

RESOLUTION NO. _____

**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 (Caltrans) for various public improvement projects; and,

WHEREAS, as a condition of receiving assistance from the federal government, the City is required to sign the Caltrans Disadvantaged Business Enterprise (DBE) Implementation Agreement; and,

WHEREAS, the Caltrans DBE 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:

- (a) Does not discriminate in the award and administration of DOT-assisted contracts.
- (b) Creates a level playing field on which DBE's can compete fairly for DOT-assisted contracts.
- (c) Ensures that the DBE participation percentage is narrowly tailored, in accordance with applicable law.
- (d) Ensures that only firms that fully meet Title 49 of the Code of Federal Regulations section 26 eligibility standards are permitted to participate as DBEs.
- (e) Helps remove barriers to the participation of DBEs in Federal-aid contracts.

(f) 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 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.

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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, AT A REGULAR MEETING THEREOF HELD ON THE ___ DAY OF _____, 2019, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____

NORA PIMENTEL, MMC.
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference: 19-1125 Report to Council 11-19-2019.