



Mark Lancaster
Director of Transportation

COUNTY OF RIVERSIDE

TRANSPORTATION AND LAND MANAGEMENT AGENCY

Transportation Department

Mojahed Salama, P.E.
Deputy for Transportation/Capital Projects
Richard Lantis, P.L.S.
Deputy for Transportation/Planning and
Development

May 9, 2022

Albert Vergel de Dios, District Local Assistance Engineer
Planning/Local Assistance – MS 760
Department of Transportation, District 8
Rosa Parks Government Center
464 West Fourth Street, 6th Floor
San Bernardino, CA 92401-1400

Re: Disadvantaged Business Enterprise (DBE) Program, 2022 / 2023
Exhibit 9-B and Exhibit 9-C Annual Submittals

Dear Mr. Vergel de Dios:

The information for Exhibit 9-B presented herein, in accordance with Title 49 of the Code of Federal Regulations (CFR), Part 26, and the State of California Department of Transportation (Caltrans) Disadvantaged Business Enterprise (DBE) Program Plan.

The County of Riverside submits our annual 9-B information for the Federal Fiscal Year 2022/2023 beginning October 1, 2022 and ending September 30, 2023.

Disadvantaged Business Enterprise Liaison Officer (DBELO)

The County of Riverside Transportation Department's designated DBELO is:

Joel Jimenez
3525 14th Street
Riverside, CA 92501
(951) 955-6780 (office)
irjimenez@rivco.org

Attached for your information and reference is an updated DBE Program Organization Chart.

Planned Race Neutral Measures

Per 49 CFR §26.51 and Section V of the Caltrans DBE Program Implementation Agreement for Local Agencies, attached for your information and reference is a document entitled "Current Practice and Intended Actions; Race-Neutral Means of Meeting the Overall Statewide Annual DBE Goal."

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Prompt Pay

Federal regulation 49 CFR 26.29(b) 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. The "Prompt Payment of Withheld Funds to Subcontractors" attachment designates the prompt payment provision that the County of Riverside Transportation Department will use during FY 2022/2023.

Prompt Pay Enforcement Mechanism

Federal regulation 49 CFR 26.29(d) requires providing appropriate means to enforce prompt payment. The County of Riverside Transportation Department has selected Method 1 Prompt Payment methodology, which provides for no contract retention to be held by the County, and which prohibits the prime contractor from withholding payment retainage. The contract provides for penalties in the event of violation by the prime contractor of the prompt payment requirements. The County of Riverside Transportation Department is prepared to enforce the contract requirements in the event of its receipt of complaint by a subcontractor, supplier, trucking company or any type of DBE firm.

Annual ADA Certification Form

Also attached is the completed and signed "Exhibit 9-C Local Agency ADA Annual Certification Form".

Submitted by:

Mark Lancaster

Mark Lancaster
Director of Transportation



(Signature of Caltrans District Local Assistance Engineer [DLAE])

Alberto Vergel de Dios

MLJRJ:jjj

Attachments

Distribution: (1) Original – DLAE
(2) Copy – Local Agency [after DLAE signature]
Consistent with DBE Annual Submittal Exhibit 9-B Form dated September 2020

5/12/2022

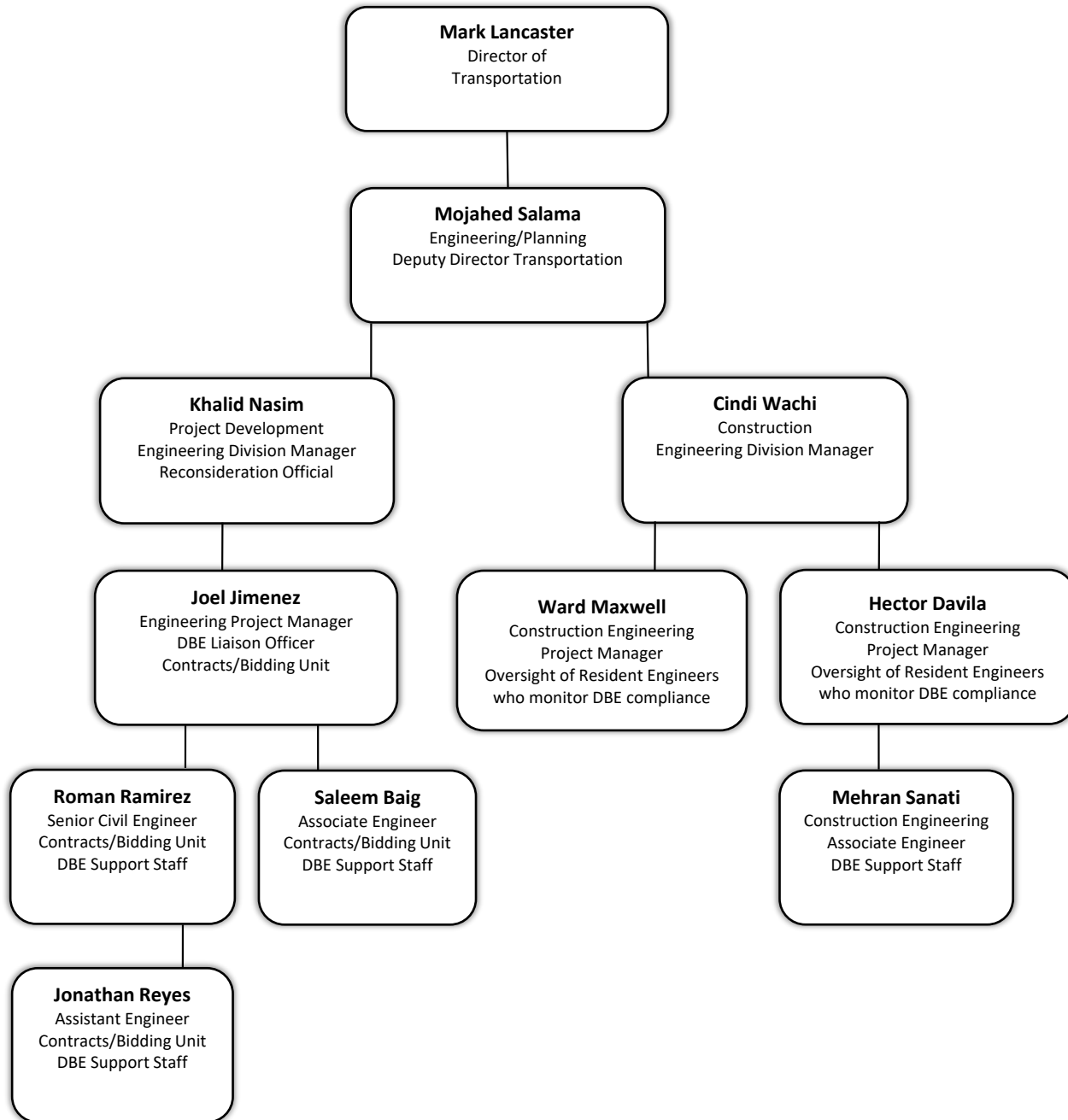
(Date)
(951) 955-6740
(Phone Number)

05/24/2022

(Date)

**County of Riverside
Transportation Department**

Disadvantaged Business Enterprise (DBE) Program
Organization Chart



Current Practice and Intended Actions

Race-Neutral Means of Meeting the Overall Statewide Annual DBE Goal

(As Required Under the Race Neutral Agreement Amendment)

RACE-NEUTRAL COMPONENTS

You must meet the maximum feasible portion of your overall goal by using race-neutral means of facilitating DBE participation. Race-neutral DBE participation includes any time a DBE wins a prime contract through customary competitive procurement procedures; is awarded a subcontract on a prime contract that does not carry a DBE goal; or even if there is a DBE goal, wins a subcontract from a prime contractor that did not consider its DBE status in making the award (e.g., a prime contractor that uses a strict low-bid system to award subcontracts).

Race-neutral means include, but are not limited to, the following:

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE, and other small businesses, participation (e.g., unbundling large contracts to make them more accessible to small businesses, requiring or encouraging prime contractors to subcontract portions of work that they might otherwise perform with their own forces);

County Practices: The County of Riverside, Transportation and Land Management Agency, Transportation Department (Department) utilizes individual bid items in the Bid proposal documents, which is conducive to sub-contracting. Standard bid opening dates are kept on a certain consistent day of the week and at a regular time, at the request of many of our regular bidding contractors, to better accommodate potential bidder's public parking conditions if bidder selects to be present at the public bid opening, and we maintain that schedule for the convenience of bidding contractors. Our bid packages are of various sizes, from small construction project costs less than \$100,000 to large projects valued at many millions of dollars.

At our pre-bid meetings and in general communication with bidding contractors, we encourage fair subcontracting practices. The Department advertises its public works projects in accordance with State and Federal requirements. We additionally advertise through trade publications, plan rooms, internet services and by direct contact with the contractor community.

Contract Documents and Specifications and plan sheets are digitally made available to plan rooms for distribution to their registered members. These digital documents are also made available, at no charge, to bidding contractors and subcontractors in exchange for their contact information that is logged on a plan holder list for that specific project. Plan holder lists are uploaded and posted on the Department's Notice Inviting Bids webpage (<http://rctlma.org/trans/Contractors-Corner/Notices-Inviting-Bids>) so as to facilitate and encourage bidding by potential subcontractors. We conduct pre-bid meetings. Requests for information (RFI) inquiries, from potential subcontractors and suppliers, are treated as equal in importance to such requests that are submitted by potential prime contractors.

2. Providing assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs, and other small businesses obtain bonding and financing);

County Practices: Bonding practices are consistent with the Public Contract Code.

Proposed Action: Make inquiries to other agencies on how they may be assisting small contractors in this area. Make inquiries if a State or Federal agency program exists that provides such assistance.

3. Providing technical assistance and other services;

County Practices: We allow contractors to review plans and specifications at no cost prior to bidding. We also provide a project specific link to download digital plans and specifications to contractors, upon request, in exchange for contact information that is documented on the project's plan holder list. We provide plan holder list information by posting these lists on the Department's Notice Inviting Bids webpage so that prime contractors, subcontractors and suppliers can be contacted. RFI's from potential subcontractors and suppliers are reviewed and responded to by addenda, as applicable, in the same manner as RFI's from prime contractors. Requests for guidance on bidding and DBE procedures are promptly answered. Contact information includes a link on Department's DBE webpage to the Caltrans Small Business Development Centers document, which we understand can provide various services and assistance to small businesses.

Proposed Action: Continue to research available consultants or services to which we can point small businesses for bidding assistance. New resources will be posted on the Department's DBE webpage upon finding.

4. Carrying out information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on sub-recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate);

County Practices: The Department advertises public works projects, as required, in newspapers of general circulation. Additionally, projects that are located in the desert communities are advertised in the Desert Sun and projects located in the Blythe area are advertised in the Palo Verde Times. The Department posts project information, including Notice to Bidders, on the Notice Inviting Bids webpage, and sends email notices to any firm who has requested to be on this notification email distribution list. The Department also directly sends Notices Inviting Bids by email to all of the known construction related "plan rooms" in Southern California, and to any other plan rooms that request such notices. A Support Service Agreement has been finalized for online bidding services from PlanetBids, Inc. to process advertisement contract documents of formal Public Works projects. We plan to implement this online bidding service this calendar year.

We conduct pre-bid meetings for each project that have DBE requirements and provide any assistance we can to bidders upon request. The Department's Contracts/Bidding group has been provided with a listing of minority businesses and newspapers, who are contacted by the County of Riverside's Economic Development Agency for HUD funded projects, and we have added those contacts to our Notice Inviting Bids email notification list.

Proposed Action: Additional communication means will be utilized as they become known to us.

5. Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses;

County Practices: Links to contracting programs applicable to the DBE program and any additional resources will be added to the Department's DBE webpage as they become known to us.

Proposed Action: Make inquiries to other agencies on how they may be assisting small contractors in this area. Make inquiries if a State or Federal agency program exists that provides such assistance.

6. Providing services to help DBEs, and other small businesses, improve long-term development, increase opportunities to participate in a variety types of work, handle increasingly significant projects, and achieve eventual self-sufficiency;

County Practices: We currently refer DBEs and small businesses, directly and through links on the DBE page of the Department's website, to the California Unified Certification Program (UCP) and the Caltrans' Office of Business & Economic Opportunity program, as well as to other associated resources. Additional resources will be added as they become known. Seminars, outreach fairs, etc. are announced on the Department's DBE website. The DBE team plans to attend future functions and events as they become known to us as well as inform DBEs, on our Department's DBE webpage, regarding these available DBE training events.

Proposed Action: Make inquiries to other agencies how they may be assisting small contractors in this area. Make inquiries if a State or Federal agency service exists that provides such assistance.

7. Establishing a program to assist new, start-up firms, particularly in fields in which DBE participation has historically been low;

County Practices: Over the years, we have occasionally been approached by small or new firms and we have directed them to the DBE programs as well as the Small Business Enterprise Program. We have a section in our Department's DBE program website titled "Small Business and DBE Support/Assistance" that includes various web links and documents that provide supportive resources.

Proposed Action: Make inquiries to other agencies on how they may be assisting small contractors in this area. Make inquiries if other State or Federal agency program exists that provides such assistance.

8. Ensuring distribution of the DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors;

County Practices: The Department relies on Caltran's DBE database, as maintained by the California Unified Certification Program (UCP). When requested, we direct contractors to the UCP website and to certifying agencies for information and assistance. Links to this information are maintained on the Department's DBE webpage, which includes a specific section for the DBE program. We will, upon request, perform specific inquiries and reports for small firms that have personnel with limited computer resources or skills.

9. Assisting DBEs, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media.

County Practices: The Department maintains DBE information and links on its DBE webpage. Requested information is generally offered by electronic means and also made available by hard copy or electric document copies upon request. Assistance with understanding and using the respective file formats is provided upon request.

jrj:jrj

County of Riverside TLMA Transportation Dept. Contract No. 21-06-005; Exhibit 9-A (version September 2020), last updated June 10, 2021; Section V (Caltrans Exhibit 9-A dated September 2020 and CFR 49 CFR 26.51)

(Attachment)

Prompt Payment of Withheld Funds to Subcontractors

Federal regulation (49 CFR 26.29(b)) 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.

- Method 1:** 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 and Section 10262 of the California Public Contract Code [for construction contracts](#), and [Section 3321 of the California Civil Code for consultant contracts](#). 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.
- Method 2:** No retainage will be held by the agency from progress payments due to the prime contractor. Any retainage kept by the prime contractor or by a subcontractor must be paid in full to the earning subcontractor in seven (7) days [for construction contracts and fifteen \(15\) days for consultant contracts](#) 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 and Section 10262 of the California Public Contract Code [for construction contracts](#), and [Section 3321 of the California Civil Code for consultant contracts](#). 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.
- Method 3:** 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 seven (7) days [for construction contracts and fifteen \(15\) days for consultant contracts](#) 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 prime contractor or subcontractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code and Section 10262 of the California Public Contract Code [for construction contracts](#), and [Section 3321 of the California Civil Code for consultant contracts](#). 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.

**Exhibit 9-C: Local Agency Americans with Disabilities Act (ADA)
Annual Certification Form**

Local Agency ADA Annual Certification Form
49 CFR 27: Nondiscrimination on the Basis of Disability in
Programs or Activities
Receiving Federal Financial Assistance

Local Agency: County of Riverside - Transportation Dept

State Fiscal Year (July 1-June 30): 2022/2023

I. Name of ADA / 504 Liaison Officer: Cathy Wampler
Telephone Number: (951) 955-6803
E-mail Address: cwampler@rivco.org

NOTE: Section 504 applies to federally funded programs and **ADA** applies to state and local government funded programs (Title II). An ADA Officer is only required if the agency has 50 or more employees.*

II. ADA Grievance / Complaint Procedure Adopted?
Yes: No:
If yes, date of **completion/last updated**: 03/12/2013
If no, planned date of adoption: _____

NOTE: An ADA Officer is only required if the agency has 50 or more employees.*

III. Self-evaluation completed?
Yes: No:
If yes, date of **completion/last updated**: 12/31/2020
If no, planned date of completion: _____

NOTE: All public entities receiving federal funds are required to complete a self-evaluation. Agencies are required to review and make modifications as needed to the self-evaluation to ensure there is non-discrimination on the basis of disability. Local agencies shall implement a system for periodically reviewing and updating self-evaluations and, if applicable, transition plans. As a best practice, it is recommended to review the self-evaluation every three years prior to submitting or adopting the four-year Transportation Improvement Program.

* The Section 8.1000 in Title II, Technical Assistance Manual states, "How does a public entity determine whether it has 50 or more employees? Determining the number of employees will be based on a governmentwide total of employees, rather than by counting the number of employees of a subunit, department, or division of the local government. Part-time employees are included in the determination."

IV. Transition Plan completed?

Yes: No:

If yes, date of completion/last updated: 03/12/2013

If no, planned date of completion: _____

NOTE: In the event that structural changes to facilities will be undertaken to achieve program accessibility, a public entity with 50 or more employees are required to develop a transition plan.*

The transition plan is the action plan developed from the results of the self-evaluation. As a best practice, it is recommended to update the transition plan every three to five years after completion of the recommended self-evaluation and to update the schedule of ADA compliant changes that will be accomplished.

V. Have **your agency's** policies, procedures, and criteria for implementing ADA compliance improvements in maintenance and capital improvement programs been reviewed?

Yes: No:

Were deficiencies found?

Yes: No:

If deficiencies were found, have the agency's ADA plans been revised to correct those deficiencies?

Yes: No:

VI. Does the agency have procedures to obtain approval from the Division of State Architect (DSA) for design packages consistent with State law?

Yes: No:

DSA website: <https://www.dgs.ca.gov/DSA/Resources/Page-Content/Resources-List-Folder/Accessibility-Plan-Review>

Reminder: State of California Government Code Sections 4450 - 4454 requires DSA to review and approve the plans and specifications to all buildings, structures, sidewalks, curbs and related facilities constructed in the state, using state, county or municipal funds, or the funds of any political subdivision of the state. These facilities shall be accessible to and usable by persons with disabilities. Please reference Section 9.3 of the Local Assistance Procedures Manual for submittal of design packages to DSA.

The DSA has limited their review to "Safe Routes to School" projects. For ATP Projects, the California Transportation Commission considers Safe Routes to School projects as those "that directly increase safety and convenience for public school students to walk and/or bike to school. Safe Routes to Schools infrastructure projects must be located within two miles of a public school or within the vicinity of a public-school bus stop and the students must be the intended beneficiaries of the project."

VII. Are agency's Standard Plans reviewed and updated on an ongoing basis for full ADA and California Accessibility compliance?

Yes: No:

Catherine M Wampler

Signature
(ADA Liaison Officer)

Date: 05/02/2022

Distribution: (1) Original - DLAE