



# CITY OF LONG BEACH

## DEPARTMENT OF PUBLIC WORKS

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December 14, 2004

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

SUBJECT: Update to the City of Long Beach Disadvantaged Business Enterprise Program for U. S. Department of Transportation Capital Improvement Projects (Citywide)

### DISCUSSION

On January 2, 2001, the City Council adopted a Disadvantaged Business Enterprise (DBE) Program for its U. S. Department of Transportation (DOT) capital improvement projects, including goals for its DBE participation on DOT-assisted contracts. Participation is a condition of federal assistance under Title 49 Code of Federal Regulations (CFR) Part 26. This program encompasses consulting and construction contracts for capital improvements using Federal Highway Administration (FHWA) and Federal Aviation Administration (FAA) Airport Improvement Program funds.

DBE regulations require that the City of Long Beach establish annual DBE goals using a prescribed methodology to ensure full compliance with relevant regulatory requirements of both the FHWA and the FAA. On August 31, 2004, the City submitted to the Local Assistance Engineer at Caltrans (FHWA administrator) the following proposed FY 05 FHWA DBE Goal:

- An 11 percent goal for contracts funded by the DOT for streets

The FHWA goal was developed by comparing the number of available ready, willing and able DBEs to the number of all comparable firms (DBE and non-DBEs). This data was drawn from a Caltrans database of firms located in the City's market area of Los Angeles County. The resulting figure was then modified to account for past goal attainment performance. Caltrans has affirmed that the City's proposed goal and methodology meet the basic requirements of Title 49 CFR Part 26.

On September 14, 2004, Caltrans approved the proposed FY 05 FHWA DBE Goal, which was advertised via outreach letters to business and community organizations and local media. On November 22, 2004, Caltrans issued final approval of the City's DBE goal following a 45-day comment period for public participation. No comments were received from the public.

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No DBE goal was submitted to the FAA for FY 05 because the City was not anticipating any new DOT-assisted (Airport Capital Improvement) projects for the affected fiscal year. Should this change, the City will initiate the goal-setting process and submit a new FAA DBE goal to Council for approval.

This matter was reviewed by Senior Deputy City Attorney Donna Gwin on December 6, 2004.

TIMING CONSIDERATIONS

City Council action on this matter on December 14, 2004 is requested to avoid interrupting on-going projects and jeopardizing the City's federal financial assistance.

FISCAL IMPACT

None.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Adopt the FY 05 Overall Annual Disadvantaged Business Enterprise Goal in accordance with Title 49 of the Code of Federal Regulations, Part 26, for projects funded by the U. S. Department of Transportation.

Authorize the City Manager to execute all necessary documents related to the Disadvantaged Business Enterprise Program.

Respectfully submitted,



CHRISTINE F. ANDERSEN  
DIRECTOR OF PUBLIC WORKS

APPROVED:

CFA:jsc  
P/CL/FY 04-05/Dec/Long Beach DBE Program Goal



GERALD R. MILLER  
CITY MANAGER