so. Further, the bidder/offeror will have the opportunity to meet with the Reconsideration Official in person to discuss the issue of whether it met the goal or made adequate Good Faith Efforts to do so. BCAG will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder/offeror did or did not meet the goal or made adequate Good Faith Efforts to do so. The result of the reconsideration process is not administratively appealable to the FTA.

Further, BCAG's Reconsideration Official and/or designee shall also perform oversight of the reconsideration process. The Reconsideration Official and/or designee's duties include, but are not limited to, the following activities:

1. Ensures that all DBE administrative reconsideration procedural actions are consistent with the requirements and standards specified in Title 49 CFR, Sections 26.53 and 26.87, and that the Program's integrity is maintained at all times.
2. Reviews bidder/offeror written documentation or argument concerning the issue of whether it met the goal or made adequate Good Faith Efforts to do so.
3. Upon review of the bidder's/offeror's request for consideration, the Reconsideration Official sends the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate Good Faith Efforts to do so.
4. Maintains records of conducted hearings.
5. Provides determinations in writing to BCAG's DBELO.

## **VI. ADMINISTRATIVE REQUIREMENTS**

### **A. Federal Financial Assistance Agreement Assurance (§26.13 (a))**

Pursuant to the requirements of this Part, BCAG will sign the following assurance as a condition of financial assistance agreements with the FTA, and which is hereby made applicable to all of BCAG's FTA-assisted contracts:

"BCAG shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any FTA-assisted contract or in the administration of its DBE Program or the requirements of Title 49 CFR, Part 26. BCAG shall take all necessary and reasonable steps under Title 49 CFR, Part 26 to ensure nondiscrimination in the award and administration of FTA-assisted contracts. BCAG's DBE Program, as required by Title 49 CFR, Part 26 and as approved by FTA Operating Administrations, 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 BCAG of its failure to carry out its approved Program, the Department may impose sanctions as provided under Title 49 CFR, 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.)."

## **B. DBE Financial Institutions (§26.27)**

It is the policy of BCAG to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to utilize these institutions, as available, and to encourage prime contractors on BCAG's FTA-assisted contracts to make use of these institutions.

BCAG will search the CUCP and evaluate the financial institutions every three years within the market area and encourage the prime contractor to use these institutions. The search results will be printed and filed in BCAG's due diligence book for the DBE Program. BCAG's most recent search in May 2016 resulted in finding two financial institutions; the first is Alamo Capital Financial Services in Walnut Creek, CA and the second is Backstrom McCarley Berry & Co., LLC located in San Francisco, CA.

## **C. DBE Directory (§26.31)**

BCAG refers interested parties to the California Unified Certification Program (CUCP) Database of Certified DBE Firms (DBE Directory) to assist in identifying certified DBEs. The DBE Directory is published in the California Department of Transportation's (Caltrans) "Civil Rights" website, which can be accessed at [www.dot.ca.gov/hq/bep](http://www.dot.ca.gov/hq/bep).

## **D. Overconcentration (§26.33)**

BCAG will develop policies and procedures to address overconcentration of DBE utilization by work classification and evaluate overconcentration when BCAG submits their three-year goal or if BCAG comes aware of other regional studies. BCAG will identify and directly respond to identified overconcentration of DBEs within specific trades or specialty areas and modify and/or exempt such areas from the Overall DBE Goal and contract-specific goal-setting process as necessary to ensure compliance with regulatory overconcentration provisions. Currently, BCAG has not identified any types of work that have a burdensome overconcentration of DBE participation. However, should BCAG determine that overconcentration exists in a work classification, BCAG will make revisions to its goals to be reflective of the overconcentration..

## **E. Business Development Programs (§26.35, Appendix C and Appendix D to 49 CFR 26)**

BCAG has determined not to implement race and gender-neutral efforts to promote small business concerns, including DBEs (please see Section VI. F "Small Business Element") at this time.

## **F. Small Business Element**

Effective June 1, 2012 Butte County Associations of Governments (BCAG) has established a Small Business Element as a supplement to its existing DBE Program, to

facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors in direct response to regulatory requirements, 49 CFR Part 26.39 “Fostering Small Business Participation” (Federal Register/ Vol. 76, No. 19/ Friday, January 28, 2011/ Rules and Regulations). While BCAG has historically utilized race and general neutral strategies to promote and advance Small Business participation efforts as a part of BCAG’s DBE Program implementation efforts, this element of the program serves to unify in a singular location these important efforts. For purposes of capturing Small Business utilization, BCAG adheres to the U.S. Department of Transportation’s Small Business definition for what constitutes a Small Business Enterprise. This Small Business Element will include, but is not limited to the following assertive strategies:

- BCAG will offer assistance to up and coming small businesses associated with the Small Business Development Center at Butte College. The Small Business Development Center at Butte College offers one stop technical assistance through one-on-one business consulting entrepreneur training, referrals and a wide variety of information and guidance to small business owners and potential entrepreneurs throughout Butte, Glenn and Tehama Counties to help start, develop, manage and grow their businesses, and get access to capital.
- BCAG will include a recognition component in their Contracting Program to acknowledge Primes who have displayed notable utilization of Small Business Enterprises on BCAG projects. This recognition component may include recognition plaque and website recognition for Primes and Small Business Enterprises to be recognized among their peers and possible clients. BCAG is confident that this component of their Small Business Element establishes the importance BCAG places on fostering Small Business Opportunities in its overall contracting program.
- BCAG’s pre-proposal conferences will include a networking component to encourage teaming and partnering between primes and small businesses as well as providing them access to BCAG’s key procurement individuals. This networking component will provide small businesses valuable access and resources needed to promote their capabilities and strengthen competitiveness, marketability and participation of small businesses firms within BCAG’s contracting program. Additionally, it will encourage Prime Contractors to partner and communicate with the Small Business community.
- BCAG works with Caltrans District 3 and their Small Business Enterprise department to assist small business within the region to obtain contracting opportunities with the State and other Governmental agencies. This includes attending workshops, networking sessions, and training seminars on the application and bid processes for small businesses.

## VII. DETERMINING, MEETING AND COUNTING DBE PARTICIPATION TOWARDS THE Overall DBE GOAL (§26.45; §26.51; §26.55)

### A. Methodology for Setting Overall DBE Goals (§26.45; §26.49)

The DBELO shall establish an Overall goal under a three-year goal review interval for the participation of DBEs based upon all budgeted contracts anticipated to utilize FTA federal financial assistance, provided that the anticipated expenditures (subsequent contract opportunities) and corresponding DBE availability. Overall DBE goals are expressed as a percentage of the total amount of FTA contract opportunities BCAG anticipates awarding within the given fiscal years of the goals. The overall DBE goal is reflective of the amount of DBE participation BCAG would expect on its FTA-defined contracting program.

BCAG will strictly utilize race-neutral measures towards meeting its overall DBE goal in response to FTA Race-Neutral policy implementation directives.

In conjunction with the preparation and adoption of BCAG's budget for the applicable fiscal years, the DBELO, in consultation with departments anticipating releasing FTA-assisted contracts within the given fiscal years, will conduct a thorough analysis of the contract scopes of work for purposes of identifying industries impacted to facilitate the goal-setting process. BCAG will submit an Overall DBE goal to the following FTA Operating Administration(s), as applicable:

- **Federal Transit Administration (FTA) – commencing on August 1, 2009 under a three-year goal submittal period** however, BCAG will annually review its DBE attainments in contrast to its overall DBE goal to determine if any measures would need to be instituted to effectively meet its established overall DBE goal. BCAG will further follow accountability mechanisms in instances where BCAG has failed to meet its overall goal for a given fiscal year. BCAG will thoroughly analyze why it fell short of meeting its overall goal for a given goal period and establish specific steps and milestones for correcting identified problems so that BCAG will meet its overall goal in subsequent years. **and**

While transit vehicle purchases are excluded from BCAG's overall DBE goal-setting process, BCAG shall require **Transit Vehicle Manufacturers (TVM)** to certify that they have fully complied with this section and that they **have established an overall DBE participation goal that has been approved by the FTA** before they can bid or propose on any of BCAG's FTA-assisted transit vehicle procurements (Refer to Section VII. B: "Transit Vehicle Manufacturers (TVM) Certifications").

The following delineates the federally prescribed goal-setting methodology (Step 1 and Step 2) and other required components, as follows:



## 1. Step One: Base Figure

Once BCAG defines its FTA-assisted contracting program and corresponding market area, BCAG will establish a Base Figure (Step 1) of ready, willing, and able DBEs in contrast to all firms available to participate in BCAG's FTA-assisted contracts, every three years, in accordance with Title 49 CFR, Part 26.45 provisions.

BCAG will survey the relative availability of DBEs by:

- Utilizing the most readily available data, which may include the California Unified Certification Program (CUCP) DBE Database and other certifying agencies' databases, to assess the number of ready, willing and able DBEs, and the U.S. Census Bureau's County Business Patterns (CBP) database to determine the corresponding number of all firms available to bid on the BCAG's contracting opportunities by work classification.
- Utilizing BCAG's Bidders List.
- Utilizing data from disparity or overconcentration studies, as available.
- Utilizing another FTA-recipient's DBE Goal in the same, or substantially similar market.
- Utilizing the NAICS codes to match with the categories of potential work to be awarded.

Further, to determine the relative availability of DBEs, BCAG will divide the numerator representing the ratio of ready, willing and able DBE firms within its defined market area by the denominator representing all firms (DBEs and non-DBEs) available by each work category within the defined market area. Depending on the project and the type of DBE's sought, the market area will be expanded to a larger or smaller research area, considering how many DBE's are listed in the NAICS database. Application of this formula will yield the following baseline information:

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

The Base Figure will be adjusted by weighting the relative availability of DBEs grouped within the major work categories, giving more weight to the work categories in which BCAG projects to spend more FTA-assisted dollars based on historical trends, the market, experience from other DOT transit agencies, and past DBE interest and utilization.

## **2. Step Two: Adjusting the Base Figure**

Upon establishing the Base Figure, BCAG will review and assess other known evidence potentially impacting the relative availability of DBEs within BCAG's market area, in accordance with prescribed narrow tailoring provisions set forth under 49 CFR Part 26.45, which may include, but is not limited to:

- Demonstrated evidence of DBE capacity to perform work in BCAG's FTA-assisted contracting program.
- BCAG's Bidders List, if not utilized in Step I.
- Real market conditions.
- Disparity studies conducted within BCAG's jurisdiction to the extent that they are not already accounted for in the Step 1 Base Figure; and
- Other relevant factors may include:
  - i. Other recipients' goal results in similar contracting opportunities and markets, and the reasons for the level of those results.
  - ii. The methods used by BCAG to increase DBE participation in federally assisted contracts.
  - iii. The demographics and business activity of the market area in which BCAG will solicit bids and/or proposals.
  - iv. The ability of DBEs to obtain financing, bonding, and insurance requirements to participate in BCAG's DBE Program.
  - v. The data from studies of employment and self-employment, education, training and union apprenticeship programs, to the extent that BCAG can relate it to the opportunities for DBEs to perform in BCAG's DBE Program.

In accordance with 49 CFR 26.45, BCAG's overall DBE goals will be expressed as a percentage of all Federal-aid funds BCAG will expend in FTA-assisted contracts in the forthcoming fiscal years.

## **3. Public Participation and Outreach Efforts (§26.45; §26.51)**

### **i. Availability of Interested DBE's**

During the initial phase of developing the Proposed Overall Goals, BCAG will set up face to face meetings/communications with organizations, groups, or individuals that can give direct information on the planned contracting opportunities and the availability of interested DBE's in BCAG's market. These meetings would involve face to face meetings with organizations such as, Butte County Economic Development Corp, the surrounding jurisdictions Chambers of Commerce, and organizations through the local community college and state university.

## ii. Publication of Proposed Overall Goals

Prior to submission of the overall DBE goal for a given Federal Fiscal Year to the appropriate FTA Operating Administration(s), BCAG will consider any comments received and then publish the proposed overall DBE goal in general circulation, trade associations, and available minority-focused media. Said publications shall include:

- A statement that the methodology and proposed overall goal for DBE participation in BCAG's federally-assisted contracts are available for public inspection for a period of 30 days from the date of publication.
- Notification that BCAG will accept public comments on the proposed goal and rationale for a period of 45 days from the date of publication. Instructions for the submission of comments will also be included.
- Instructions for the submission of comments.
- The address of BCAG and FTA, to which comments may be sent.

Upon receipt of any and all responses from the general public, BCAG's DBELO will analyze the comments, summarize the results, and determine its impact on the proposed overall DBE goal or methodology. The proposed overall goal may be adjusted as necessary and will be forwarded to the Chief Executive Officer for submission to the affected FTA Operating Administration.

## iii. Outreach and DBE Program Consultation

In addition to the provision of public notice regarding the overall DBE goal, BCAG will undertake specific efforts to foster public participation and to consult with and to solicit input from a variety of constituent groups reasonably expected to possess information regarding the availability of disadvantaged and non-disadvantaged businesses, the impacts and effects of discrimination on opportunities for DBEs, and BCAG's efforts to promote fair competition for DBEs.

## **B. Transit Vehicle Manufacturers (TVM) Certifications (§26.49)**

BCAG shall require Transit Vehicle Manufacturers to certify that they have fully complied with this section and that they have established an overall DBE participation goal that has been approved by the FTA before they can bid or propose on any BCAG FTA-assisted transit vehicle procurements. Expenditures for FTA-assisted transit vehicle procurements are not included in the funding base used to calculate BCAG's goal for DBE participation. **BCAG will report to the designated FTA RCRO within 30-days of purchasing rolling stock and the noted information will be uploaded in TrAMS during the FFR and MPR reporting.**

### **C. Race-Neutral Measures (§26.51)**

Although numeric contract-specific DBE goals will not be used to drive DBE participation, BCAG will, as part of its race-neutral measures, track race-neutral DBE participation on all of its FTA-assisted contracts and accordingly report participation commitments and attainments on BCAG's semi-annual report to the affected FTA Operating Administration(s).

### **D. Race-Conscious Measures**

Pursuant to Race-Neutral DBE policy directives issued by the FTA and FTA in response to the 9<sup>th</sup> Circuit U.S. Court of Appeals decision in *Western States Paving Co. v. United States & Washington State Department of Transportation*, BCAG has suspended its use of race-conscious measures such as applying numeric contract-specific DBE goals to drive DBE participation to meet its overall DBE goal objectives due to the absence of adequate evidence of discrimination and its effects on BCAG's relevant marketplace.

BCAG will use the race-conscious goals if the race-neutral goals are not achieved for two consecutive years and based on a disparity study. At the time of this update to BCAG's DBE Program, construction engineering contracts showed a disparity in the Disparity Study done by Caltrans.

#### **1. Contract-Specific DBE Participation Goals**

##### **i. Methodology for Setting Contract-Specific Goals (§26.51)**

The DBELO shall establish contract-specific DBE participation goals to meet any portion of the overall goal BCAG does not project being able to meet by utilizing race-neutral means. Contract goals are established over the period to which the overall goal applies and will cumulatively result in meeting any portion of BCAG's overall goal that is not projected to be met through the use of race-neutral means.

BCAG will establish contract-specific goals only on those FTA-assisted contracts for which subcontracting possibilities have been identified with corresponding availability of DBEs. BCAG will not establish a contract-specific goal on every FTA-assisted contract based on individual assessments and previous attainments. Further, contract-specific goals may be adapted to the circumstances of each contract (e.g. type and location of work, subcontracting opportunities, and availability of DBEs to perform) and will be expressed as a percentage of the total amount of a FTA-assisted contract.

##### **ii. Evaluation of Bids or Proposals for Contracts with Established Contract-Specific Goals (§26.53 (b))**

The DBELO or designee shall review all related DBE information for completeness and accuracy, and the DBELO shall evaluate the three (3) apparent lowest bids and/or the top three (3) ranked proposals to determine whether the bidders/offerors submitted all

of the DBE-related information required by the solicitation, including evaluating their respective DBE goal commitments and Good Faith Efforts documentation as necessary to determine responsiveness in meeting the DBE requirements of the solicitation. Additionally, the bidder's/offeror's DBE goal commitments and/or Good Faith Efforts documentation shall be evaluated by the DBELO to determine responsiveness to the DBE requirements set forth in the solicitation and/or contract.

### **iii. Evaluation of DBE Eligibility Status for Contracts with Established Contract-Specific Goals**

BCAG requires that the DBEs listed by bidders/offerors for participation in contracts with goals be certified as eligible DBEs at the time of bid/proposal submission in order for their participation to be counted towards meeting the established contract-specific DBE goal. The DBELO will assess such as a part of the evaluation process utilizing the CUCP DBE Database and/or other valid proof of DBE certification.

### **iv. Pre-Award DBE Responsiveness Evaluation for Contracts with Established Contract-Specific Goals**

Following the determination of the bidder's/offeror's responsiveness and responsibility to DBE requirements set forth in the solicitation, the DBELO shall prepare a report relative to contract-specific DBE requirements, to be submitted for presentation to the Board of Directors at the time the contract award is considered.

### **v. Bidder's/Offeror's Right to Administrative Reconsideration**

In the event the DBELO determines that the apparent successful bidder/offeror has not met the contract-specific goal and has not demonstrated adequate Good Faith Efforts to do so, the DBELO will notify the bidder/offeror in writing. The notification shall include the reasons for the determination and that the bidder/offeror has the right to submit written documentation or appear before the Reconsideration Official or designee for reconsideration prior to the time that a recommendation for award of contract is presented to the Board of Directors. The Reconsideration Official or designee shall provide the bidder/offeror with a written decision on reconsideration, including the basis for the determination.

In the event that the Reconsideration Official or designee determines that the said bidder/offeror has not met the contract-specific DBE goal nor demonstrated adequate Good Faith Efforts to do so, the bidder/offeror will no longer be eligible to be considered for contract award.

The result of the reconsideration process is not administratively appealable to the U.S. Department of Transportation (Refer to Section V.B: "Reconsideration Official").

## **2. Guidance Concerning Good Faith Efforts in Meeting Established Contract-Specific DBE Goals (§26.53; Appendix A to 49 CFR 26)**

BCAG will use contract specific goals when/if the Race-Neutral goal has not been met. If a contract-specific DBE goal has been established by BCAG for a given FTA-assisted contract, a bidder/offeror must, in order to be responsible and/or responsive to the solicitation and/or contract requirements, make good faith efforts to meet the goal. A bidder/offeror can meet this requirement in either of two ways. First, a bidder/offeror can meet the goal by documenting commitments for participation by DBE firms sufficient to meet the established contract-specific DBE goal. Second, if a bidder/offeror does not meet the contract-specific DBE goal, the bidder/offeror can document adequate good faith efforts undertaken to do so to demonstrate that the bidder/offeror took all necessary and reasonable steps to achieve the DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation, even if the bidder/offeror was not fully successful in obtaining such.

The following sections outline the requirements firms competing for BCAG's contracts shall comply with to demonstrate responsiveness in either meeting the goal, documenting commitments for participation by DBE firms sufficient for this purpose, or documenting adequate Good Faith Efforts to do so. Failure of a bidder/offeror to meet the established contract-specific DBE goal, or failure to demonstrate that sufficient Good Faith Efforts were undertaken, will deem the respective bidder/offeror as non-responsive.

For projects funded by FHWA funds and awarded on or after May 1, 2011, BCAG will prepare and submit with the award package to the State of California Department of Transportation (Caltrans) an Evaluation of Good Faith Effort Memorandum (see Exhibit L) that cites reasons as to why the Good Faith Effort is adequate or not.

### **i. Meeting Established Contract-Specific DBE Goals**

If BCAG establishes a contract-specific DBE goal for a given contract, BCAG must only award such contract to a bidder/offeror who makes good faith efforts to meet it. As such, a bidder/offeror is required to submit the following DBE information to BCAG within the prescribed timeline set forth in each solicitation to enable BCAG to assess a bidder's/offeror's responsiveness to contract-specific DBE participation goal requirements:

- ❑ The names and addresses of DBE firms that will participate in the contract;
- ❑ A description of the work that each DBE firm will perform;
- ❑ The dollar amount of the participation of each DBE firm participating;

- Written and signed confirmation from the DBE firm that it is participating in the contract as provided in the prime contractor's commitment;
- Written and signed confirmation that the proposed DBE is certified in accordance with Title 49 CFR, Part 26 at the time the bid/proposal is submitted; and
- If partial or no DBE participation has been attained, evidence of Good Faith Efforts (Refer to Section VII. D. 2: "Guidance Concerning Good Faith Efforts in Meeting Established Contract-Specific DBE Goals" and Appendix A to Title 49 CFR, Part 26).

Any DBE participation in excess of the established contract-specific DBE goal shall be monitored and tracked as race-neutral DBE participation.

**ii. Documenting Adequate Good Faith Efforts to Meet Contract-Specific DBE Goals (§26.53)**

BCAG will require bidders/offerors to comply with Good Faith Efforts requirements, as a matter of responsiveness. The obligation of the bidder/offeror is to undertake and document Good Faith Efforts towards meeting the established contract-specific DBE goal.

In the event the bidder's/offeror's efforts to meet the established goal result in partial or no DBE participation, all bidders/offerors must document adequate Good Faith Efforts documentation (which were undertaken prior to bid submittal or proposal submission due date and timeline) and submit such unless otherwise specified in the solicitation to BCAG with their bid or proposal.

The submission of Good Faith Efforts documentation can protect the bidder's/offeror's eligibility for award of the contract if BCAG determines that the bidder failed to meet the goal for various reasons, (e.g., a proposed DBE firm was not certified at bid opening, does not meet the commercially useful function standards, participation was improperly credited, and/or the bidder made a mathematical error).

Mere pro forma efforts are not Good Faith efforts to meet DBE requirements. BCAG will make a fair and reasonable judgment whether a bidder/offeror that did not meet the established contract-specific DBE goal made adequate Good Faith Efforts to do so.

Only those efforts made prior to the bid/proposal submittal due date will be considered in the evaluation of the bidder's/offeror's Good Faith Efforts. If a firm does not propose to meet a Contract-Specific Goal and fails to submit the required Good Faith Efforts documentation by the time specified, that will be grounds for finding the bid/proposal to be non-responsive.

The DBELO or designee will be responsible for determining whether a bidder/offeror who has not met the established contract DBE goal has documented sufficient Good Faith Efforts to be deemed responsive.

The factors delineated below represent the types of efforts that BCAG will consider as part of the bidder's/offeror's Good Faith Efforts to obtain DBE participation sufficient to meet the goal. However, the foregoing is not intended to be an exclusive or exhaustive list of all Good Faith Efforts that can be performed to meet the objectives of this part.

Good Faith Efforts documentation must include the following information and supporting documents, as necessary:

1. Items of work the bidder/offeror made available to DBE firms. Identify those items of work the bidder might otherwise perform with its own forces and those items that have been broken down into economically feasible units to facilitate DBE participation. For each item listed, show the dollar value and percentage of the total contract. It is the bidder's responsibility to demonstrate that sufficient work was identified and made available to meet the goal was made available to DBE firms.
2. Names of certified DBEs and dates on which they were solicited to bid/propose on the project. Include the items of work offered. Describe the methods used for following up initial solicitations to determine with certainty if the DBEs were interested, and the dates of the follow-up. Attach supporting documents such as copies of letters, memos, facsimiles sent, telephone logs, telephone billing statements, and other evidence of solicitation. You are reminded to solicit certified DBEs through all reasonable and available means and provide sufficient time to allow DBEs to respond. Notification of any extension of the bid/proposal opening must be shared with DBEs in an effort to afford DBEs with additional time to bid/propose.
3. Name and date of each publication in which you requested DBE participation for the project. Attach copies of the published advertisements available to the general public, consistent with guidelines and requirements, and accessible by any and all DBEs. Proof of publications must be attached. **[one general, one trade, and at least one minority] Tear sheets and proofs of publication must be attached and submitted.**
4. Names of agencies outreached, including dates on which they were contacted to provide assistance in contracting, recruiting, and identifying DBE firms. Supporting documentation must be provided for agencies contacted.
5. Supporting documentation that demonstrates efforts made to provide interested DBEs with adequate information about the plans, specifications, and requirements of the contract to assist them in



responding to a solicitation. If the bidder/offeror has provided information, identify the name of the DBE assisted, the nature of the information provided, and date of contact.

6. Supporting documents that demonstrate efforts made to assist interested DBEs in obtaining bonding, lines of credit, insurance, necessary equipment, supplies, and materials, excluding supplies and equipment that the DBE subcontractor purchases or leases from the prime contractor or its affiliate.
7. Any additional data to support demonstration of good faith efforts.
8. BCAG will evaluate the selected bidder/offeror GFEs considering the commitment of the second and third bidder/offeror when determining whether the low bidder/offeror made good faith efforts to meet the DBE goal.

**For further guidance see - APPENDIX A TO 49 CFR PART 26 -GUIDANCE CONCERNING GOOD FAITH EFFORTS**

**E. Use of Set-Asides or Quotas (§26.43)**

BCAG shall not permit the use of quotas for DBEs on FTA-assisted contracts in accordance with Title 49 CFR, Part 26.43. Further, BCAG shall not set aside contracts for DBEs on FTA-assisted contracts subject to the regulatory provisions, except in limited and extreme circumstances where no other method could be reasonably expected to redress egregious instances of discrimination.

**F. Counting DBE Participation (§26.55)**

BCAG will count DBE participation toward overall and contract-specific goals as provided in the solicitation and contract specifications for the prime contractor, subcontractor, joint venture partner, or vendor of material or supplies.

The following guidelines apply in calculating eligible DBE participation toward meeting established contract-specific DBE goals and BCAG's overall DBE goal in accordance with Title 49 CFR, Part 26.55:

1. Only work proposed to be performed by a DBE's own work forces (including cost of supplies, materials, and equipment leases) obtained by the DBE for the work of the contract, except supplies and equipment the subcontractor purchases and/or leases from the prime contractor or its affiliate, can be counted toward DBE goals.

2. When a DBE subcontracts part of the work of its contract to another firm, the value of the subcontracted work may be counted towards DBE goals only if the lower tier subcontractor is itself a certified DBE and performs the work with their own work force. Work that a DBE subcontracts to a non-DBE firm does not count toward DBE goals.
3. In instances of a joint venture, a bidder/offeror may only count, toward the DBE goal, the portion of the work proposed to be performed by the certified DBE partnering firm that meets certification, ownership, and control standards.
4. A bidder/offeror may count, toward its DBE goal, only expenditures to firms that are proposed to perform a commercially useful function on that contract. A DBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. If a DBE does not perform or exercise responsibility for at least 30 percent (30%) of the total cost of its contract with its own work force, or the DBE subcontracts a greater portion of the work of a contract than would be expected on the basis of normal industry practice for the type of work involved, the DBE is presumed not to be performing a commercially useful function. When a DBE is presumed to not be performing a commercially useful function, the DBE may present evidence to rebut this presumption. BCAG's decisions on commercially useful function matters are subject to review by the concerned Operating Administration, but are not administratively appealable to the FTA.
5. A bidder/offeror may count, toward its DBE goal, 60 percent (60%) of its expenditures for materials and supplies required under the contract and obtained from a DBE Regular Dealer and, a bidder/offeror may count 100 percent (100%) of such expenditures obtained from a DBE Manufacturer. For purposes of this section, a Manufacturer is a firm that operates or maintains a factory or establishment that produces, on the premises, the materials and supplies obtained by the contractor. A Regular Dealer is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials or supplies required for performance of the contract are bought, kept in stock, and regularly sold to the public in the usual course of business.
6. A bidder/offeror may count, toward its DBE goal, fees and commissions paid to DBE firms performing in the capacity of a Broker, provided that the fees or commissions are determined by BCAG to be reasonable and not excessive when compared with fees customarily allowed for similar services.

7. Special Provisions for DBE Trucking Firms - A bidder/offeror may count, toward the DBE goal, all transportation services provided by DBE trucking firms who can demonstrate control of trucking operations for which it seeks credit and which it owns, insures, and operates, using drivers it employs, in the performance of the contract. The DBE must itself own and operate at least one, fully licensed, insured, and operational truck used on the contract. The DBE trucking firm may lease trucks from another DBE firm, including an owner-operator who is certified as a DBE. The DBE who leases trucks from another DBE receives credit for the total value of the transportation services the lessee DBE provides on the contract. A DBE who leases trucks from a non-DBE is entitled to credit the total value of transportation services provided by non-DBE lessees not to exceed the value of transportation services provided by DBE-owned trucks on the contract. In addition, the DBE may also lease trucks from a non-DBE firm, including trucks from an owner-operator. The DBE who leases trucks from a non-DBE is entitled only for the fee or commission it receives as a result of the lease arrangement. The DBE, therefore, does not receive credit for the total value of the transportation services provided by the lessee, since these services are not provided by a DBE. If a recipient chooses this approach, it must obtain written consent from the appropriate Operating Administration.
  
8. In cases where DBE certification has lapsed or has been terminated during the performance period of the contract, the prime contractor is eligible to continue to report the dollar value of the work performed by the affected DBE firm to BCAG on the "Monthly DBE Subcontractors Paid Report Summary and Payment Verification" (Form 103). BCAG will not credit the DBE participation towards its overall DBE goal.
  
9. BCAG will not credit the participation of DBE subcontractors toward a contractor's DBE goal obligation until the amount has actually been paid to the DBE.

**G. Commercially Useful Function Standards (§26.55)**

BCAG will count expenditures to a DBE contractor/consultant toward the DBE goals only if the DBE is performing a commercially useful function on that contract:

1. A DBE performs a commercially useful function when it is responsible for execution of the work of its contract and when it is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the DBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, installing the material (where applicable), and paying for the material itself. To determine whether a DBE is performing a commercially useful function,

BCAG will evaluate the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract commensurates with the work it is actually performing, the DBE credit claimed for its performance of the work, and other relevant factors.

2. A DBE does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation. In determining whether a DBE is such an extra participant, BCAG may examine similar transactions, particularly those in which DBEs do not participate.
3. If a DBE does not perform or exercise responsibility for at least thirty percent (30%) of the total cost of its contract with its own work force or, if the DBE subcontracts a greater portion of the work of a contract than would be expected on the basis of normal industry practice for the type of work involved, one must presume that it is not performing a commercially useful function.
4. When a DBE is presumed not to be performing a commercially useful function as provided in the previous bullet, the DBE may present evidence to rebut this presumption. BCAG will determine that the firm is performing a commercially useful function given the type of work involved and normal industry practices.
5. BCAG's decisions on commercially useful function matters are subject to review by the FTA Operating Administration.

## **VIII. REQUIRED CONTRACT PROVISIONS AND ENFORCEMENT**

### **A. Contractor's Assurance Clause Regarding Non-Discrimination (§26.13)**

BCAG will ensure that the following clause is placed in all FTA-assisted contracts and subcontracts:

"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 Title 49 CFR, Part 26 in the award and administration of BCAG's FTA-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 BCAG deems appropriate."

## **B. Prompt Payment Provisions (§26.29)**

### **1. Prompt Progress Payments to Subcontractors**

BCAG has adopted a prompt payment provision on all FTA-assisted contracts to facilitate timely payment to all subcontractors in accordance with regulatory mandates. This provision requires a contractor to issue payment to all subcontractors (DBEs and non-DBEs), for satisfactory performance of their contracts, no later than seven (7) calendar days from receipt of each payment made to the contractor by BCAG.

Commencing with the contractor's second invoice, the contractor shall provide BCAG with evidence, in the form of a signed assurance, for which the contractor affirms that it has paid all subcontractors all amounts due for work that the subcontractor has satisfactorily performed. The statement of compliance, signed under penalty of perjury, may be included within the invoice document or as an attachment to the invoice. BCAG reserves the right to request additional documentation from the contractor evidencing payment to the subcontractor in conformance with these provisions.

### **2. Payment of Retention Withheld from Subcontractor**

In addition to the prompt progress payment requirement set forth above, BCAG has also adopted a prompt payment provision on all FTA-assisted contracts to facilitate timely disbursement of retention proceeds withheld by the prime contractor.

In accordance with *Revised §26.29, "Prompt Payment Provisions"* (Federal Register – dated June 16, 2003), BCAG, at its discretion, may elect to utilize one of the following methods to comply with the prompt payment of retainage requirement:

1. Decline to hold retainage from prime contractors and prohibit prime contractors from holding retainage from subcontractors.
2. Decline to hold retainage from the prime contractors and require a contract clause obligating prime contractors to make prompt and full payment of any retainage kept by the prime contractor to the subcontractor within thirty (30) days after the subcontractor's work is satisfactorily completed.
3. Hold retainage from prime contractors and provide for prompt and regular incremental acceptances of portions of the prime contract, pay retainage to prime contractors based on these acceptances, and require a contract clause obligating the prime contractor to pay all retainage owed to the subcontractor for satisfactory completion of the accepted work within thirty (30) days after payment to the prime contractor.

Any delay or postponement of payment from the above-referenced timeframes may occur only for good cause following written approval from BCAG. Failure to comply with this provision without prior approval from BCAG will constitute noncompliance, which

may result in the application of appropriate administrative sanctions, including, but not limited to, a penalty of two percent (2%) of the invoice amount due per month, for every month that full payment is not made.

These prompt payment provisions must be incorporated in all subcontract agreements issued by the contractor.

### **C. Post-Award Contractor Reporting Requirements (\$26.55)**

#### **1. Notification of Reporting Responsibilities**

Prior to execution of all FTA-assisted contracts, which are subject to DBE Program provisions, the prime contractor shall be directed to the contract specification for BCAG's specific DBE reporting and recordkeeping requirements.

#### **2. DBE Activity Reporting Forms**

All prime contractors/consultants shall submit monthly progress reports on DBE utilization to BCAG on Form 103: "Monthly DBE Subcontractors Paid Report Summary and Payment Verification" (Refer to Exhibits F and G). BCAG will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award. BCAG's Summary of Subcontractors Paid Report (Form 103) is used to keep a running tally.

Failure to submit these reports in a timely manner shall result in a penalty of \$10 per day, per report. The FORM 103, "Monthly DBE Subcontractors Paid Report Summary and Payment Verification", includes the following information:

- a. Name of each DBE Subcontractor.
- b. General work assignment of each DBE Subcontractor.
- c. The specific portion of work executed by each DBE Subcontractor during the reporting period.
- d. The dollars committed to each DBE Subcontractor.
- e. The dollars paid to each DBE Subcontractor during the reporting period.
- f. The dollars paid to date for each DBE Subcontractor.
- g. The dollars paid to the DBE as a result of a change order or other cost modification.
- h. The dollars paid to date as a percentage of the total commitment to each DBE.
- i. Date of last progress payment
- j. Invoice amount & Invoice Date
- k. Invoice number corresponding to last payment to subcontractor
- l. Prime Contractor Signature under penalty of perjury that it has complied with all requirements of 49 CFR, Part 26 and prompt payment requirements of the California Public Contract Code.

### **3. Contractor Good Faith Efforts and Reporting Obligations for Contracts with DBE Participation Goals**

BCAG will include the following clauses in all contracts that have race-conscious goals:

During the term of the contract, the contractor shall continue to make Good Faith Efforts to ensure that DBEs have an opportunity to successfully perform in the contract, and to ensure that the contractor meets its DBE goal. These efforts shall include, but shall not be limited to, the following:

- Negotiating in good faith to attempt to finalize and execute a subcontract agreement with the DBEs committed to in the bid or proposal.
- Documenting efforts to seek out and utilize additional DBEs when additional subcontractors and/or subconsultants are necessary and are authorized by BCAG.
- Continuing to provide assistance to DBEs in obtaining bonding, lines of credit, etc., if required by the contractor.
- Notifying a DBE, in writing, of any potential problem and making concerted efforts (efforts must be documented) to resolve the problem prior to formally requesting BCAG's written approval to substitute the DBE for cause.
- As with all subcontractors and/or subconsultants, timely payment of all monies due and owing to DBEs.
- Notifying BCAG in a timely manner, in writing, of any problems anticipated in attaining the DBE participation goal committed to in the bid/proposal.
- The prime contractor/consultant may not count the participation of DBE subcontractors towards that prime contractor's/consultant's DBE achievements until and unless that amount which is being credited toward the goal has been paid to the DBE"

### **4. Termination of DBE Subcontractor for Good Cause (§26.53 (f))**

BCAG requires that a prime contractor not terminate a DBE subcontractor without BCAG's prior written consent. This includes, but is not limited to, instances in which a prime contractor seeks to perform work originally designated for a DBE subcontractor with its own forces or those of an affiliate, a non-DBE firm, or with another DBE firm.

BCAG will provide such written consent only if it agrees, for reasons stated in your concurrence document, that the prime contractor has good cause to terminate the DBE firm. For purposes of this section, good cause includes the following circumstances:

- The listed DBE subcontractor fails or refuses to execute a written contract;
- The listed DBE subcontractor fails or refuses to perform the work of its subcontract in a way consistent with normal industry standards. Provided, however, that good cause does not exist if the failure or refusal of the DBE subcontractor to perform its work on the subcontract results from the bad faith or discriminatory action of the prime contractor;
- The listed DBE subcontractor fails or refuses to meet the prime contractor's reasonable, nondiscriminatory bond requirements;
- The listed DBE subcontractor becomes bankrupt, insolvent, or exhibits credit unworthiness;
- The listed DBE subcontractor is ineligible to work on public works projects because of suspension and debarment proceedings pursuant 2 CFR Parts 180, 215 and 1,200 or applicable state law;
- The Prime contractor has determined that the listed DBE subcontractor is not a responsible contractor;
- The listed DBE subcontractor voluntarily withdraws from the project and provides to you written notice of its withdrawal;
- The listed DBE is ineligible to receive DBE credit for the type of work required;
- A DBE owner dies or becomes disabled with the result that the listed DBE contractor is unable to complete its work on the contract;
- Other documented good cause that you determine compels the termination of the DBE subcontractor. Provided, that good cause does not exist if the prime contractor seeks to terminate a DBE it relied upon to obtain the contract so that the prime contractor can self-perform the work for which the DBE contractor was engaged or so that the prime contractor can substitute another DBE or non-DBE contractor after contract award.

Before transmitting to BCAG its request to terminate and/or substitute a DBE subcontractor, the prime contractor must give notice in writing to the DBE subcontractor, with a copy to BCAG, of its intent to request to terminate and/or substitute, and the reason for the request.

The prime contractor must give the DBE five days to respond to the prime contractor's notice and advise BCAG and the contractor of the reasons, if any, why it objects to the proposed termination of its subcontract and why BCAG should not approve the prime contractor's action. If required in a particular case as a matter of public necessity (e.g., safety), you may provide a response period shorter than five days.

In addition to post-award terminations, the provisions of this section apply to pre-award deletions of or substitutions for DBE firms put forward by offerors in negotiated procurements.



### Good Faith Efforts when a DBE is replaced on a contract for Good Cause (26.53(g))

BCAG will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the same extent needed to meet the contract goal established. BCAG will require the prime contractor to notify the DBELO immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

Substitutions of an approved DBE subcontractor/subconsultant, or changes in any scope of work to be performed by any approved DBE subcontractors/subconsultants must be requested, in writing, by the contractor and must be approved by BCAG. The contractor shall complete and submit to BCAG the corresponding "Request for DBE Subcontractor/Supplier Substitution" form (Refer to Exhibit K). BCAG requires that the prime contractor to provide BCAG with copies of the new or amended subcontracts. If the candidate contractor to be substituted is not a DBE, BCAG also requires the prime contractor to submit documentation of their good faith efforts.

### Failure to Secure Prior Approval

If the prime contractor fails or refuses to comply in the time specified, BCAG may take appropriate actions, including but not limited to those set forth in its Monitoring and Enforcement Mechanisms. BCAG will include these provisions in all applicable prime contracts.

## **5. Request for Additional DBE Subcontractor**

If the contractor requests to award additional work to a DBE firm beyond the original list of DBEs provided with their respective bid or proposal, the contractor must complete and submit to BCAG the "Request for Additional DBE Subcontractor/Supplier" form (Refer to Exhibit J).

## **6. Change in Contract Amount**

BCAG will determine impact on the contractor's/consultant's goal commitments and resultant goal attainments in the event of any change orders to prime contracts.

### **D. Administrative Remedies for Non-Compliance by Contractors for Contracts with DBE Participation Goals**

All contractors deemed to be in non-compliance with BCAG's DBE policies and requirements shall be informed in writing, by certified mail, by the Director or designee, that administrative remedies shall be imposed for failure to meet DBE utilization goals and/or for failure to submit documentation of Good Faith Efforts. The contractor shall be given five (5) working days from the date of the notice to file a written appeal with BCAG's Contract Manager. Failure to respond within the five (5) day period shall constitute a waiver of appeal.

The notice shall state the specific administrative remedy to be imposed.

The Reconsideration Official (RO), at his/her sole discretion, may schedule a hearing to gather additional facts and evidence and shall issue a final determination on the matter within five (5) working days of receipt of the written appeal. The written decision of the RO or designee is final and cannot be further appealed.

In the event that the contractor is unable to meet the DBE goal, BCAG reserves the right to initiate Administrative Remedies, which shall include, but shall not be limited to, the following:

- a) Withholding of payments due equivalent to the difference between the actual DBE attainment and the contract DBE goal;
- b) Suspension of payment to the Contractor of any other monies held by BCAG;
- c) Termination of the Contract, in part or in whole.

The Administrative Remedies shall not apply if the Contractor is able to demonstrate, to the satisfaction of BCAG, that it exercised Good Faith Efforts in an attempt to meet the contract DBE goal.

BCAG will bring to the attention of the FTA Operating Administration, in writing, any false, fraudulent, or dishonest conduct in connection with BCAG's DBE program, to enable the FTA Operating Administration to take the necessary and appropriate steps (e.g. referral to the Department of Justice for criminal prosecution, referral to the FTA Inspector General, or action under suspension and debarment or Program Fraud and Civil Penalties rules) as provided in Title 49 CFR, Part 26, Section 26.109. BCAG also will consider similar action under its own legal authorities, including, but not limited to, responsibility determinations in future contracts.

## **IX. DBE CERTIFICATION STANDARDS (§26.81)**

### **A. Unified Certification Program (UCP) (§ 26.81)**

BCAG is a member to the California Unified Certification Program (CUCP), and recognizes the DBE certifications of member agencies under the CUCP. A listing of DBEs certified by the CUCP is available from Caltrans' Civil Rights Program website (<http://www.dot.ca.gov/hq/bep>).

The following table represents a list of current Certifying Member Agencies:

Agency	Business Address	Telephone No.	Fax No.
<b>City of Los Angeles</b> Office of Contract Compliance <a href="http://www.lacity.org/bca">www.lacity.org/bca</a>	1149 South Broadway Street, Room 300 Los Angeles, CA 90015	(213) 847-1922	(213) 847-2777
<b>Los Angeles County Metropolitan Transportation Authority (METRO)</b> Diversity and Economic Opportunity Department <a href="http://www.metro.net">www.metro.net</a>	One Gateway Plaza Los Angeles, CA 90012	(213) 922-2600	(213) 922-7660
<b>S. F. Bay Area Rapid Transit District (BART)</b> Office of Civil Rights <a href="http://www.bart.gov">www.bart.gov</a>	300 Lakeside Drive, 18 <sup>th</sup> Floor Oakland, CA 94612	(510) 464-7580	(510) 464-7587
<b>City of Fresno</b> DBE Program <a href="http://www.ci.fresno.ca.us">www.ci.fresno.ca.us</a>	2101 G Street, Building A Fresno, CA 93706	(559) 621-1182	(559) 488-1069
<b>Santa Clara Valley Transportation Authority (VTA)</b> Small & Disadvantaged Businesses <a href="http://www.vta.org">www.vta.org</a>	3331 North First Street San Jose, CA 95134	(408) 321-5962	(408) 955-9729
<b>Central Contra Costa Transit Authority (CCCTA)</b> Office of Civil Rights <a href="http://www.cccta.org">www.cccta.org</a>	2477 Arnold Industrial Way Concord, CA 94520	(925) 676-1976	(925) 686-2630
<b>San Francisco Municipal Transportation Agency (SFMTA)</b> Contract Compliance Office San Francisco Municipal Railway <a href="http://www.sfmuni.org">www.sfmuni.org</a>	1 South Van Ness Avenue, 3 <sup>rd</sup> Floor San Francisco, CA 94103	(415) 701-4443	(415) 701-4347
<b>San Mateo County Transit District (SAMTRANS) / Peninsula Corridor Joint Powers Board (CALTRAIN)</b> DBE Office <a href="http://www.samtrans.com">www.samtrans.com</a>	1250 San Carlos Avenue San Carlos, CA 94070	(650) 508-7939	(650) 508-7738
<b>California Department of Transportation (CALTRANS)</b> Civil Rights Program – MS #79 <a href="http://www.dot.ca.gov">www.dot.ca.gov</a>	1823 14 <sup>th</sup> Street Sacramento, CA 95814	(916) 324-1700 (866) 810-6346	(916) 324-1862
<b>Yolo County Transportation District (YOLOBUS)</b> DBE Program <a href="http://www.yctd.org">www.yctd.org</a>	350 Industrial Way Woodland, CA 95776	(530) 661-0816	(530) 661-1732

## **X. RECORDKEEPING AND MONITORING (§26.11, §26.37)**

BCAG has developed a detailed recordkeeping system as a mechanism for monitoring and tracking DBE contract awards and prime contractors' progress in attaining DBE goal commitments throughout the performance of the contract.

BCAG's internal Recordkeeping System will document the following:

1. Procedures adopted by BCAG to comply with the FTA regulations.
2. Support documentation used to compile FTA reports, which includes the following data for each FTA-assisted contract:
  - a. Type of contract (e.g., construction, professional services, material supplies, TVM or other);
  - b. Award commitments, including name(s) and address(es) of all proposed/listed DBE(s);
  - c. The corresponding dollar amount of each contract and subcontract, and established contract DBE goal, as applicable;
  - d. Reports ("Monthly DBE Subcontractors Paid Report Summary" (Form 103)) from prime contractors and suppliers with an accounting of actual expenditures to DBEs and the progress to date in meeting their DBE participation commitment, to monitor and report actual DBE attainments including segregating race-neutral and race-conscious attainments.

BCAG will also develop and maintain a hard-copy of contract-specific project management file which thoroughly includes all DBE-related compliance monitoring and enforcement activities.

### **A. Monitoring Payments to DBEs (§ 26.37)**

BCAG will implement appropriate mechanisms to ensure compliance with 49 CFR Part 26 requirements by all program participants (e.g., applying legal and contract remedies available under Federal, state and local law).

Additionally, BCAG's DBE Program will include a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award is actually performed by DBEs. Such mechanism will provide a running tally of actual DBE attainments (e.g., payments actually made to DBE firms), including a means of comparing these attainments to commitments. BCAG will display both DBE commitments and attainments (race-neutral and race-conscious) in its reports of DBE participation to the FTA.

BCAG may perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts committed.

### **B. On-Site Performance Monitoring**

During the course of the contract containing a DBE goal, BCAG or an agent of BCAG will conduct on-site monitoring to ensure that work committed to DBEs is actually being performed by the DBEs. This monitoring effort is fully incorporated into BCAG's DBE On-site Compliance field observation process. This observed work will be reconciled against the DBE subcontractor agreement(s) and Prime Contractor Form 103.

### **C. Written Certification**

To further ensure the integrity of the DBE Program's intent, BCAG will monitor every contract with a DBE goal, on paper and in the field and will include a written certification that this compliance monitoring effort took place in accordance with BCAG's DBE Compliance Close-Out Report Process.

### **D. Bidders List (§ 26.11)**

BCAG will develop and maintain a Bidders List consisting of all firms bidding on prime contracts, and bidding or quoting subcontracts on BCAG's FTA-assisted projects/contracts. The following information will be included in the bidders list:

1. Firm Name;
2. Address;
3. Years in Business;
4. Status as a DBE or non-DBE;
5. Type of Work; and
6. Annual Range of Gross Receipts.

### **E. Reporting to the FTA (§ 26.11)**

BCAG will report DBE participation on a semi-annual basis (June 1 and December 1) each year, using the Uniform Report of DBE Awards/Commitments and Payments (Exhibit C). These reports will capture DBE participation for DOT-assisted for contracts awarded and actual DBE attainments based on payments made to DBEs on DOT-assisted contracts closed within the respective reporting period. The June 1 report should include information from October 1 through March 31. The December 1 report should include information from April 1 through September 30.

For ARRA funded projects, BCAG will separately identify, verify and report DBE participation on a quarterly basis (January 10, April 10, July 10 and October 10) each

year, using the Uniform Report of DBE Awards/Commitments and Payments until all ARRA funds are exhausted. The January 10 report should include information from October 1 through December 31. The April 10 report should include information from January 1 through March 31. The July 10 report should include information from April 1 through June 30. The October 10 report should include information from July 1 through September 30.

Upon request, BCAG will compile and submit ad hoc DBE contract award and progress reports for FTA-assisted projects. BCAG shall also periodically submit DBE progress reports to the Board of Directors.

Furthermore, BCAG will continue to provide reports about the BCAG's DBE Program, as directed. These reports will provide DBE participation information on BCAG's race-neutral and gender-neutral contracts; race-conscious contracts; and the combined DBE participation on all FTA-assisted procurement activities.

## ATTACHMENT A

**Chico (Gtr.) Chamber of Commerce**

441 Main Street #150  
Chico, CA 95928  
Jolene Francis, Chief Executive Officer

**Isleton Chamber of Commerce**

23 Main Street  
Isleton, CA 95641-0758  
Olivia Glavin, Office Manager/Treasurer

**Gridley Area Chamber of Commerce**

613 Kentucky St  
Gridley, CA 95948-2117  
Devona Pace, Manager

**Orangevale Chamber of Commerce**

9267 Greenback Lane, Ste. B-91  
Orangevale, CA 95662-4801  
Linda Eberle, Executive Director

**Oroville Area Chamber of Commerce**

1789 Montgomery Street  
Oroville, CA 95965-4820  
Lonnie Steedman, Executive Director

**Rancho Cordova Chamber of Commerce**

2729 Prospect Park Drive, Suite 117  
Rancho Cordova, 95670  
Jane Daly, CEO

**Paradise Ridge Chamber of Commerce**

5550 Skyway #1  
Paradise, CA 95969  
Ed Salome, President

**Sacramento Metro Chamber**

One Capitol Mall, Suite 300  
Sacramento, CA 95814  
Matthew R. Mahood, President/CEO

**Citrus Heights Chamber of Commerce**

7115 Greenback Lane  
Citrus Heights, CA 95621  
Jeannie Bruins, Chief Executive Officer

**El Dorado County Chamber**

542 Main Street  
Placerville, CA 95667-5610  
Laurel Brent-Bumb

**El Dorado Hills Chamber of Commerce**

2085 Vine Street, Ste. 105,  
El Dorado Hills, CA 95762  
Kathy Bryan, Executive Director

**Shingle Springs/Cameron Pk Chamber**

P.O. Box 341  
Cameron Park, CA 95682-0341  
Carolyn Doty, Executive Director

**Elk Grove Chamber of Commerce**

9370 Studio Court, Suite 110  
Elk Grove, California USA 95758  
Janet Toppenberg, President/CEO

**South Lake Tahoe Chamber**

3066 Lake Tahoe Blvd  
South Lake Tahoe, CA 96150-7810  
Duane Wallace, Executive Director

**Fair Oaks Chamber of Commerce**

P.O. Box 352  
Fair Oaks, CA 95628-0352  
Marsha Karley, Executive Director

**Butte Valley Chamber of Commerce**

P.O. Box 541  
Dorris, CA 96023  
Marjorie Hazelwood, President

**Orland Chamber of Commerce**  
401 Walker Street  
Orland, CA 95963  
Attn: Executive Director

**Butte Valley Chamber of Commerce**  
P.O. Box 541  
Dorris, CA 96023  
Marjorie Hazelwood, President

**Folsom Chamber of Commerce**  
200 Wool Street  
Folsom, CA 95630-2597  
Joseph Gagliardi, Chief Executive Officer

**Butte County Economic Development Corp**  
PO BOX 496  
Chico, CA 95927  
Debra Lucero, CEO

**Galt District Chamber of Commerce**  
P.O. Box 1446  
Galt, CA 95632  
ATTN: Executive Director

**Live Oak Chamber of Commerce**  
P.O. Box 391  
Live Oak, CA 95953  
ATTN: Board of Directors

**Calif. Hispanic Chambers of Commerce**  
1510 J St #110  
Sacramento, CA 95814  
ATTN: Deputy Director

**CalAsian Chamber of Commerce**  
2012 H Street, Suite 101  
Sacramento, CA 95811  
ATTN: President & CEO