



## Legislation Text

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**File #:** 06-0012, **Version:** 1

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Recommendation to adopt the Fiscal Year 2006 Overall Annual Disadvantaged Business Enterprise Goal in accordance with Title 49 of the Code of Federal Regulations, Part 26, for Capital Improvement Projects funded by the U.S. Department of Transportation - Federal Highway Administration. (Citywide)

On January 2, 2001, the City Council adopted the Disadvantaged Business Enterprise (DBE) Program for its U.S. Department of Transportation (DOT) -funded capital improvement projects, including goals for its DBE participation on DOT-assisted contracts. 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 the Federal Highway Administration (FHWA). On September 14, 2005, the City submitted to the Local Assistance Engineer at Caltrans (FHWA administrator) the following proposed Fiscal Year 2006 FHWA DBE goal:

- o A 9 percent goal for contracts funded by the DOT for streets

This 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 the California Unified Certification Program Database of Certified Firms and the 2003 U.S. Census Bureau. The resulting figure was then modified to account for previous goal attainment performance. Other street projects within Los Angeles and Orange Counties were also considered for comparison. Caltrans has affirmed that the City's proposed goal and methodology meet the basic requirements of Title 49 CFR, Part 26.

On November 26, 2005, Caltrans approved the proposed FY 06 FHWA DBE Goal, which was advertised extensively via outreach letters to business and community organizations and through local media. No comments were received from the public following a 45-day comment period for public participation.

It should be noted that, due to a recent 9th Circuit Court of Appeals case regarding DBE goals for the State of Washington, Caltrans is reviewing California's DBE goal-setting methodology. This review may result in a request from Caltrans for the City to revise its goals for FY 2006.

This matter was reviewed by Senior Deputy City Attorney Donna F. Gwin on December 27, 2005, and Budget Management Officer David Wodynski on December 22, 2005.

City Council action on this matter on January 10, 2006 is requested to avoid interrupting on-going projects and jeopardizing the City's federal financial assistance.

[Fiscal Impact]

Approve recommendation.

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CHRISTINE F. ANDERSEN  
DIRECTOR OF PUBLIC WORKS

NAME  
TITLE

APPROVED:

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GERALD R. MILLER  
CITY MANGER