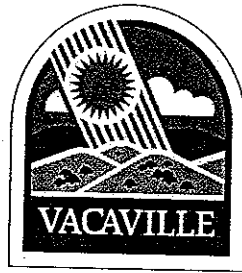


COUNCIL MEMBERS  
LEN AUGUSTINE, Mayor  
CURTIS HUNT, Vice Mayor  
PAULINE CLANCY  
DILENNA HARRIS  
RON ROWLETT



## CITY OF VACAVILLE

RECEIVED  
51 MARKET STREET, VACAVILLE, CALIFORNIA 95688-6908  
ESTABLISHED 1850

September 29, 2010 **DEC 01 2010**

Department of Public Works  
Capital Improvement Projects

CITY OF VACAVILLE  
PUBLIC WORKS  
ENGINEERING SVC

Office of Local Assistance  
**ATTENTION: Arthur Duffy**  
Caltrans – District 04  
Mail Stop 10B  
111 Grand Avenue  
PO Box 23660  
Oakland, CA 94623-0660

**SUBJECT: CITY OF VACAVILLE'S EXHIBIT 9-B SUBMITTAL**

Dear Mr. Duffy:

The City of Vacaville has enclosed for your review its Exhibit 9-B for Federal Fiscal Year 2010/11. This 9-B Submittal includes

- DBE Liaison Officer Information
- Planned Race-Neutral Measures
- Choice of Prompt Payment Option
- Prompt Payment Mechanism

In FFY 2010/11, the City has two projects, which are anticipated to have contracting opportunities for the preliminary design phases. The City will calculate and use contract goals and Good Faith Effort analysis on each phase of the two projects.

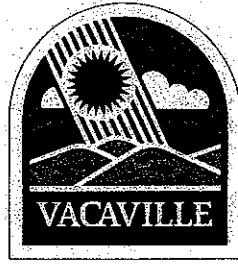
The City is confident that it has fully complied with all the Department's stipulated requirements and looks forward to the Department's favorable response. Should you have any questions regarding these submissions and corresponding attachments, please contact me at (707) 449-5305.

Sincerely,

Carole L. Dorsey  
DBE Liaison Officer

**Enclosures:** Exhibit 9 B, "City of Vacaville DBE Annual Submittal Form"  
Exhibit B, "Prompt Payment Selection"

c: Rod Moresco, Director of Public Works  
Shawn Cunningham, Assistant Director of Public Work  
Tim Burke, Sr. Civil Engineer – Construction Manager  
Tawnia Skow, Sr. Civil Engineer – Engineering Services



## **Exhibit 9-B - City of Vacaville DBE Annual Submittal Form**

**TO:** CALTRANS DISTRICT 4  
Ms. Sylvia Fung, District Local Assistance Engineer  
**ATTENTION:** Art Duffy, Office of Local Assistance

The information for exhibit 9-B presented herein, is 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 City of Vacaville ("CITY") hereby submits our annual 9-B information for the Federal Fiscal Year 2010/2011, beginning on October 1, 2010 and ending on September 30, 2011.

### **Disadvantaged Business Enterprise Liaison Officer (DBELO)**

The CITY has designated a DBE Liaison Officer. The DBELO is responsible for implementing the DBE Program Plan, as it pertains to the CITY, and ensures that the CITY is fully and properly advised concerning DBE Program Plan matters. The CITY's DBELO has administrative support available as needed. Contact information, including the name, address, telephone number, and electronic mail address for the DBELO is listed below. An organization chart displaying the DBELO's position in the organization is attached as Attachment "9-B1" to this 9-B Submittal. This information is updated annually:

Carole L. Dorsey  
Public Works Engineering Services  
650 Merchant Street  
Vacaville, CA 95688

Phone: 707-449-5305  
Fax: 707-449-5346  
E-mail: cdorsey@cityofvacaville.com

### **Planned Race-Neutral Measures**

The CITY has implemented race-neutral measures to meet its overall AADPL objectives, including but not limited to:

- Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE and other small business participation.
  - The CITY makes available to the contracting public the CITY's "Status of Capital Improvement Program" Quarterly Report. This document is available upon request and is

also posted on the CITY's website at cityofvacaville.com. The Quarterly Report includes detailed project descriptions and schedules for projects in design and in construction. This report includes the scopes of work and information potential DBE contractors can use to assess contracting opportunities.

- It is the CITY's standard practice to publish a public notice of the "Notice to Bidders" ("NOTICE") for all construction projects in the *Vacaville Reporter* 21 to 30 days prior to the scheduled bid opening. Concurrently the CITY has contracted with BPXpress Reprographics, whose services include providing electronic plans and specifications to all bidders. The CITY provides an initial list of plan rooms, construction industry publications, and Minority Business Enterprises and Small Business Enterprises who receive notice of the CITY's contracting opportunities (See Attachment "9B-2"). The intent is to encourage these smaller construction companies to bid on all CITY projects.
- Minority focused publications and information clearing houses are added to the CITY's list upon request.
- The CITY solicits UDBE consultants in accordance with the process detailed in Chapter 10, "Consultant Selection" of the Local Procedures Manual.
- Unbundling large contracts to make them more accessible to small businesses, encouraging prime contractors to subcontract portions of work that they might, otherwise perform with their own forces.
  - The CITY's contracting opportunities for FFY 2010/11 include two projects totaling \$159,000. Both projects are in the design phase and the contracts are anticipated to include environmental, geotechnical and surveying contractors, as well as employing the services of an artist. The CITY will solicit certified UDBE's to submit bids for the proposed work in FFY 2010/11.
- Maintaining an active Bidder's List which contains pertinent information about all DBE and Non-DBE firms that bid and/or quote on Capital Improvement Program projects in the CITY.
  - The CITY has revised its current database to reflect the requirements of the current DBE Program, and in particular UDBE contractors and consultants. The DBELO will be conducting a survey of all contractors and consultants in order to determine current company information and the level of understanding of the CITY's Race Conscious DBE Program.
- Providing information and communications programs on contracting procedures and specific contract opportunities.
  - The CITY is expanding information on its website to provide more detailed information about:
    - ❖ CITY's Race Neutral DBE Program
    - ❖ Resources and information links to CALTRANS
    - ❖ Resources and information links to minority/small business focused publications and programs
    - ❖ List of Minority-Owned Financial Institutions in California

## **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. (See Exhibit #B)

## **Prompt Payment Enforcement Mechanism**

49 CFR Part 26.29(d) requires appropriate means to enforce prompt payment. These means may include appropriate penalties for failure to comply with the terms and conditions of the contract. The means may also provide that any delay or postponement of payment among the parties may take place only for good cause with the CITY's prior written approval.

The CITY's project Special Provisions Section 5-1.20, "Prompt Progress Payment to Subcontractors," specify the requirement that the prime contractor make prompt payment in accordance with Section 7108.5 of the California Business and Professions Code. Administrative deductions will be withheld from the prime contractor for failure to make prompt payment. Section 5-1.20 further states that the requirement for prompt payment to subcontractors "...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 or deficient subcontract performance in noncompliance by a subcontractor..."

The CITY's method to monitor and administer prompt payment is as follows:

- Prior to execution of the contract, the prime contractor submits a Subcontracting Request form which must be approved by CITY.
- Contract Compliance Specialist ("CCS") inputs information from each subcontractor in a Subcontracting Request Worksheet which lists subcontracting work by pay item. (See Attachment 9B-2).
- The CCS marks the Progress Pay Estimate line item to reflect information from the Subcontracting Request Worksheet in order to track and verify work performed by subcontractors.
- The prime contractor submits their first monthly progress pay request. The monthly progress pay request must include a Conditional Lien Release from the prime contractor. The Conditional Lien Release must cover all work performed by the prime contractor and all subcontractors, as well as payments to all suppliers based on the current progress payment.
- The Project Inspector ("PI") reviews the monthly request to pay from the prime Contractor to verify the work completed on each line item and approves the draft pay voucher. The CCS prepares the monthly progress pay voucher, which includes all contract work, contract change order work, and an updated summary of the work completed. Also included on the progress pay voucher are the updated amounts for any deductions applied to the contract. The monthly pay voucher is reviewed and approved for payment by the Senior Civil Engineer ("SCE").
- Upon approval of the current progress pay request, a check is issued by the CITY.



(Exhibit "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 CITY to ensure prompt and full payment of any retainage.*

**Method 1:** No retainage will be held by the CITY 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 CITY'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.

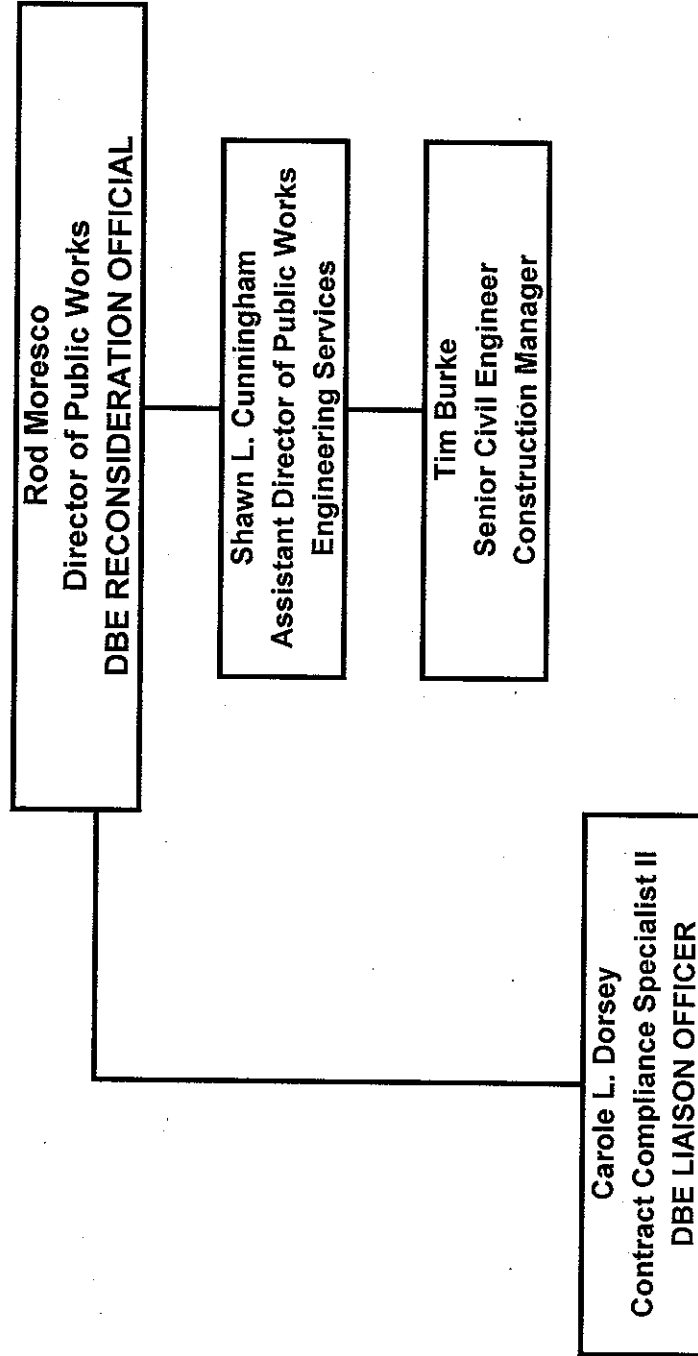
**Method 2:** No retainage will be held by the CITY from progress payments due the prime contractor. Any retainage kept by the prime contractor or by a subcontractor must be paid in full to the earning subcontractor in 30 days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment may take place only for good cause and with the CITY'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.

**Method 3:** The CITY shall hold retainage from the prime contractor and shall make prompt and regular incremental acceptances of portions, as determined by the CITY 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 CITY. Any delay or postponement of payment may take place only for good cause and with the CITY's prior written approval. Any violation of these provisions shall subject the violating prime contractor to the penalties, sanctions, and other remedies

specified in Section 7108.5 of the California Business 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.



**City of Vacaville**  
**Disadvantaged Business Enterprises (DBE) Program**  
**Organization Chart**  
**Federal Fiscal Year 2010/2011**



City of Vacaville  
Capital Improvement Program Projects  
Plan Houses Bidder's Resources

Name	Address	City	ST	ZIP	Phone	FAX	E-Mail
Alameda County Builders Exchange	3055 Alvarado	San Leandro	CA	94577-5711	(510) 483-3880	(510) 352-1509	tinay@beac.com
Reed Construction Data	30 Technology Parkway South, Suite 500	Norcross	GA	30092-2976	(800) 876-4045	(800) 303-8629	d0cproessing@reedbusiness.com
Contra Costa Builders Exchange	2440 Stanwell Drive	Concord	CA	94520-4854	(925) 685-8630	(925) 685-3424	aprh@cobx.com
McGraw-Hill Construction/Dodge Plan Room	4020 Lennane Drive, Suite 104	Sacramento	CA	95834-1987	(916) 419-2287	(916) 419-7299	diana_boyles@mcgras-hill.com
El Dorado Builders Exchange	3430 Robin Lane, Suite 7	Cameron Park	CA	95682-8441	(530) 672-2955	(530) 672-2985	planroom@goodbuilders.org
Marin Builders Exchange	660 Las Gallinas Avenue	San Rafael	CA	94903-3687	(415) 462-1220	(415) 462-1225	janet@marinba.org
Nevada County Contractors Association	149 Crown Point Court, Suite A	Grass Valley	CA	95945-9551	(530) 274-1919	(530) 274-3373	ncaaccounts@pacbell.net
North Coast Builders Exchange	1030 Apollo Way	Santa Rosa	CA	95407-6700	(707) 542-9502	(707) 542-2027	matt@ncbeonline.com
Peninsula Builders Exchange	735 Industrial Road, Suite 100	San Carlos	CA	94070-3386	(650) 591-4486	(650) 591-8108	support@constructionplans.org
Placer County Contractors Association	10656 Industrial Avenue, Suite 160	Roseville	CA	95678-6218	(916) 771-7229	(916) 771-0556	admin@placercb.com
Sacramento (South) Builders Exchange	1331 "T" Street	Sacramento	CA	95811-7107	(916) 442-8991	(916) 446-3117	frontdesk@sboxchange.net
Sacramento (North) Builders Exchange	1 Sierra Gate Plaza, Suite 120A	Roseville	CA	95678-6638	(916) 782-4782	(916) 782-4792	elinor@sboxchange.net
Shasta Builders Exchange	850 South Van Ness Avenue	San Francisco	CA	94110-1911	(415) 282-8220	(415) 821-0363	Deanna@bxofsf.com
Solano/Napa Builders Exchange	2990 Innsbruck Drive	Redding	CA	96003-9303	(530) 221-5556	(530) 221-2140	Tabitha@shastabex.com
Stockton Builders Exchange	135 Camino Dorado	Napa	CA	94559-7529	(707) 256-2515	(707) 255-2749	planroom@sbnbe.com
Valley Contractors Exchange	7500 West Lane	Stockton	CA	95210-3312	(209) 478-1005	(209) 478-2132	ivestl@vceonline.com
Valley Contractors Exchange	950 East 8th Street	Chico	CA	95928-5816	(530) 343-1981	(530) 343-3503	teresa@vceonline.com
Construction Bidboard Inc.	832 Richland Road	Yuba City	CA	95991-8280	(530) 674-2030	(530) 671-4432	Colette@vceonline.com
Construction Update/Minority Bidders Bulletin	4420 Hotel Circle Court, Room 215	San Diego	CA	92108-3423	(800) 479-5314	(619) 688-0585	planroom@bidboard.com
Construction Bid Source	P. O. Box 568	Burson	CA	92552-0568	(858) 487-2600	(858) 487-3500	www.goodfaitheffort.com
					(800) 962-4162	(800) 560-7266	www.constructionbidsource.com

\* Online DBE Plan Rooms

# Subcontractor Request

PROJECT: Sample Project  
 FEDERAL PROJECT #: CML 5094(000)  
 CONTRACTOR: The Best Contractor Ever  
 REQUEST: #1  
 CIP FILE #: 444  
 CIP ACCOUNT #: 5555

CONTRACT: \$1,000,000.00  
 % WORK REQUIRED: 50%  
 MINIMUM (1/2 of 1%): \$500,000.00  
 \$5,000.00

Subcontractor	DBE	CCL	Class	Type of Work	SPEC. ITEM	Bid Item #	% of Subk Work	Bid Item \$	Specialty Item \$	Bid Item Work Performed	Total Subcontract
Sitework Contractor (123) 123-1234		A		Slework		10	100.00%	\$30,000.00		\$30,000.00	\$30,000.00
						11	100.00%	\$20,000.00		\$20,000.00	\$50,000.00
						12	98.00%	\$50,000.00		\$49,000.00	\$99,000.00
Electric Company 12345		C10	X	Traffic Signal System		13	100.00%	\$15,000.00		\$15,000.00	\$15,000.00
						15	50.00%	\$10,000.00	\$10,000.00	\$5,000.00	\$5,000.00
						18	100.00%	\$10,000.00		\$10,000.00	\$30,000.00
Masonry		C29		Precast Soundwall		21	100.00%	\$35,500.00		\$35,500.00	\$35,500.00
						22	100.00%	\$10,000.00		\$10,000.00	\$45,500.00
Striping	56789	C32		Striping		23	100.00%	\$15,000.00		\$15,000.00	\$15,000.00
						24	100.00%	\$20,000.00		\$20,000.00	\$35,000.00
						25	100.00%	\$15,000.00		\$15,000.00	\$50,000.00
								<b>\$230,500.00</b>			<b>\$224,500.00</b>

\$10,000.00    Specialty Items  
 \$1,000,000.00  
 \$0.00  
 \$10,000.00  
 \$10,000.00  
 \$495,000.00  
 \$0.00  
 \$224,500.00  
 \$224,500.00  
 \$775,500.00  
 \$280,500.00  
 Balance over 50%

Total Bid Items	
Specialty Items (Previously Requested)	\$0.00
Specialty Items (This Request)	\$10,000.00
Total (Lines 2+3)	\$10,000.00
Contractor Must Do with Own Forces (Lines 1-4) X % of 50%	
Bid Items Previously Subcontracted	\$0.00
Bid Items Subcontracted (This Request)	\$224,500.00
Total (Lines 6+7)	\$224,500.00
Balance of Work Contractor to Perform (Lines 1-8)	\$775,500.00