

RESOLUTION NO. 20-8799

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA
AUTHORIZING THE CITY MANAGER, OR HIS/HER DESIGNEE,
TO EXECUTE ALL CALIFORNIA DEPARTMENT OF
TRANSPORTATION DISADVANTAGED BUSINESS ENTERPRISE
IMPLEMENTATION AGREEMENTS**

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, the City receives federal financial assistance from the U.S. Department of Transportation through the California Department of Transportation for various public improvement projects;

WHEREAS, as a condition of receiving assistance from the federal government, the City is required to sign the California Department of Transportation Disadvantaged Business Enterprise Implementation Agreement; and,

WHEREAS, the California Department of Transportation Disadvantaged Business Enterprise Implementation Agreement requires the City to ensure that DBEs have an equal opportunity to receive and participate in DOT-assisted contractors and that the City's policy:

- Does not discriminate in the award and administration of DOT-assisted contracts.
- Creates a level playing field on which DBE's can compete fairly for DOT-assisted contracts.
- Ensures that the DBE participation percentage is narrowly tailored, in accordance with applicable law.
- Ensures that only firms that fully meet 49 CFR 26 eligibility standards are permitted to participate as DBEs.
- Helps remove barriers to the participation of DBEs in Federal-aid contracts.
- Assists the development of firms that can compete successfully in the market place outside the DBE Program.

**NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS
FOLLOWS:**

1. That the City Manager, or his/her designee, is hereby authorized and empowered to execute in the name of the City of Santa Clara all California Department of Transportation Disadvantaged Business Enterprise Implementation Agreements.


2. That the authorization is effective for five (15) years from the date of adoption of this resolution.

3. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

4. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 14TH DAY OF JANUARY, 2020, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Chahal, Davis, Hardy, O'Neill, and Watanabe, and Mayor Gillmor
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	Mahan
ABSTAINED:	COUNCILORS:	None

ATTEST: 
NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
1. 20-1125 Report to Council 01-14-2020



City of Santa Clara

1500 Warburton Avenue
Santa Clara, CA 95050
santaclaraca.gov
@SantaClaraCity

Agenda Report

20-1125

Agenda Date: 1/14/2020

REPORT TO COUNCIL

SUBJECT

Action on Adopting a Resolution Authorizing the City Manager, or Designee, to Execute all California Department of Transportation Disadvantaged Business Enterprise Implementation Agreements [Council Pillar: Deliver and Enhance High Quality Efficient Services and Infrastructure]

BACKGROUND

The City receives federal financial assistance from the U.S. Department of Transportation (DOT) through the California Department of Transportation (Caltrans) for various public improvement projects. Projects include, but are not limited to, pavement rehabilitation, trail rehabilitation, safe routes to school improvements, bicycle lane improvements, and traffic-related improvements. Currently, the City has been awarded approximately \$15 million in grant funding from various agencies, including the State of California, Bay Area Air Quality Management District, Santa Clara Valley Transportation Authority, Federal Highway Administration, and Metropolitan Transportation Commission. A significant amount of this grant money (over \$10 million) comes from the federal government through the Federal Highway Administration, a division of DOT. As a condition of receiving assistance from the federal government, the City is required to sign the Caltrans Disadvantaged Business Enterprise (DBE) Implementation Agreement (Agreement).

DISCUSSION

The Agreement requires the City to ensure that DBEs have an equal opportunity to receive and participate in DOT-assisted contracts and that the City's policy:

- Does not discriminate in the award and administration of DOT-assisted contracts.
- Creates a level playing field on which DBEs can compete fairly for DOT-assisted contracts.
- Ensures that the DBE participation percentage is narrowly tailored, in accordance with applicable law.
- Ensures that only firms that fully meet 49 CFR 26 eligibility standards are permitted to participate as DBEs.
- Helps remove barriers to the participation of DBEs in Federal-aid contracts.
- Assists with the development of firms so that they can compete successfully in the marketplace outside the DBE Program.

In May 2006, the City executed an Agreement with Caltrans and an updated Agreement was executed in April 2009. In September 2019, The City received notification from Caltrans that the existing Agreement is outdated and a new Agreement (Attachment No. 1) requires City approval. Staff has reviewed the proposed Agreement and there are no significant changes.

Past practice has been for the Council to authorize City Manager approval for each individual Agreement. In an effort to streamline the execution of these Agreements in the future, the proposed resolution (Attachment 2) authorizes the City Manager, or his/her designee, to execute this proposed Agreement as well as all future California Department of Transportation Disadvantaged Business Enterprise Implementation Agreements. The authorization will be effective from the date of adoption of the Resolution.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

FISCAL IMPACT

There is no fiscal impact other than staff time.

COORDINATION

This report has been coordinated with the Finance Department and City Attorney's Office.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Adopt a Resolution authorizing the City Manager, or designee, to execute all California Department of Transportation Disadvantaged Business Enterprise Implementation Agreements.

Reviewed by: Craig Mobeck, Director of Public Works

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Disadvantaged Business Enterprise Implementation Agreement
2. Resolution