



CONTRA COSTA  
**transportation  
 authority**

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 Executive Director

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

TO: CALTRANS DISTRICT 4  
 Sylvia Fung, 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 Disadvantaged Business Enterprise (DBE) Program Plan.

The **Contra Costa Transportation Authority** submits our annual 9-B information for the Federal Fiscal Year 2010/2011, beginning on October 1 and ending on September 30.

Disadvantaged Business Enterprise Liaison Officer (DBELO)

Randall O. Carlton  
 Chief Financial Officer  
 Contra Costa Transportation Authority  
 2999 Oak Road, Suite 100  
 Walnut Creek, CA 94957  
 Tel: 925-256-4725  
 Fax: 925-256-4701  
[rcarlton@ccta.net](mailto:rcarlton@ccta.net)

Planned Race Neutral Measures

The Authority will use the following race-neutral means to promote DBE participation:

- To the extent practicable, unbundling large contracts to make them more accessible to small businesses.
- Encouraging Prime Contractors to subcontract portions of work that they might otherwise perform with their own forces.
- Providing assistance in overcoming limitations such as inability to obtain bonding or financing by such means as simplifying the bonding process, reducing bonding requirements, and directing DBEs and other small businesses to services providing assistance in obtaining bonding and financing.
- Providing DBE Program training for all staff with contracting authority and contract management responsibility on DBE program elements, objectives and procedures.

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.)

2999 Oak Road,  
 Suite 100  
 Walnut Creek,  
 CA 94597  
 PHONE: 925.256.4700  
 FAX: 925.256.4701  
[www.ccta.net](http://www.ccta.net)

Prompt Pay Enforcement Mechanism

49 CFR, Part 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.**

Prompt payment to subcontractors is a requirement included in all Authority contracts. In addition, the Authority requires that consultants provide detailed invoices, so there is an ongoing, current record of what is owed to subcontractors. Authority project managers are responsible for managing the financial element of the contract and serve as the primary channel through which any concerns about payment would first arise. In addition, finance staff are available to respond to questions concerning payment. Most importantly, since subs generally do not receive their payment until the prime is paid, the Authority strives to review and process invoices promptly (within 30 days).

Randall O. Carlton, CFO  
(Signature )

7/30/2010  
Date

Randall O. Carlton, CFO  
(Print Name and Title)  
ADMINISTERING AGENCY  
(Authorized Governing Body Representative)

925-256-4725  
Phone Number

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

9-1-10  
Date

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Attachment A

**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.

***Note: CCTA anticipates awarding only consultant contracts using federal funds in FY10/11, and will apply Method 1. However, if a construction contract were to be awarded, Method 3 would be used.***

- 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.



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## Letter of Transmittal

**To** Mr. Art Duffy  
 Caltrans Local Assistance  
 111 Grand Ave.  
 Oakland, CA 94623

**Date** July 30, 2010

**From:** Danice Rosenbohm

Delivered via:  **First Class Mail**  Fax  UPS  Courier

#	Description
1	FY 2010-11 DBE Submittal

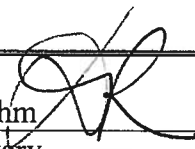
- |   |   |  |
|---|---|--|
| <input type="checkbox"/> As requested             | <input type="checkbox"/> For your information         | <input checked="" type="checkbox"/> <b>For your action</b> |
| <input type="checkbox"/> For your review/comments | <input type="checkbox"/> For your approval/signature  | <input type="checkbox"/> For your files                    |
| <input type="checkbox"/> For submittal            | <input type="checkbox"/> For correction & resubmittal | <input type="checkbox"/> As discussed                      |

**Comments**

Mr. Duffy,

Enclosed please find signed Interim Exhibit 9-B Local Agency DBE Annual Submittal Form.

Thank you!

By Danice Rosenbohm   
 Executive Secretary