

AGENDA ITEM NO.

45

RESOLUTION NO.

76149

DATE APPROVED:

11-14-00

DEPARTMENT:

SUBJECT:

Reso amending Reso No. 74724 as amended  
to reestablish City's Disadvantaged Business  
(Draft copy is attached)

MISSING

ORIGINAL

LEGISLATION

CONTACT PERSON/EXT.

OAKLAND CITY COUNCIL

**DRAFT**

RESOLUTION NO. \_\_\_\_\_ C.M.S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

**RESOLUTION AMENDING RESOLUTION NO. 74724 CMS AS AMENDED TO REESTABLISH THE CITY OF OAKLAND'S DISADVANTAGED BUSINESS ENTERPRISE PROGRAM FOR THE US DEPARTMENT OF TRANSPORTATION FUNDED PROJECTS FROM OCTOBER 1, 2000 THROUGH SEPTEMBER 30, 2001**

**WHEREAS**, the City Council of the City of Oakland passed Resolution No. 61857 CMS on January, 10, 1984, approving and adopting the City of Oakland Department of Transportation (DOT) funded projects; and,

**WHEREAS**, the City Council has reestablished the single goal of 35% for disadvantaged business participation on DOT funded projects each year since 1984 by Resolution numbers 61857 CMS, 62505 CMS, 63942 CMS, 64975 CMS, 65639 CMS, 66615 CMS, 67483 CMS, 68472 CMS, 69351 CMS, 70512 CMS, 71510 CMS, 72396 CMS, 73582 CMS, and 74724 CMS; and,

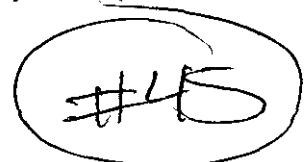
**WHEREAS**, the City Council must reestablish the overall goal of 28%, with 24% of the overall goal to be achieved through race neutral means and 4% to be achieved through race conscious means as per 49 CFR Part 26 for disadvantaged business participation on DOT assisted projects for the period October 1, 2000 through September 30, 2001; and,

**WHEREAS**, based on an analysis of upcoming DOT funded projects to be administered during the same period, the City has determined that the overall goal of 28% is achievable, now, therefore, be it

**RESOLVED**, that Resolution no. 74724 as amended, is hereby amended to reestablish an overall goal of 28%, with 24% of the overall goal to be achieved through race neutral means and 4% to be achieved through race conscious means on DOT funded projects for the period October 1, 2000 through September 30, 2001.

*I certify that the foregoing is a full, true and correct copy of a Resolution passed by the City Council of the City of Oakland, California on \_\_\_\_\_.*

CEDA FLOYD  
City Clerk and Clerk of the City Council



The City of Oakland awarded \$9.8 million in DOT assisted contracts for FY 99/00. Of that amount, 64.47% was awarded to DBEs. Based on current capacity and 18% relative DBE availability, the overall goal was calculated at 28%

Breakout of Estimated Race-Neutral and Race-Conscious Participation

The City of Oakland anticipates meeting its overall goal using 24% race neutral means and 4% race conscious means. In our analysis, it was determined that the population of DBEs are also awarded contracts through the City of Oakland's competitive bid process, e. g. all of the DBEs are listed on the City's bidders list as certified local/small local business enterprises. Hence, they are afforded every opportunity to bid on all of the City's projects.

As with monitoring and enforcement, the City currently has a policy in place for review and evaluation of good faith effort. The policy for good faith effort regarding DBE program requirements will be handled in much the same way as it is for the L/SLBE Program, while incorporating those requirements unique to the DBE Program as prescribed by Caltrans and the federal government.

**RECOMMENDATION (S) AND RATIONALE**

Staff recommends passage of the resolution. Approval of the Program by Council and Caltrans will allow the City to move forward with award of DOT assisted contracts.

**ACTION REQUESTED OF THE CITY COUNCIL**

Approval of this report.

Respectfully submitted,

  
**DEBORAH L. BARNES**

Prepared by:  
Mary M. Mayberry,  
Administrative Services Manager I  
Contract Compliance

APPROVED AND FORWARDED TO THE  
CITY COUNCIL:

  
**OFFICE OF THE CITY MANAGER**