

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 3  
703 B STREET  
P. O. BOX 911  
MARYSVILLE, CA 95901-0911  
PHONE (530) 741-5122  
FAX (530) 741-5466  
TTY (530) 741-4509



*Flex your power!  
Be energy efficient!*

June 20, 2007

Mr. Richard Shepard  
Director of Transportation  
County of El Dorado  
2850 Fairlane Court  
Placerville, CA 95667

RECEIVED  
JUN 20 2007  
EL DORADO COUNTY  
DEPT. OF TRANSPORTATION

Attention: Mr. Mike Pavlick, Administrative Services Officer

Dear Mr. Shepard,

The County of El Dorado 's Annual Anticipated DBE Participation Level (AADPL) Exhibit 9\_B for 2007/2008, dated June 18, 2007 is approved.

A copy of the original Submittal is enclosed.

Prior to advertising any contracts, and to make sure you are using the latest available information, download the Caltrans Boiler Plate Contract and Specification documents from the Internet at: [www.dot.ca.gov/hq/esc/oe/conststand.html](http://www.dot.ca.gov/hq/esc/oe/conststand.html). You may then modify them for your use.

If you have any questions, please contact our DBE coordinator, Ms. Laura Rice, at (530) 741-5122.

Sincerely,

Ben Bramer  
District Local Assistance Engineer

**Local Agency DBE Annual Submittal Form**

TO: CALTRANS DISTRICT 3  
Mr. Ben Bramer, Chief, DLAE

The amount of the Annual Anticipated DBE Participation Level (AADPL) and methodology are presented herein in accordance with Title 49 of the Code of Federal Regulations, Part 26, and the State of California, Department of Transportation Disadvantaged Business Enterprise (DBE) Program Plan.

The County of El Dorado submits our AADPL information. We have established an AADPL of 3% for the Federal Fiscal Year 2007 / 2008, beginning on October 1, 2007 and ending on September 30, 2008.

Methodology

See Attachment A attached.

Disadvantaged Business Enterprise Liaison Officer (DBELO)

Mike Pavlick, 2850 Fairlane Court, Placerville, CA 95667, Phone 530-621-5963, Fax 530-626-0387, mpavlick@co.el-dorado.ca.us is designated as the DBLEO for the coming Federal Fiscal Year.

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 hereto as Attachment B is a listing of the three methods with the selected provision designated by a check mark.)

Local Agency Contract Administrator

The County Officer or employee with responsibility for administering this Agreement is Elizabeth B. Diamond, Deputy Director, West Slope Engineering & Project Development, Department of Transportation, or successor.

Submitted by:

COUNTY OF ELDORADO

By: *Helen K. Baumann* Dated: 6/12/07  
**HELEN K. BAUMANN**  
Board of Supervisors  
"County"

Attest:  
Cindy Keck  
Clerk of the Board of Supervisors

By: *Stephan Tyler* Dated: 6/12/07  
Deputy Clerk

CALIFORNIA DEPARTMENT OF TRANSPORTATION

Reviewed by Caltrans:

By: *Ben Bramer* Dated: 6/20/07  
Ben Bramer, Chief, DLAE

## Attachment A

### El Dorado County

#### **Disadvantaged Business Enterprise (DBE) Program Methodology and Calculations for Setting the Annual Anticipated DBE Participation Level (AADPL) for Federal Fiscal Year 2007/2008 (FFY 07/08)**

##### **I. DOT-Assisted Contracting Program for FFY 07/08**

<b>Work Category</b>	<b>NAICS Code</b>	<b>CALTRANS Work Category Code</b>	<b>Estimated Contracts FFY 07/08</b>
Highway, Street, and Bridge Construction	23731	C1531	\$3,186,000

##### **II. Annual Anticipated DBE Participation Level Methodology**

###### **A. Step 1: Determination of a Base Figure**

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

1. Filtered for applicable construction codes, as listed in above table.
2. Filtered for contractors that operate within the three-County market area that generally serves El Dorado County's contracting needs.<sup>1</sup>

This results in **21** identified ready, willing, and able DBE firms.

Denominator: The total number of construction companies within El Dorado County's three-County market area based on the U.S. Census Bureau "County Business Patterns" statistics for 2003 (NAICS Code 23731), which is the most recent year of available data:

---

<sup>1</sup> El Dorado, Placer and Sacramento Counties are included in the region used in determining the Base Figure since historically the Department receives a large percentage of bids on its projects from contractors located within these three counties.

Caltrans DBE County Code	County Name	NAICS Code	Number of Firms
09	El Dorado	23731	10
31	Placer	23731	28
34	Sacramento	23731	42
<b>Total Highway, Street, and Bridge Construction Firms:</b>			<b>80</b>

Base Figure Calculation:  $\frac{21}{80} = 26.3\%$

Base Figure = **26.3%**

The Step 1 analysis results in DBEs accounting for 26.3% of the total companies within the region.

**B. Step 2: Adjusting the Base Figure**

According to the guidelines, Step 2 is to examine all of the evidence available in the jurisdiction to determine what adjustment, if any, is needed to the Base Figure to arrive at the overall level. The guidelines suggest reviewing the volume of work performed by DBE's on El Dorado County projects in recent years to determine if an adjustment is needed. El Dorado County Department of Transportation has bid two projects since the start of the race-neutral program; Missouri Flat Road/El Dorado Road Signalization and Intersection Improvements (projected DBE participation based on winning bid, 1.7%), and Pleasant Valley Two-Way Left-Turn Lane (projected DBE participation based on winning bid, 3.5%). Both projects have not been finalized.

Therefore, the County does not believe that the Step 1 Base Figure of 26.3% provides a realistic participation level. Given the factors outlined above, the County recommends that we set an AADPL of **3%**. The County will continue to evaluate its DBE participation on upcoming federally assisted contracts for use in establishing future DBE participation levels.

The Department contacted Placer and Sacramento Counties (adjacent counties and relevant market area) and learned that they have not calculated their AADPL at this point in time.

**III. Disparity Study Results**

No disparity studies have been found or are known to exist which affect the El Dorado County market. Caltrans is currently conducting a statewide disparity study and as soon as the final report of the disparity study becomes available, Caltrans will review the results to determine whether or not to revise the program. The Division of Local Assistance will communicate this information to the County.

**Attachment B**

**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.

*Please check the box of the method chosen by the local agency to ensure prompt and full payment of any retainage.*

- 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 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.

Distribution: (1) Original -DLAE  
(2) Copy-local agency after signing by DLAE

DBE Annual Submittal Form (05/01/06)