



## City Council Agenda Item

**City Council Meeting Date:** February 1, 2022

**TO:** Dean Albro, City Manager

**FROM:** Richard Fernbaugh, Aviation/Transportation Administrator  
r\_fernbaugh@ci.lompoc.ca.us

**SUBJECT:** Adoption of Resolution No. 6473(22) Approving the Update of the City of Lompoc Transit Disadvantaged Business Enterprise Goals for Federal Fiscal Years 2022-2024

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### **Recommendation:**

Staff recommends the City Council adopt Resolution No. 6473(22) (Attachment 1), approving and authorizing submittal of the City of Lompoc Transit (COLT) Disadvantaged Business Enterprise (DBE) Goals for Federal Fiscal Years (FFYs) 2022-2024 (Attachment 2) to the Federal Transit Administration (FTA).

### **Background:**

City of Lompoc Transit (COLT) has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 Code of Federal Regulations (CFR) Part 26. COLT's original DBE Plan was approved in 2008 and is required to be updated every three years.

### **Discussion:**

In September 2021 the City hired Moore and Associates to assist in preparing the new goals for the DBE program for the period of FFYs 2022-2024. Moore and Associates was hired to assist based on their experience with the new Federal requirements for setting goals for the DBE Program, including securing statewide labor information and doing required local surveys. The City annually receives federal financial assistance from the FTA branch of DOT for COLT's operation and capital uses. As a condition of receiving that assistance, the City has signed an assurance that it will comply with 49 CFR Part 26. Part of that required compliance includes developing and adopting DBE goals every three years, and enacting policies to ensure equal opportunities for DOT-funded contracts. It is the policy of COLT to ensure DBEs, as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also COLT's policy to:

1. Ensure non-discrimination in the award and administration of DOT-assisted contracts;
2. Create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. Ensure the DBE program is tailored in accordance with applicable law;
4. Ensure only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. Help remove barriers to the participation of DBEs in DOT-assisted contracts; and
6. Assist the development of firms that can compete successfully in the marketplace outside the DBE program.

COLT's DBE Liaison Officer is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred in its financial assistance agreements with DOT. COLT has disseminated this policy statement to all COLT management and staff as well as to those DBE and non-DBE business entities that perform work for COLT on DOT-assisted contracts.

This policy statement is publicly displayed on the COLT website, procurement contracting documents, and annual written notification to all vendors via U.S. Mail and/or email.

**Fiscal Impact:**

The adoption of the DBE Goals for FFYs 2022-2024 does not result in significant fiscal commitments, but it maintains the City's eligibility to continue receiving needed FTA funding for COLT. Minor administrative tasks will be accomplished with the assistance of Moore & Associates, Inc. under its consulting agreement with the City. Implementation of the recommendations contained within the Plan designed to assist the City in meeting its goals may result in modest advertising expenses in future years for the COLT program. COLT is entirely funded by a combination of Federal and State transit funds as well as Measure A and fare box recovery. No City General Funds are utilized in the transit operation.

**Conclusion:**

Adopting the new DBE goals for FFYs 2022-2024 will allow the City to continue to receive needed transit funding from the Federal Transit Administration.

Respectfully submitted,

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Richard Fernbaugh, Aviation/Transportation Administrator

**APPROVED FOR SUBMITTAL TO THE CITY MANAGER:**

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Michael W. Luther, P.E., Public Works Director

**APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:**

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Dean Albro, City Manager

- Attachments: 1) Resolution No. 6473(22)  
2) Updated DBE Goals for FY 2022-2024