

## Opportunity to Comment

### Shasta County Regional Transportation Planning Agency Three-Year DBE Goal and Goal Setting Methodology

The Shasta County Regional Transportation Planning Agency (SCRTPA) announces the proposed Disadvantaged Business Enterprise (DBE) Program participation goals for federal funding opportunities administered through the SCRTPA and funded by the U.S. Department of Transportation for the period of October 1, 2011 through September 30, 2014.

Submittal of DBE goals and methodology is now every three years (49 CFR Part 26). The SCRTPA has established an annual DBE goal of 9% race-neutral. The SCRTPA's draft DBE plan may be viewed online at: [www.scrtpa.org](http://www.scrtpa.org), or you may contact Sue Crowe at 530-225-5654 or email [scrtpa@co.shasta.ca.us](mailto:scrtpa@co.shasta.ca.us).

Comments will be accepted for forty-five (45) days from the date of this notice. Comments can be forwarded to Sue Crowe at the contact information above, or to the Caltrans District 2 – Office of Regional and Community Planning, P.O. Box 496073, Redding, CA 96049-6073.

Dated: July 7, 2011

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## EXHIBIT 9-B LOCAL AGENCY DBE ANNUAL SUBMITTAL FORM

TO: CALTRANS DISTRICT 2  
Office of Regional and Community Planning

In accordance with Title 49 of the Code of Federal Regulations (CFR), Part 26, and the State of California Department of Transportation Disadvantaged Business Enterprise (DBE) Program Plan, the Shasta County Regional Transportation Planning Agency's (SCRTPA) Triennial Anticipated DBE Participation Level (AADPL) and methodology are presented herein.

The SCRTPA has established an AADPL of 9% race neutral for federal fiscal years 2012/2013/2014 beginning on October 1, 2011 and ending on September 30, 2014.

### Methodology

The following represents SCRTPA's projected annual Federal Highway Administration and Federal Transit Administration funded contracts and expenditures by work category and corresponding North American Industry Classification for federal fiscal years 2012/2013/2014:

Work Category	NAICS Category	Est. Annual Budget	Weight
Engineering	541330	\$ 71,000	52%
Environmental Consulting	541690	\$ 60,000	44%
Public Notices	541890	\$ 6,000	4%
Total Annual Projected Budget		\$137,000	100%

#### Step 1: Determination of a Base Figure

The SCRTPA has elected to use Caltrans DBE Directory of Certified Firms in determining the available DBE's in relation to all comparable firms available in Shasta County:

Numerator: Caltrans DBE directory of firms, with the following modifications made:

- a) Filtered for engineering and professional, scientific and technical services work codes.
- b) Filtered by telephone area code for DBE firms within Shasta County.
- c) Resulting in 12 firms working or willing and able in Shasta County.

Denominator: The Shasta County Builders Exchange (SBE) Online Membership Directory

- a) Filtered for consulting and engineering firm.
- b) Resulting in 14 available firms.

Determination of Base Figure				
Source	Environmental 541690	Newspaper 541890	Engineering 541330	Total Combined
Caltrans	7	0	5	12
SBE	8	1	5	14
AADPL Formula $\text{AADPL per work category} = \left( \frac{\text{No. of DBE's in a Work Category} \times \text{weight}}{\text{No. of All Firms in Same Work Category}} \right) \times 100$				

Calculation of AADPL (Base Figure) =			
Environmental Consulting 7 DBEs in 541690 8 Firms in 541690 x weight .044 =.039	Newspaper 0 DBEs in 541890 1 firm in 541890 x weight .004 = 0	Engineering 5 DBEs in 541330 5 Firms in 541330 x weight .052 =.052	Base Figure = .039+0+.052 x100 = 9%

**Step 2: Adjustments to the base figure:**

It has been observed that DBE utilization in Shasta County tends to be primarily in construction. It is the opinion of the SCRTPA that the current DBE program data is representative of the local market capacity related to transportation planning. The SCRTPA does not have any data that would provide a more accurate measurement of the “current capacity of DBEs” for the Shasta County market area than that which is described in the methodology. No adjustment to the base figure is proposed.

**A. Current Capacity of DBE’s measured by Forecasted Attainments**

The annual volume of work that DBEs are expected to perform for the SCRTPA’s federally assisted contracting program is as follows:

Work Category	Estimated Payments to Contractors	Estimated Payments to DBE Firms	DBE Goal Attainment
Combined	\$144,000	\$12,960	9%

**B. Census Bureau Business Pattern Database**

The CBP database returned the same number of establishments for engineering services as the Shasta Builders Exchange.

### Establishment of Triennial Anticipated DBE Participation Level (AADPL)

The SCRTPA hereby establishes an annual overall DBE AADPL of 9% for federal fiscal years 2012/2013/2014.

### Planned Race Neutral Measures

The latest guidance and direction to MPOs and RTPAs is to ensure compliance with the race neutral DBE program. The SCRTPA has established the following race-neutral measures:

1. Provide technical assistance and other services;
2. Ensure distribution of the DBE directory, through print and electronic means, to the widest feasible universe of prime contractors; and
3. Assist DBEs and other small businesses to develop their capacity to utilize emerging technology and conduct business through electronic media.

### Implementation Agreement for Local Agencies

**Prompt Pay:** Federal regulation (49 CFR 26.29) requires one of three methods be used in federal-aid contracts to ensure prompt and full payment of any retainage kept by the prime contractor or subcontractor to a subcontractor (attached). The SCRTPA has selected method 3.

**Prompt Pay Enforcement Mechanism**

49 CFR, Part 26.29(d) requires providing appropriate means to enforce prompt payment. These means may include appropriate penalties for failure to comply with the terms and conditions of the contract. The means may also provide that any delay or postponement of payment among the parties may take place only for good cause with the local agency’s prior written approval. The SCRTPA requests that all prime contractors’ requests for reimbursement shall include documents supporting proof of payment to subcontractors.

**Public Participation**

The SCRTPAs DBE goal information was published in the following local publications: Record Searchlight, Mountain Echo, Ridge Rider, Anderson Post, Dunsmuir News, Shasta Lake Bulletin, Intermountain News, and the SCRTPA website.

**Disadvantaged Business Enterprise Liaison Officer (DBELO)**

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\_\_\_\_\_ Date \_\_\_\_\_  
Daniel S. Little, AICP, Executive Director  
Shasta County Regional Transportation Planning Agency  
Email: [dlittle@co.shasta.ca.us](mailto:dlittle@co.shasta.ca.us)  
Phone: 530-245-6819

ADMINISTERING AGENCY  
(Authorized Governing Body Representative)  
\_\_\_\_\_ Date \_\_\_\_\_  
Caltrans District 2  
Office of Community and Regional Planning

## Prompt Payment of Withheld Funds to Subcontractors

Federal regulation (49 CFR 26.29) requires one of the following three methods be used in federal-aid contracts to ensure prompt and full payment of any retainage kept by the prime contractor or subcontractor to a subcontractor.

No retainage will be held by the agency from progress payments due to the prime contractor. Prime contractors and subcontractors are prohibited from holding retainage from subcontractors. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

No retainage will be held by the agency from progress payments due the prime contractor. Any retainage kept by the prime contractor or by a subcontractor must be paid in full to the earning subcontractor in 30 days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

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