

Memorandum

To: LOCAL PUBLIC AGENCY PARTNERS

Date: February 1, 2024

From: DEE LAM
Division Chief
Division of Local Assistance

DAVID DELUZ
Deputy Director
Office of Civil Rights

Subject: **ROLES AND RESPONSIBILITIES OF LOCAL AGENCIES IN OVERSIGHT AND REPORTING OF THE DISADVANTAGED BUSINESS ENTERPRISE PROGRAM**

As recipients of federal funding, the California Department of Transportation (Caltrans) and California Local Public Agencies (LPA) are responsible for the oversight, monitoring, enforcement, and reporting of all aspects of the Disadvantaged Business Enterprise (DBE) program in accordance with [49 Code of Federal Regulation \(CFR\) Part 26](#).

This letter is intended to reinforce these responsibilities with LPAs.

Background

The DBE program is intended to create a level playing field on which DBEs can compete and ensure nondiscrimination in the award and administration of federal-aid contracts. In accordance with the Local Assistance Procedures Manual (LAPM), LPAs are required to monitor, enforce, and report on their compliance with the DBE program.

Local Public Agency Roles and Responsibilities

Under the Caltrans DBE Program Plan and the LAPM, LPA responsibilities include but are not limited to:

Submittal of the most current version of the following [LAPM Exhibits](#) to [Caltrans District Local Assistance Engineers \(DLAE\)](#):

- [LAPM Exhibit 9-A](#) (DBE Implementation Agreement for Local Agencies): Submit before a request for authorization is processed.
- LAPM Exhibit 9-B (Local Agency DBE Annual Submittal): Submit annually.

- LAPM Exhibit 9-D (Contract Goal Methodology): Submit prior to advertisement for construction or consultant services.
- LAPM Exhibit 10-O2 (Consultant Contract DBE Commitment): Submit within 30 days of execution of any consultant contract.
- LAPM Exhibit 15-G (Construction Contract DBE Commitment): Submit within 30 days of execution of any construction contract.
- LAPM Exhibit 17-F (Final Report-Utilization of DBE and First-Tier Subcontractors): Submit upon completion of any consultant or construction contract.
- LAPM Exhibit 17-F1 (AE On-Call: Final Report-Utilization of DBE for On-Call Contracts): Submit upon completion of any A&E on-call consultant contract.
- Monitoring and enforcement of:
 - Commercially Useful Function (CUF) evaluations
 - DBE terminations and replacements
 - Prompt Payment certifications

To ensure DBE compliance as defined in 49 CFR Part 26, please review Chapter 9, Civil Rights & Disadvantaged Business Enterprise, of the LAPM and Office Bulletins 23-01 and 23-02.

Please refer to your signed Master Agreement and Program Supplement for more details on your DBE commitment.

If you have any questions, please contact your District Local Assistance Engineer.

Sincerely,



DEE LAM
Division Chief
Division of Local Assistance

02/05/2024

Date

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David Deluz (Feb 5, 2024 08:42 PST)

DAVID DE LUZ
Deputy Director
Office of Civil Rights

02/05/2024

Date

bc: D.O. File (if DOTS assignment) or D.O. Chron File (if signed by deputy and above)

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DLA Letter to LPAs

Final Audit Report

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