

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

TO: CALTRANS DISTRICT 6  
District Local Assistance Engineer

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 Bakersfield submits our annual 9-B information for the Federal Fiscal Year 2016 / 2017 beginning on October 1, 2016 and ending on September 30, 2017.

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

Name of DBELO: Georgina Lorenzi with the Public Works Department. Address: 1600 Truxtun Avenue Bakersfield, CA 93301 Phone Number: (661) 326-3572 Fax Number: (661) 852-2120 Email Address: glorenzi@bakersfieldcity.us

**Planned Race-neutral Measures**

The race neutral measures the City of Bakersfield plans to implement for the upcoming Federal Fiscal Year per 49 CFR, Part 26.51 and Section V of the California Department of Transportation DBE Program Implementation Agreement for Local Agencies are summarized on **Attachment A**.

**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.) Refer to **Attachment B**.

**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.

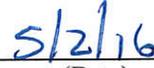
Please briefly describe the monitoring and enforcement mechanisms in place to ensure that all subcontractors, including DBEs, are promptly paid.

The City of Bakersfield will interview each DBE subcontractor during the course of the project to ensure that they are being paid in accordance with the prompt payment requirements. Any violation of the prompt payment requirements subjects the prime contractor to the penalties and sanctions specified in Section 7108.5 of the California Business and Professions Code. We have developed a DBE Interview form (see attached) to aid City construction inspectors on this interview process.

Signatures on next page



  
\_\_\_\_\_  
(Signature)

  
\_\_\_\_\_  
(Date)

Nick Fidler, Public Works Director  
\_\_\_\_\_  
(Print Name and Title)  
ADMINISTERING AGENCY  
(Authorized Governing Body Representative)

(661) 326- 3596  
\_\_\_\_\_  
(Phone Number)

  
\_\_\_\_\_  
(Signature of Caltrans District Local Assistance Engineer)

  
\_\_\_\_\_  
(Date)

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

**Attachment A****Planned Race Neutral Measures**

The race neutral measures that the City of Bakersfield will implement for the upcoming Federal Fiscal Year per 49 CFR, Part 26.51 and Section V of the California Department of Transportation DBE Program Implementation Agreement for Local Agencies are as follows:

- We will continue to provide detailed information in our published Notices for FHWA-funded projects. We will continue to publish a separate Notice addressed to potential subcontractors and material suppliers.
- Advertisements are published in the local newspaper for the Bakersfield area. In addition, we maintain a list of organizations throughout the State to which we email a copy of the Notice through use of PlanetBids.
- Outreach efforts include:
  - City staff has participated in conferences held by the Kern Contractors Minority Association (KMCA). To date, six conferences have been held (January 10-11, 2008, January 29-30, 2009, January 21, 2010, February 18, 2011, April 19, 2013, and June 17, 2015). Staff will also participate in the upcoming KMCA conference entitled “KMCA – 9<sup>th</sup> Annual High Speed Rail, Public Contracting & Transportation Small Business/DBE/DVBE/MBE/WBE Conference 2016” which will be held from May 10<sup>th</sup> to May 13<sup>th</sup>, 2016.
  - The City of Bakersfield has held four contractor/DBE outreach meetings (August 6, 2008, July 27, 2010, May 22, 2012, and May 15, 2014) which included information regarding upcoming FHWA funded projects. Staff also anticipates holding one more outreach meeting in the Summer of 2016 for the TRIP program. This pending outreach meeting will likely be the last one for the TRIP program and will cover the remaining TRIP projects.
  - City staff also participated in Caltrans’ Calmentor Program which was held on September 22, 2010 in Clovis.
- We have added information regarding the DBE Program to the Public Works Department’s internet site to provide additional information and services to businesses. We have provided a print screen of the information contained on our website.

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**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.



**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.