

**EXHIBIT 9-B LOCAL AGENCY DBE ANNUAL SUBMITTAL FORM**

TO: CALTRANS DISTRICT-11  
District Local Assistance Engineer

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 San Diego submits our annual 9-B information for the Federal Fiscal Year 2015/2016, beginning on October 1 and ending on September 30.

Disadvantaged Business Enterprise Liaison Officer (DBELO)

Gregory W. Richards, Senior Civil Engineer  
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Planned Race-neutral Measures

The County of San Diego plans to implement the following Planned Race-Neutral Measures:

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 when practical and in the best interest of the County and/or requiring or encouraging prime contractors to subcontract portions of work that they might otherwise perform with their own forces).
2. Providing assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process and/or reducing bonding requirements, eliminating the impact of surety costs from bids) where possible and when authorized under California Public Contract Code.
3. Providing technical assistance and other services when requested by DBE firms.
4. Carrying out information and communication programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists of bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; participate as a local agency, on an as-needed basis, in the Caltrans sponsored Small Business Council for the San Diego Region).
5. Ensuring distribution of DBE directory, through print and electronic means, to potential prime contractors when requested.
6. Encouraging DBEs, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media including assisting with registration and use of the County BuyNet website to identify bid opportunities.

- 7. Support of a Mentor-Protégé program to assist protégés with obtaining bond and rate insurance, bid submittals, preparation of marketing plan, on-site job review, review of work in progress, hiring practices review, review of accounting practices and financial statements review.

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 is a listing of the three methods. On the attachment, please designate which prompt payment provision the local agency will use.)

Prompt Pay Enforcement Mechanism

49 CFR 26.29(d) requires providing 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 local agency's prior written approval.

Prompt payment is by Method 2. Prompt payment is enforced through the DPW Construction Inspection Services section. Responsibilities of this section include construction monitoring and ensuring payments are made to contractors in accordance with contract terms and conditions. If complaints concerning payments are received from subcontractors, Construction Inspection staff investigates the complaint, contacts the prime contractor as necessary, and resolves the issues. Continuing violations subject the violating contractor to the penalties, sanctions, and remedies specified in Section 7108.5 of the California Business and Professions Code.

Richard E. Crompton  
(Signature)

5/7/15  
Date

RICHARD E. CROMPTON, Director  
Department of Public Works  
ADMINISTERING AGENCY  
(Authorized Governing Body Representative)

(858) 694-2233  
Phone Number

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

5/18/15  
(Date)

Distribution: (1) Original - DLAE  
(2) Signed copy by the DLAE - Local Agency

(Attachment)

**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.

- ~~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. 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 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.**
- ~~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 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 prime contractor 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.~~

County of San Diego, Department of Public Works  
 Capital Improvement Program, Project Development Section  
 (Organizational Chart with DBE Liaison Officer)

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