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INTERIM EXHIBIT 9-B LOCAL AGENCY DBE ANNUAL SUBMITTAL FORM

MAR 10 2011

TO: CALTRANS DISTRICT 6
District Local Assistance Engineer

City of Porterville
Public Works Dept.

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 Disadvantaged Business Enterprise (DBE) Program Plan.

The City of Porterville, 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)

Name: Baldomero Rodriguez
Address: 291 N. Main Street
Porterville, CA 93257
Phone: (559) 782-7462
E-Mail: brodriguez@ci.porterville.ca.us

Planned Race Neutral Measures

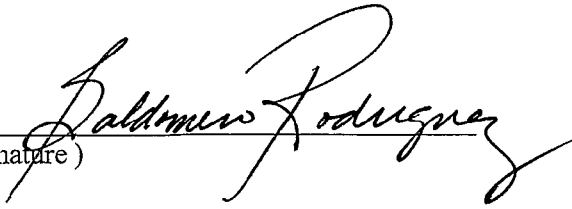
The City of Porterville has developed and updates on its website a DBE section that provides a link to the CUCP Directory, a link to the Office of Civil Right's website that provides information on small business activities, and current City of Porterville Bidder's List tracking DBE participation on all jobs. The City also holds mandatory pre-bid meetings when necessary, ensures compliances to prompt payment specifications, and maintains a current list of projects that are bidding on the City's website.

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 Attached)

Prompt Pay Enforcement Mechanism

In compliance with 49 CFR, Part 26.29(d) the City of Porterville has contractual procedures in place with general contractors to insure payment to subcontractors is timely unless payment has been withheld for good cause. Project Managers may at any time request verification of timely payment to subcontractors, otherwise penalties may be accrued.


(Signature)

2/17/11
Date

Baldomero Rodriguez
(Print Name and Title)
ADMINISTERING AGENCY (Authorized Governing Body Representative)

(559) 782-7462
Phone Number


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

3/7/11
Date

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

DBE Annual Submittal Form (07/1/10)

(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 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.

RESOLUTION NO. 05-2011

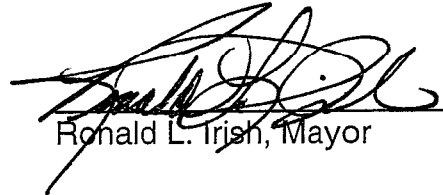
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF PORTERVILLE ADOPTING
THE 2010/2011 DISADVANTAGED
BUSINESS ENTERPRISE PROGRAM

WHEREAS, the Department of Transportation's Disadvantaged Business Enterprise Program (Program) has been approved by the Federal Highway Administration; and

WHEREAS, the updated Program has removed race-conscious and race-neutral goals opting instead for project specific goals to be calculated on all federally funded projects beginning October 1, 2010 through September 30, 2011;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Porterville hereby approves the updated Disadvantaged Business Enterprise Program for October 1, 2010 through September 30, 2011.

PASSED, ADOPTED AND APPROVED this 15th day of February, 2011.



Ronald L. Irish, Mayor

ATTEST:
John D. Lollis, City Clerk



By: Patrice Hildreth, Chief Deputy City Clerk

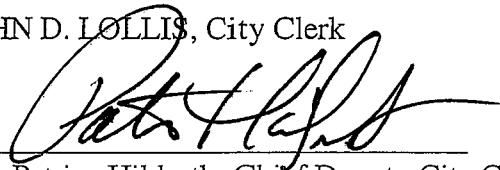
STATE OF CALIFORNIA)
CITY OF PORTERVILLE) SS
COUNTY OF TULARE)

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at a regular meeting of the Porterville City Council duly called and held on the 15th day of February, 2011.

THAT said resolution was duly passed, approved, and adopted by the following vote:

Council:	McCRACKEN	HAMILTON	IRISH	SHELTON	WARD
AYES:	X		X	X	X
NOES:					
ABSTAIN:					
ABSENT:		X			

JOHN D. LOLLIS, City Clerk



By: Patrice Hildreth, Chief Deputy City Clerk