

City of Culver City, California
City Council Agenda Item Report

Meeting Date: 8/28/2006		Item Number: <u>A-6</u>	
AGENDA ITEM: Adoption of a Resolution approving and adopting the Disadvantaged Business Enterprise Program and Setting of Goals for Fiscal Year 2006-07			
Contact Person/Dept.: Andre Colaiace		Phone Number: (310) 253-6543	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☒	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Public Notification: Public Notice placed in Culver City News on July 13, 2006 and Passenger Transport on July 17, 2006; Master Notification List on 8/24/06			
Department Approval: Stephen C. Cunningham on 8/16/2006		City Manager Approval: Martin Cole for Jerry Fulwood 8/22/06	
City Controller Approval: N/A			
<u>RECOMMENDATION:</u> Staff recommends that the City Council adopt a Resolution approving and adopting a race-neutral Disadvantaged Business Enterprise (DBE) program and setting the annual goals for all capital projects funded with assistance from the Federal Transit Administration (FTA) for Fiscal Year 2006-2007. <u>BACKGROUND:</u> Every year, the Transportation Department has recommended the City Council re-adopt the DBE program, which allows the Department to comply with FTA requirements for grantees receiving federal capital assistance in excess of \$250,000 (excluding bus procurements). By approving this program, the City Council will reaffirm its commitment to award contracts to bidders without regard to the individual or entity's race, color, creed, gender, age, national origin or physical disability. Over the last several years, the Transportation Department has exceeded its previously approved goals and awarded several contracts to DBE firms for consulting and other services. In the last year, the Department awarded contracts that utilized DBE firms as part of the Automatic Vehicle Locator system and CNG fueling facility expansion contracts. <u>DISCUSSION:</u> Transportation Department staff prepared the FY 2006-07 DBE policy in accordance with the federal guidelines provided by the FTA in 49 CFR, Parts 23 and 26. DBE			

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goals are based on projections of contract awards in the fiscal year and the availability of DBEs given the size and nature of the contracts to be awarded. After an analysis of projected FY 07 contract awards, staff recommends a FY 07 DBE goal of 8%. This goal is in line with DBE goals set by other transit agencies.

Because of a recent Ninth Circuit Court Decision (**see attached Metro memo**), the FY 07 DBE program will be conducted in a race neutral manner, which essentially means that the Department will try and reach its annual goals without resorting to so-called "contract goals" which mandate that accepted bidders employ DBE firms as subcontractors. Since the Department has not utilized contract goals in the past, this court decision should have no effect on its ability to carry out the FY 07 DBE program.

The Transportation Department adhered to the public notification element of the DBE guidelines by placing a notice in the Culver City News and Passenger Transport. The program was available for review for thirty (30) days following the publication of the notice. Written comments were accepted for forty-five (45) days from the date of the first notice. At this time, the Department has not received any comments.

FISCAL ANALYSIS:

This item has no fiscal impact. Approval of a DBE goal is required to ensure the Department can continue to receive funds from the Federal Transit Administration.

ATTACHMENTS:

1. Resolution
2. FY 2006-07 Disadvantaged Business Enterprise Program
3. METRO memo dated June 26, 2006

MOTION:

That the City Council:

- 1.) Adopt a resolution approving and adopting a Disadvantaged Business Enterprise Program for FTA-funded projects and approving and adopting the Disadvantaged Business Enterprise Goal of 8% for Fiscal Year 2006-07.