

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: PUBLIC WORKS
Urgent Routine ✓

BOARD AGENDA # *C-2

AGENDA DATE JULY 10, 2001

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO ✓

SUBJECT: APPROVAL OF DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM AND ANNUAL GOAL FOR THE 2001-02 FEDERAL FISCAL YEAR

STAFF
RECOMMEN-
DATIONS:

1. APPROVE THE DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM FOR THE 2001-02 FEDERAL FISCAL YEAR;
2. APPROVE AN ANNUAL DBE GOAL OF SEVEN PERCENT FOR FEDERAL DEPARTMENT OF TRANSPORTATION FUNDED PROJECTS FOR THE 2001-02 FEDERAL FISCAL YEAR;
3. AUTHORIZE THE CHIEF EXECUTIVE OFFICER TO EXECUTE THE ATTACHED DBE PROGRAM; AND,

(CONTINUED ON PAGE 2)

FISCAL
IMPACT:

There are no direct costs associated with this action. It is possible that additional staff may be needed in the future to implement the requirements of the DBE Program. Any new staff would be funded by the Public Works budget.

BOARD ACTION AS FOLLOWS:

No. 2001-523

On motion of Supervisor Caruso, Seconded by Supervisor Blom
and approved by the following vote,

Ayes: Supervisors: Mayfield, Blom, Simon, Caruso, and Chair Paul

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) Denied

3) Approved as amended

Motion:

SUBJECT: APPROVAL OF DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM AND ANNUAL GOAL FOR THE 2001-02 FEDERAL FISCAL YEAR
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**STAFF
RECOMMEN-
DATIONS**
(Continued):

4. AUTHORIZE THE CLERK OF THE BOARD TO PUBLISH A NOTICE SETTING FORTH THE ANNUAL GOAL AND THE COMMENT PERIOD CRITERIA.

DISCUSSION:

On July 7, 1981, the Board approved a program to ensure that minority businesses achieved no less than a certain percentage of subcontract work from federally funded projects. The program required the Board to annually adopt goals for minority businesses. The original goal was 4.4 percent for minority-owned businesses and 1.0 percent for women owned businesses.

In 1983, the U. S. Department of Transportation (USDOT) revised the program guidelines and on October 18, 1983, the Board approved an updated Minority Business Enterprise (MBE) program and set a new goal for minority-owned businesses.

In 1985, USDOT again revised the MBE program, and it became known as the Disadvantaged Business Enterprise (DBE) program. On July 30, 1985, the Board approved the revised DBE program.

In 1987, Congress passed the Surface Transportation and Uniform Relocation Assistance Act, which revised the definition of disadvantaged enterprises such that Women-Owned Business Enterprise (WBE) is now included in the DBE category. The Board acted on September 22, 1987, to adopt an amendment to conform to the new federal law.

On December 16, 1997, the Board approved a revised DBE Program. The California Department of Transportation (Caltrans) wanted to bring more conformity to the various DBE programs that had been adopted by local agencies throughout the state.

In 2000, changes in the Code of Federal Regulations (CFR) once again revised the DBE guidelines, and requires Stanislaus County to adopt a new DBE program each year. The new guidelines are contained in Part 26 CFR 49. The changes require the local agency to furnish much more support during the bid process to enable DBEs the maximum opportunity to participate in USDOT funded contracts. They also require additional monitoring during the construction of a project. Caltrans, acting as the local administrator for USDOT funding, requested that all local agencies upgrade their program to comply with the new federal regulations. On October 3, 2000, the Board approved a DBE program for the 2000-01 federal fiscal year that complied with the new federal regulations.

Submitted for approval is the DBE program for the 2001-02 federal fiscal year. This program is similar to the DBE program that was adopted for the 2000-01 federal fiscal year.

SUBJECT: APPROVAL OF DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM AND ANNUAL GOAL FOR THE 2001-02 FEDERAL FISCAL YEAR

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DISCUSSION

(Continued):

Also submitted for approval is the new DBE participation goal for USDOT funded projects for the 2001-02 federal fiscal year. The proposed goal is 7%. In the immediate five County area, which includes Stanislaus, Merced, San Joaquin, Calaveras and Tuolumne Counties, there are 40 certified DBE businesses, of which 33 of these perform services that may be employed in a USDOT funded project. In Stanislaus County, there are seven certified DBE firms of which six may perform work or services related to our USDOT funded projects.

Upon acceptance of the 2001-02 federal fiscal year DBE program and annual DBE goal, it is recommended that the Board authorize the Clerk of the Board to publish a notice in the Modesto Bee citing the new DBE annual goal for 2001-02 and invite review of the goal methodology and solicit written comments. A copy of the "Goal Methodology" has been submitted for your information. A sample of the "Notice" format to be used by the Clerk of the Board is also attached.

POLICY

ISSUE:

This action is consistent with the Board's policy of providing a safe, healthy community

STAFFING

IMPACT:

It is uncertain at this time, but there may be need for temporary staff during construction projects to allow the USDOT required monitoring and recording of certain DBE activities.

CB:dh

(L:\DBE\BoardProgramApproval2001.wpd)

**STANISLAUS COUNTY
OVERALL ANNUAL DBE GOAL AND METHODOLOGY**

1. DOT-Assisted Contracting Program for FFY 2001-02

The following represents Stanislaus County's projected FHWA funded contracts and expenditures by Work Category Code (WCC) and corresponding Standard Industry Classification (SIC) for FFY 2001-02. The breakout of projects and their respective work categories is shown in Attachment 1.

Table A

Work Category	WCC Codes*	SIC Codes	Estimated Dollar Value	% of Federal Funding By Work Category
Consultants	C87xx	8711, 8713, and 8734	\$170,000	3%
Road Construction	C06xx, C07xx, C12xx, C15xx, C16xx, C19xx, C26xx, C39xx, C42xx, C56xx, C65xx, C69xx, C71xx, C73xx, C75xx, C80xx, C81xx, C84xx, C85xx, C86xx, C96xx and C99xx	1442, 1610, 1770, 1794, 1795, 2951, 3273, and 7353	\$2,645,000	54%
Bridge Work	C06xx, C07xx, C12xx, C15xx, C16xx, C19xx, C49xx, C50xx, C51xx, C52xx, C69xx, C72xx, C75xx, C83xx, C96xx, and C99xx	1741, 1751, 1770, 1794, 1795, 3273, and 7353	\$1,550,000	32%
No DBE Work Available**			\$550,000	11%
Total			\$4,915,000	100%

*Because there are so many relevant WCCs, only the first two digits are shown and the whole cluster of related numbers is accepted for seeking DBEs.

**Table A includes a "No DBE Work Available" group because we have a CMAQ project to construct CNG Fueling Stations. The construction of the CNG Fueling Stations is a very specialized craft dominated by the large manufacturers of these products. A portion of the CNG Fueling Station work was split out and included in the road construction category.

2. Goal Methodology

Step 1: Determination of a Base Figure (26.45)

To establish Stanislaus County's Base Figure of the relative availability of DBE firms in relation to all comparable firms available for the Stanislaus County's FFY 2001-02 FHWA funded program, Stanislaus County has elected to use the Caltrans DBE Directory of certified firms (filtered to represent only DBE firms within the 952xx and 953xx zip codes that cover all of Stanislaus County, Merced County, San Joaquin County, Tuolumne County and Calaveras County) for calculating the numerator and the Census Bureau's Business Pattern Database within the same geographical market area to calculate the denominator.

STANISLAUS COUNTY OVERALL ANNUAL DBE GOAL AND METHODOLOGY

To arrive at the relative availability of DBEs, the number of DBEs available in Caltrans' DBE Directory was divided by the number of all comparable Census Bureau Pattern (CBP) firms available for the same work elements. That figure was then multiplied times its corresponding percent of the anticipated work share of the overall annual program as shown below:

Base Figure = [.03 x (DBEs/CBPs) for consultants] + [.54 x (DBEs/CBPs) for road construction] + [.32 x (DBEs/CBPs) for bridge construction] + [.11 x No DBE Work].

The DBE Directory was queried for the WCCs indicated in Table A and the results are shown in Attachments 2, 3, and 4 for each element of the overall program. A spreadsheet was constructed to show the number of available firms in the Census Bureau's Business Pattern Database for each element in the five county area covered by the DBE information. This spreadsheet is included as Attachment 5.

The results of the information gathered produces the following:

$$\begin{aligned} \text{Base Figure} &= [.03 \times 13/155] + [.54 \times 22/283] + [.32 \times 20/356] + [.11 \times 0] \\ &= .0025 + .0420 + .0180 + 0 \\ &= .0625 \text{ or } 6\% \end{aligned}$$

Step 2: Adjusting the Base Figure

Upon establishing the Base Figure, Stanislaus County reviewed and assessed other known relevant evidence to determine what adjustments, if any, were needed to narrowly tailor the Base Figure to Stanislaus County's marketplace. Factors considered in determining Stanislaus County's DBE participation included the following:

The Base Figure calculated in Step 1 is a bit misleading relative to truckers and trucking brokers in that they constitute 8 of the 55 DBE firms in the 952xx and 953xx zip code area. There was no equivalent work class in the SIC codes to choose from so truckers are not represented in the Census Bureau figures. This appears to skew the results upward for DBE participation. If the trucking related firms are deleted from WCC list to balance the advantage and the equation is reworked, the DBE goal would be 5%.

$$\begin{aligned} \text{Adjusted Base Figure} &= [.03 \times 13/155] + [.54 \times 18/283] + [.32 \times 16/356] + [.11 \times 0] \\ &= .0025 + .0343 + .0144 + 0 \\ &= .0512 \text{ or } 5\% \end{aligned}$$

Since the 2000-01 DBE goal was adopted, Stanislaus County has opened only one project. This was a bridge project with the bids in the \$1,000,000 area. The 3 lowest bidders submitted DBE good faith information showing an average DBE participation of approximately 1.2%. The project had a DBE goal of 10%.

With the diminished role of DBE truckers and truck brokers, the reduced number of DBE firms, and information from only one bid opening, it seems reasonable to set the annual goal with these aforementioned factors in mind. We believe a DBE annual goal of 7% is appropriate for Stanislaus County for federal fiscal year 2001-02.

**STANISLAUS COUNTY
OVERALL ANNUAL DBE GOAL AND METHODOLOGY**

3. Utilization of Race-Neutral and Race-Conscious Methods

Of the overall annual 7% goal for DBE participation, Stanislaus County projects meeting 2% of the goal utilizing race-neutral methods, including making efforts to assure that bidding and contract requirements facilitate participation by DBEs and other small businesses; unbundling large contracts to make them more accessible to small businesses; encouraging prime contractors to subcontract portions of the work that they might otherwise perform themselves; and providing technical assistance, and other support services to facilitate consideration of DBEs and other small businesses. The remaining 5% of the goal is anticipated to be accomplished through race-conscious measures, which includes establishing contract specific goals on contracts with contracting possibilities, when needed, to meet Stanislaus County's overall annual DBE goal.

4. Public Participation in Setting Overall Annual DBE Goals

In conformance with Public Participation Regulatory Requirements of 49 CFR Part 26.45 and Caltrans Local Assistance Procedures Manual (LAPM) Chapter 9, this goal analysis has been reviewed with minority recruitment centers, community organizations, and other U.S. DOT recipients. These entities are knowledgeable about the availability of disadvantaged and non-disadvantaged businesses and the effects of discrimination on contracting opportunities for DBEs within Stanislaus County's marketplace.

Additionally, Stanislaus County has published a Public Notice in general circulation media, women/minority focused media, announcing Stanislaus County's proposed overall annual goals for the FY 2001-2002 contracts assisted by FHWA. Such Notice informed the public that the overall goals and their rationale are available for inspection at the Stanislaus County Department of Public Works, 1716 Morgan Road, Modesto, CA during regular business hours for 30 days following the date of the publication of the Public Notice. Such Notice further stated that Stanislaus County and the FHWA will accept comments on the goals for 45 days from the date of the Public Notice. The required public participation provisions will be fully satisfied prior to submitting Stanislaus County's DBE Program and Overall Annual DBE Goal for Final Review and Approval.

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CONTRACT OPPORTUNITIES FOR DBE'S IN 2001-2002

Project	Total Contracts Available in 2001-02	Environmental Consultants	Civil Engineering Consultants	Road Construction	Bridge Construction	No DBE Work Available
STP						
Carpenter Rd 1.5 MI N/O Crows Landing Rd	\$265,000	\$15,000		\$250,000		
Mitchell Rd Bridge Approaches	\$270,000		\$40,000	\$60,000	\$170,000	
Orange Blossom Road near Horseshoe Road	\$540,000			\$540,000		
Traffic Signals	\$100,000	\$15,000	\$85,000			
CMAQ						
CNG Fueling Stations - Phase 2	\$700,000			\$150,000		\$550,000
River Rd Bike Lanes	\$365,000	\$15,000		\$350,000		
School Sidewalk Project	\$790,000			\$790,000		
TEA						
Westley Landscaping Project	\$325,000			\$325,000		
STIP						
Finch Rd at Mariposa Rd Traffic Signals	\$180,000			\$180,000		
SEISMIC						
Geer Road Bridge at Tuolumne River (Seismic)	\$750,000				\$750,000	
Grayson Rd at Laird Slough (Seismic)	\$130,000				\$130,000	
Shiloh Rd Bridge at Tuolumne River (Seismic)	\$500,000				\$500,000	
Total	\$4,915,000	\$45,000	\$125,000	\$2,645,000	\$1,550,000	\$550,000

PROGRAM	WCC	MISC SUPPL	DBA	CITY	ZIP
DBE	C8707	FEASIBILITY STUDIES	1 ALTERNATIVE RESOURCES	STOCKTON	95204-
DBE	C8700	CONSULTANT	ALTERNATIVE RESOURCES	STOCKTON	95204-
DBE	C8700	CONSULTANT	2 AUGUSTINE LAND USE PLANNING	SONORA	95370-
DBE	C8700	CONSULTANT	3 B-ZAP-B, INC.	MURPHYS	95247-0000
DBE	C8700	CONSULTANT	4 CONSTRUCTION CONSULTING COMPANY	ARNOLD	95223-
DBE	C8700	CONSULTANT	5 DCA ARCHITECTURE CONSTRUCTION	STOCKTON	95203-
DBE	C8704	ARCHITECTURAL	DCA ARCHITECTURE CONSTRUCTION	STOCKTON	95203-
DBE	C8705	DESIGN	DCA ARCHITECTURE CONSTRUCTION	STOCKTON	95203-
DBE	C8707	FEASIBILITY STUDIES	DCA ARCHITECTURE CONSTRUCTION	STOCKTON	95203-
DBE	C8765	DRAFTING	DCA ARCHITECTURE CONSTRUCTION	STOCKTON	95203-
DBE	C8770	CONSTRUCTION MANAGEMENT	DCA ARCHITECTURE CONSTRUCTION	STOCKTON	95203-
DBE	C8710	ENGINEERING	6 ENTECH ENGINEERS AND CONTRACTORS	LODI	95240-
DBE	C8700	CONSULTANT	ENTECH ENGINEERS AND CONTRACTORS	LODI	95240-
DBE	C8770	CONSTRUCTION MANAGEMENT	ENTECH ENGINEERS AND CONTRACTORS	LODI	95240-
DBE	C8742	MECHANICAL ENGINEERS	ENTECH ENGINEERS AND CONTRACTORS	LODI	95240-
DBE	C8707	FEASIBILITY STUDIES	ENTECH ENGINEERS AND CONTRACTORS	LODI	95240-
DBE	C8705	DESIGN	ENTECH ENGINEERS AND CONTRACTORS	LODI	95240-
DBE	C8700	CONSULTANT	7 FOOTHILL RESOURCES, LTD	MOKELUMNE HILL	95245-
DBE	C8700	CONSULTANT	8 FRANCIS HERITAGE SERVICES	SONORA	95370-
DBE	C8700	CONSULTANT	9 GMJ GEOSERVICES	STRAWBERRY	95375-0125
DBE	C8712	PUBLIC RELATIONS	10 INFOWRIGHT	STOCKTON	95204-
DBE	C8720	CIVIL ENGINEERING	11 ISL ENGINEERING	VALLEY SPRINGS	95252-
DBE	C8712	PUBLIC RELATIONS	12 JUDITH BUETHE PUBLIC RELATIONS	STOCKTON	95203-2526
DBE	C8700	CONSULTANT	JUDITH BUETHE PUBLIC RELATIONS	STOCKTON	95203-2526
DBE	C8702	MANAGEMENT INFORMATION SYSTEMS	SEQUOIA TRAFFIC SERVICE	MERCED	95340-
DBE	C8700	CONSULTANT	13 SEQUOIA TRAFFIC SERVICE	MERCED	95340-

Road Construction

DBE by Zip Qry

Attachment 3 5/30/01

PROGRAM	WCC	MISC SUPPL	DBA	CITY	ZIP
DBE	C9904	CORING	1	AAARDVARK CONCRETE CUTTING C	RIPON 95366-0366
DBE	C9905	CUTTING		AAARDVARK CONCRETE CUTTING C	RIPON 95366-0366
DBE	C9901	MISC SERVICES - CALTRANS FACILITIES		AAARDVARK CONCRETE CUTTING C	RIPON 95366-0366
DBE	C8604	LIGHTING	2	AC/DC/ELECTRICAL CONTRACTOR	TRACY 95376-
DBE	C9904	CORING	3	AUSTIN'S CONCRETE & ASPHALT CU	MODESTO 95355-
DBE	C9905	CUTTING		AUSTIN'S CONCRETE & ASPHALT CU	MODESTO 95355-
DBE	C0612	SAFETY	Δ	AZCO	STOCKTON 95205-????
DBE	C0686	ELECTRICAL & SIGNALS		AZCO	STOCKTON 95205-????
DBE	C0670	PIPE		AZCO	STOCKTON 95205-????
DBE	C1901	ROADWAY EXCAVATION	5	B-ZAP-B, INC.	MURPHYS 95247-0000
DBE	C6500	REINFORCED CONCRETE PIPE		B-ZAP-B, INC.	MURPHYS 95247-0000
DBE	C1601	CLEARING & GRUBBING		B-ZAP-B, INC.	MURPHYS 95247-0000
DBE	C8000	FENCING		B-ZAP-B, INC.	MURPHYS 95247-0000
DBE	C9980	DEMOLITION		B-ZAP-B, INC.	MURPHYS 95247-0000
DBE	C9905	CUTTING		B-ZAP-B, INC.	MURPHYS 95247-0000
DBE	C1940	DITCHES EXCAVATION		B-ZAP-B, INC.	MURPHYS 95247-0000
DBE	C9903	CONSTRUCTION CLEAN UP		B-ZAP-B, INC.	MURPHYS 95247-0000
DBE	C1920	STRUCTURE EXCAVATION		B-ZAP-B, INC.	MURPHYS 95247-0000
DBE	C7301	CONCRETE CURB & SIDEWALK - MISC		B-ZAP-B, INC.	MURPHYS 95247-0000
DBE	C7191	SEWER MANHOLE		B-ZAP-B, INC.	MURPHYS 95247-0000
DBE	C7160	ASBESTOS-CEMENT SEWER PIPE		B-ZAP-B, INC.	MURPHYS 95247-0000
DBE	C7140	CLAY SEWER PIPE		B-ZAP-B, INC.	MURPHYS 95247-0000
DBE	C3910	PAVING ASPHALT (ASPHALT CONCRETE)		B-ZAP-B, INC.	MURPHYS 95247-0000
DBE	C1930	STRUCTURE BACKFILL		B-ZAP-B, INC.	MURPHYS 95247-0000
DBE	C9904	CORING		B-ZAP-B, INC.	MURPHYS 95247-0000
DBE	C0639	ASPHALT	6	BLACK DIAMOND ASPHALT, INC	MODESTO 95353-
DBE	C9602	BOTTOM DUMP TRUCKING		BLACK DIAMOND ASPHALT, INC	MODESTO 95353-
DBE	C8000	FENCING	8	CAL FENCE	STOCKTON 95205-
DBE	C3910	PAVING ASPHALT (ASPHALT CONCRETE)	7	CERVANTES TRUCKING	STOCKTON 95206-3416
DBE	C9903	CONSTRUCTION CLEAN UP	9	DCA ARCHITECTURE CONSTRUCTIO	STOCKTON 95203-
DBE	C9602	BOTTOM DUMP TRUCKING	10	DELANEY TRUCKING	MOUNTAIN RANCH 95246-
DBE	C8000	FENCING	11	ECONOMY FENCE COMPANY	STOCKTON 95205-
DBE	C0680	FENCING		ECONOMY FENCE COMPANY	STOCKTON 95205-
DBE	C9602	BOTTOM DUMP TRUCKING	12	F. J. TRANSPORT	HUGHSON 95326-
DBE	C7301	CONCRETE CURB & SIDEWALK - MISC	13	G. RAMIREZ CONCRETE	MERCED 95348-
DBE	C1980	IMPORTED BORROW	14	K. W. EMERSON, INC.	SAN ANDREAS 95249-
DBE	C2602	AGGREGATE BASE		K. W. EMERSON, INC.	SAN ANDREAS 95249-
DBE	C1970	EMBANKMENT CONSTRUCTION		K. W. EMERSON, INC.	SAN ANDREAS 95249-
DBE	C1930	STRUCTURE BACKFILL		K. W. EMERSON, INC.	SAN ANDREAS 95249-

Road Construction

DBE by Zip Qry

5/30/01

PROGRAM	WCC	MISC SUPPL	DBA	CITY	ZIP
DBE	C1601	CLEARING & GRUBBING	K. W. EMERSON, INC.	SAN ANDREAS	95249-
DBE	C1901	ROADWAY EXCAVATION	K. W. EMERSON, INC.	SAN ANDREAS	95249-
DBE	C1910	GRADING	K. W. EMERSON, INC.	SAN ANDREAS	95249-
DBE	C1940	DITCHES EXCAVATION	K. W. EMERSON, INC.	SAN ANDREAS	95249-
DBE	C1920	STRUCTURE EXCAVATION	K. W. EMERSON, INC.	SAN ANDREAS	95249-
DBE	C1925	SHAPED BEDDING	K. W. EMERSON, INC.	SAN ANDREAS	95249-
DBE	C9908	HEAVY EQUIPMENT RENTAL	15 MATTOS EQUIPMENT TRANSPORT	TRACY	95376-9148
DBE	C9605	FLAT BED TRUCKING	MATTOS EQUIPMENT TRANSPORT	TRACY	95376-9148
DBE	C1522	RESET, ADJUST ROADWAY ITEMS	16 RAGSDALE & SON, INC.	WATERFORD	95386-
DBE	C1601	CLEARING & GRUBBING	RAGSDALE & SON, INC.	WATERFORD	95386-
DBE	C1531	PLANE ASPHALT CONCRETE	RAGSDALE & SON, INC.	WATERFORD	95386-
DBE	C3901	ASPHALT CONCRETE	RAGSDALE & SON, INC.	WATERFORD	95386-
DBE	C2602	AGGREGATE BASE	RAGSDALE & SON, INC.	WATERFORD	95386-
DBE	C1930	STRUCTURE BACKFILL	RAGSDALE & SON, INC.	WATERFORD	95386-
DBE	C8406	PAINTED TRAFFIC STRIPE & MARKING	RAGSDALE & SON, INC.	WATERFORD	95386-
DBE	C8405	THERMOPLASTIC TRAFFIC STRIPE & MA	RAGSDALE & SON, INC.	WATERFORD	95386-
DBE	C7301	CONCRETE CURB & SIDEWALK - MISC	RAGSDALE & SON, INC.	WATERFORD	95386-
DBE	C3910	PAVING ASPHALT (ASPHALT CONCRETE)	RAGSDALE & SON, INC.	WATERFORD	95386-
DBE	C1901	ROADWAY EXCAVATION	RAGSDALE & SON, INC.	WATERFORD	95386-
DBE	C9605	FLAT BED TRUCKING	17 RICK NEVES TRUCKING	TRACY	95376-
DBE	C9602	BOTTOM DUMP TRUCKING	RICK NEVES TRUCKING	TRACY	95376-
DBE	C1930	STRUCTURE BACKFILL	18 RODGERS CONST. & ENGINEERING	STOCKTON	95206-6885
DBE	C1910	GRADING	RODGERS CONST. & ENGINEERING	STOCKTON	95206-6885
DBE	C1920	STRUCTURE EXCAVATION	RODGERS CONST. & ENGINEERING	STOCKTON	95206-6885
DBE	C1925	SHAPED BEDDING	RODGERS CONST. & ENGINEERING	STOCKTON	95206-6885
DBE	C1601	CLEARING & GRUBBING	RODGERS CONST. & ENGINEERING	STOCKTON	95206-6885
DBE	C1901	ROADWAY EXCAVATION	RODGERS CONST. & ENGINEERING	STOCKTON	95206-6885
DBE	C1970	EMBANKMENT CONSTRUCTION	RODGERS CONST. & ENGINEERING	STOCKTON	95206-6885
DBE	C1980	IMPORTED BORROW	RODGERS CONST. & ENGINEERING	STOCKTON	95206-6885
DBE	C2602	AGGREGATE BASE	RODGERS CONST. & ENGINEERING	STOCKTON	95206-6885
DBE	C3901	ASPHALT CONCRETE	RODGERS CONST. & ENGINEERING	STOCKTON	95206-6885
DBE	C3910	PAVING ASPHALT (ASPHALT CONCRETE)	RODGERS CONST. & ENGINEERING	STOCKTON	95206-6885
DBE	C3940	PLACE ASPHALT CONCRETE DIKE & MIS	RODGERS CONST. & ENGINEERING	STOCKTON	95206-6885
DBE	C1940	DITCHES EXCAVATION	RODGERS CONST. & ENGINEERING	STOCKTON	95206-6885
DBE	C0612	SAFETY	19 SEQUOIA TRAFFIC SERVICE	MERCED	95340-
DBE	C1201	TRAFFIC CONTROL SYSTEM	SEQUOIA TRAFFIC SERVICE	MERCED	95340-
DBE	C1200	CONSTRUCTION AREA SIGNS	SEQUOIA TRAFFIC SERVICE	MERCED	95340-
DBE	C7301	CONCRETE CURB & SIDEWALK - MISC	20 SJD CONSTRUCTION INC.	OAKDALE	95361-
DBE	C9980	DEMOLITION	SJD CONSTRUCTION INC.	OAKDALE	95361-

Road Construction

DBE by Zip Qry

5/30/01

PROGRAM	WCC	MISC SUPPL	DBA	CITY	ZIP
DBE	C6500	REINFORCED CONCRETE PIPE	SJD CONSTRUCTION INC.	OAKDALE	95361-
DBE	C5620	ROADSIDE SIGN	SJD CONSTRUCTION INC.	OAKDALE	95361-
DBE	C1201	TRAFFIC CONTROL SYSTEM	SJD CONSTRUCTION INC.	OAKDALE	95361-
DBE	C1200	CONSTRUCTION AREA SIGNS	SJD CONSTRUCTION INC.	OAKDALE	95361-
DBE	C0639	ASPHALT	21 TOUGHNUT TRUCKING	MARIPOSA	95338-
DBE	C0625	SAND & GRAVEL	TOUGHNUT TRUCKING	MARIPOSA	95338-
DBE	C2602	AGGREGATE BASE	TOUGHNUT TRUCKING	MARIPOSA	95338-
DBE	C0699	TOOLS	22 WESTURF, INC	MODESTO	95357-
DBE	C0620	LANDSCAPING & NURSERY	WESTURF, INC	MODESTO	95357-

Bridge Construction

DBE by Zip Qry

Attachment 4

5/30/01

PROGRAM	WCC	MISC SUPPL	DBA	CITY	ZIP
DBE	C9905	CUTTING	1 AAARDVARK CONCRETE CUTTING COMPANY	RIPON	95366-0366
DBE	C9901	MISC SERVICES - CALTRANS FACILITIES	AAARDVARK CONCRETE CUTTING COMPANY	RIPON	95366-0366
DBE	C9904	CORING	AAARDVARK CONCRETE CUTTING COMPANY	RIPON	95366-0366
DBE	C9904	CORING	2 AUSTIN'S CONCRETE & ASPHALT CUTTING SER	MODESTO	95355-
DBE	C9905	CUTTING	AUSTIN'S CONCRETE & ASPHALT CUTTING SER	MODESTO	95355-
DBE	C0670	PIPE	3 AZCO	STOCKTON	95205-????
DBE	C0612	SAFETY	AZCO	STOCKTON	95205-????
DBE	C0686	ELECTRICAL & SIGNALS	AZCO	STOCKTON	95205-????
DBE	C1920	STRUCTURE EXCAVATION	4 B-ZAP-B, INC.	MURPHYS	95247-0000
DBE	C9980	DEMOLITION	B-ZAP-B, INC.	MURPHYS	95247-0000
DBE	C9905	CUTTING	B-ZAP-B, INC.	MURPHYS	95247-0000
DBE	C9904	CORING	B-ZAP-B, INC.	MURPHYS	95247-0000
DBE	C9903	CONSTRUCTION CLEAN UP	B-ZAP-B, INC.	MURPHYS	95247-0000
DBE	C8320	METAL BEAM GUARD RAILING	B-ZAP-B, INC.	MURPHYS	95247-0000
DBE	C1930	STRUCTURE BACKFILL	B-ZAP-B, INC.	MURPHYS	95247-0000
DBE	C1901	ROADWAY EXCAVATION	B-ZAP-B, INC.	MURPHYS	95247-0000
DBE	C1601	CLEARING & GRUBBING	B-ZAP-B, INC.	MURPHYS	95247-0000
DBE	C1940	DITCHES EXCAVATION	B-ZAP-B, INC.	MURPHYS	95247-0000
DBE	C0639	ASPHALT	5 BLACK DIAMOND ASPHALT, INC	MODESTO	95353-
DBE	C9602	BOTTOM DUMP TRUCKING	BLACK DIAMOND ASPHALT, INC	MODESTO	95353-
DBE	C9903	CONSTRUCTION CLEAN UP	6 DCA ARCHITECTURE CONSTRUCTION	STOCKTON	95203-
DBE	C9602	BOTTOM DUMP TRUCKING	7 DELANEY TRUCKING	MOUNTAIN RANCH	95246-
DBE	C0680	FENCING	8 ECONOMY FENCE COMPANY	STOCKTON	95205-
DBE	C8320	METAL BEAM GUARD RAILING	ECONOMY FENCE COMPANY	STOCKTON	95205-
DBE	C8330	METAL RAILING	ECONOMY FENCE COMPANY	STOCKTON	95205-
DBE	C8391	METAL BEAM BARRIER	ECONOMY FENCE COMPANY	STOCKTON	95205-
DBE	C9602	BOTTOM DUMP TRUCKING	9 F. J. TRANSPORT	HUGHSON	95326-
DBE	C5110	CONCRETE SURFACE FINISH	10 G. RAMIREZ CONCRETE	MERCED	95348-
DBE	C5105	MINOR CONCRETE STRUCTURE	G. RAMIREZ CONCRETE	MERCED	95348-
DBE	C5100	CONCRETE STRUCTURE	G. RAMIREZ CONCRETE	MERCED	95348-
DBE	C1601	CLEARING & GRUBBING	11 K. W. EMERSON, INC.	SAN ANDREAS	95249-
DBE	C1901	ROADWAY EXCAVATION	K. W. EMERSON, INC.	SAN ANDREAS	95249-
DBE	C1940	DITCHES EXCAVATION	K. W. EMERSON, INC.	SAN ANDREAS	95249-
DBE	C1970	EMBANKMENT CONSTRUCTION	K. W. EMERSON, INC.	SAN ANDREAS	95249-
DBE	C1910	GRADING	K. W. EMERSON, INC.	SAN ANDREAS	95249-
DBE	C1930	STRUCTURE BACKFILL	K. W. EMERSON, INC.	SAN ANDREAS	95249-
DBE	C1980	IMPORTED BORROW	K. W. EMERSON, INC.	SAN ANDREAS	95249-
DBE	C1925	SHAPED BEDDING	K. W. EMERSON, INC.	SAN ANDREAS	95249-
DBE	C1920	STRUCTURE EXCAVATION	K. W. EMERSON, INC.	SAN ANDREAS	95249-

Bridge Construction

DBE by Zip Qry

5/30/01

PROGRAM	WCC	MISC SUPPL	DBA	CITY	ZIP
DBE	C9908	HEAVY EQUIPMENT RENTAL 12	MATTOS EQUIPMENT TRANSPORT	TRACY	95376-9148
DBE	C9605	FLAT BED TRUCKING	MATTOS EQUIPMENT TRANSPORT	TRACY	95376-9148
DBE	C5110	CONCRETE SURFACE FINISH 13	R & B PROTECTIVE COATINGS, INC.	LINDEN	95236-
DBE	C1930	STRUCTURE BACKFILL 14	RAGSDALE & SON, INC.	WATERFORD	95386-
DBE	C5105	MINOR CONCRETE STRUCTURE	RAGSDALE & SON, INC.	WATERFORD	95386-
DBE	C7215	CONCRETED-ROCK SLOPE PROTECTION	RAGSDALE & SON, INC.	WATERFORD	95386-
DBE	C1601	CLEARING & GRUBBING	RAGSDALE & SON, INC.	WATERFORD	95386-
DBE	C1531	PLANE ASPHALT CONCRETE	RAGSDALE & SON, INC.	WATERFORD	95386-
DBE	C1901	ROADWAY EXCAVATION	RAGSDALE & SON, INC.	WATERFORD	95386-
DBE	C1522	RESET, ADJUST ROADWAY ITEMS	RAGSDALE & SON, INC.	WATERFORD	95386-
DBE	C9602	BOTTOM DUMP TRUCKING 15	RICK NEVES TRUCKING	TRACY	95376-
DBE	C9605	FLAT BED TRUCKING	RICK NEVES TRUCKING	TRACY	95376-
DBE	C1980	IMPORTED BORROW 16	RODGERS CONST. & ENGINEERING CO., INC	STOCKTON	95206-6885
DBE	C1940	DITCHES EXCAVATION	RODGERS CONST. & ENGINEERING CO., INC	STOCKTON	95206-6885
DBE	C1930	STRUCTURE BACKFILL	RODGERS CONST. & ENGINEERING CO., INC	STOCKTON	95206-6885
DBE	C1920	STRUCTURE EXCAVATION	RODGERS CONST. & ENGINEERING CO., INC	STOCKTON	95206-6885
DBE	C1910	GRADING	RODGERS CONST. & ENGINEERING CO., INC	STOCKTON	95206-6885
DBE	C1901	ROADWAY EXCAVATION	RODGERS CONST. & ENGINEERING CO., INC	STOCKTON	95206-6885
DBE	C1970	EMBANKMENT CONSTRUCTION	RODGERS CONST. & ENGINEERING CO., INC	STOCKTON	95206-6885
DBE	C1601	CLEARING & GRUBBING	RODGERS CONST. & ENGINEERING CO., INC	STOCKTON	95206-6885
DBE	C1925	SHAPED BEDDING	RODGERS CONST. & ENGINEERING CO., INC	STOCKTON	95206-6885
DBE	C0612	SAFETY 17	SEQUOIA TRAFFIC SERVICE	MERCED	95340-
DBE	C7250	SACKED CONCRETE 18	SJD CONSTRUCTION INC.	OAKDALE	95361-
DBE	C5100	CONCRETE STRUCTURE	SJD CONSTRUCTION INC.	OAKDALE	95361-
DBE	C9980	DEMOLITION	SJD CONSTRUCTION INC.	OAKDALE	95361-
DBE	C5190	JOINT SEAL - WATER STOP	SJD CONSTRUCTION INC.	OAKDALE	95361-
DBE	C5105	MINOR CONCRETE STRUCTURE	SJD CONSTRUCTION INC.	OAKDALE	95361-
DBE	C0639	ASPHALT 19	TOUGHNUT TRUCKING	MARIPOSA	95338-
DBE	C0625	SAND & GRAVEL	TOUGHNUT TRUCKING	MARIPOSA	95338-
DBE	C0699	TOOLS 20	WESTURF, INC	MODESTO	95357-
DBE	C0620	LANDSCAPING & NURSERY	WESTURF, INC	MODESTO	95357-

**Available Firms from
Census Bureau's Database**

Attachment 5

WORK OPPORTUNITIES	SIC CODES	Description	Stanislaus County	Merced County	San Joaquin County	Calaveras County	Tuolumne County	Totals
Consultants	8711	Engineering Services	39	6	48	14	10	117
	8713	Surveying Services	3		5	4	4	16
	8734	Testing Laboratories	11	2	7	1	1	22
		Totals	53	8	60	19	15	155
Road Construction	1442	Construction Sand and Gravel	4	3	4	1		12
	1610	Highway and Street Construction	10	2	19	6	8	45
	1770	Concrete Work	44	17	58	2	5	126
	1794	Excavation Work	13	3	14	6	11	47
	1795	Wrecking and Demolition Work	1		1			2
	2951	Asphalt Paving Mixtures and Blocks	1	2	2			5
	3273	Ready-Mixed Concrete	8	5	10	1	2	26
	7353	Heavy Construction Equipment Rental	7	1	11		1	20
	Totals	88	33	119	16	27	283	
Bridge Construction	1741	Masonry and Other Stonework	18	3	19	5	7	52
	1751	Carpentry Work	51	7	38	1	6	103
	1770	Concrete Work	44	17	58	2	5	126
	1794	Excavation Work	13	3	14	6	11	47
	1795	Wrecking and Demolition Work	1		1			2
	3273	Ready-Mixed Concrete	8	5	10	1	2	26
	7353	Heavy Construction Equipment Rentals	7	1	11		1	
	Totals	142	36	151	15	32	356	

**DISADVANTAGED BUSINESS
ENTERPRISE (DBE)
PROGRAM FOR
COUNTY OF STANISLAUS
FISCAL YEAR 2001-02**

Agenda Date : 7/10/01
Item No: C-2
Resolution No: 2001-523

This Program is in accordance with Title 49 of the Code of Federal Regulations Part 26.

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

County of Stanislaus

I Definitions of Terms

The terms used in this program have the meanings defined in 49 CFR §26.5.

II Objectives /Policy Statement (§§26.1, 26.23)

The County of Stanislaus has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The County of Stanislaus has received federal financial assistance from the DOT, and as a condition of receiving this assistance, the County of Stanislaus will sign an assurance that it will comply with 49 CFR Part 26.

It is the policy of the County of Stanislaus to ensure that DBEs, as defined in part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

- To ensure nondiscrimination in the award and administration of DOT-assisted contracts;
- To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
- To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
- To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
- To help remove barriers to the participation of DBEs in DOT-assisted contracts; and
- To assist the development of firms that can compete successfully in the market place outside the DBE Program.

Mr. Charles Barnes, Transportation Project Coordinator, Stanislaus County Public Works Department, 1716 Morgan Road, Modesto, CA 95358, phone (209) 525-4126, email barnesc@mail.co.stanislaus.ca.us has been delegated as the DBE Liaison Officer. In that capacity, Mr. Barnes is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the County of Stanislaus in its financial assistance agreements with the California Department of Transportation (Caltrans).

The County of Stanislaus has disseminated this policy statement to the Stanislaus County Board of Supervisors and all the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts.

III Nondiscrimination (§26.7)

The County of Stanislaus will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, the County of Stanislaus will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

IV DBE Program Updates (§26.21)

The County of Stanislaus will continue to carry out this program until the County of Stanislaus has established a new goal setting methodology or until significant changes to this DBE Program are adopted. The County of Stanislaus will provide to Caltrans a proposed overall goal and goal setting methodology and other program updates by June 1 of every year.

V Quotas (§26.43)

The County of Stanislaus will not use quotas or set-asides in any way in the administration of this DBE program.

VI DBE Liaison Officer (DBELO) (§26.25)

The County of Stanislaus has designated the following individual as the DBE Liaison Officer: Mr. Charles Barnes, Stanislaus County Public Works Department, 1010 10th Street, Suite 3500, Modesto, CA 95354, barnesc@mail.co.stanislaus.ca.us. In that capacity, Mr. Barnes is responsible for implementing all aspects of the DBE program and ensuring that the County of Stanislaus complies with all provisions of 49 CFR Part 26. This is available on the Internet at osdbuweb.dot.gov/main.cfm. Mr. Barnes has direct, independent access to the Chief Executive Officer of Stanislaus County concerning DBE program matters. The DBELO will work independently on DBE issues but will have available to him as many part time assistants as necessary to meet the guideline of the program. An organization chart displaying the DBELO's position in the organization is found in Attachment 1 to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination other appropriate officials. Duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
6. Analyzes the County of Stanislaus' progress toward goal attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the CEO/governing body on DBE matters and achievement.
9. Chairs the DBE Advisory Committee.
10. Participates with the legal counsel and project director to determine contractor compliance with good faith efforts.
11. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
12. Plans and participates in DBE training seminars.
13. Provides outreach to DBEs and community organizations to advise them of opportunities.

VII Federal Financial Assistance Agreement Assurance (§26.13)

The County of Stanislaus will sign the following assurance, applicable to all DOT-assisted contracts and their administration as part of the program supplement agreement for each project:

The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE Program or the requirements of 49 CFR part 26. The recipient shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts. The recipient's DBE Program, as required by 49 CFR part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

VIII DBE Financial Institutions

It is the policy of the County of Stanislaus to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions.

Information on the availability of such institutions can be obtained from the DBE Liaison Officer. The Caltrans Disadvantaged Business Enterprise Program may offer assistance to the DBE Liaison Officer.

IX Directory (§26.31)

The County of Stanislaus will refer interested persons to the DBE directory available from the Caltrans Disadvantaged Business Enterprise Program website at www.dot.ca.gov/hq/bep.

X Overconcentration (§26.33)

The County of Stanislaus has not identified any types of work in DOT-assisted contracts that have an overconcentration of DBE participation. If in the future the County of Stanislaus identifies the need to address overconcentration, measures for addressing overconcentration will be submitted to the DLAE for approval.

XI Business Development Programs (§26.35)

The County of Stanislaus does not have a business development or mentor-protégé program. If the County of Stanislaus identifies the need for such a program in the future, the rationale for adopting such a program and a comprehensive description of it will be submitted to the DLAE for approval.

XII Required Contract Clauses (§§26.13, 26.29)

Contract Assurance

The County of Stanislaus ensures that the following clause is placed in every DOT-assisted contract and subcontract:

The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as recipient deems appropriate.

Prompt Payment

The County of Stanislaus ensures that the following clauses or equivalent will be included in each DOT-assisted prime contract:

Satisfactory Performance

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 10 days from the receipt of each payment the prime contractor receives from the County of Stanislaus. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the County of Stanislaus. This clause applies to both DBE and non-DBE subcontractors

Release of Retainage

The prime contractor agrees further to release retainage payments to each subcontractor within 30 days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the County of Stanislaus. This clause applies to both DBE and non-DBE subcontractors.

XIII Monitoring and Enforcement Mechanisms (§26.37)

The County of Stanislaus will assign a Resident Engineer (RE) or Contract Manager to monitor and track actual DBE participation through contractor and subcontractor reports of payments in accordance with the following:

After Contract Award

After the contract award the County of Stanislaus will review the award documents for the portion of items each DBE and first tier subcontractor will be performing and the dollar value of that work. With these documents the RE/Contract Manager will be able to determine the work to be performed by the DBEs or subcontractors listed.

Preconstruction Conference

A preconstruction conference will be scheduled between the RE and the contractor or their representative to discuss the work each DBE subcontractor will perform.

Before work can begin on a subcontract, the local agency will require the contractor to submit a completed "Subcontracting Request," Exhibit 16-B of the LAPM or equivalent. When the RE receives the completed form it will be checked for agreement of the first tier subcontractors and DBEs. The RE will not approve the request when it identifies someone other than the DBE or first tier subcontractor listed in the previously completed "Local Agency Bidder DBE Information," Exhibit 15-G. The "Subcontracting Request" will not be approved until any discrepancies are resolved. If an issue cannot be resolved at that time, or there is some other concern, the RE will require the contractor to eliminate the subcontractor in question before signing the subcontracting request. A change in the DBE or first tier subcontractor may be addressed during a substitution process at a later date.

Suppliers, vendors, or manufacturers listed on the "Local Agency Bidder DBE Information" will be compared to those listed in the completed Exhibit 16-I of the LAPM or equivalent. Differences must be resolved by either making corrections or requesting a substitution.

Substitutions will be subject to the Subletting and Subcontracting Fair Practices Act (FPA). Local agencies will require contractors to adhere to the provisions within Subletting and Subcontracting Fair Practices Act (State Law) Sections 4100-4144. FPA requires the contractor to list all subcontractors in excess of one half of one percent (0.5%) of the contractor's total bid or \$10,000, whichever is greater. The statute is designed to prevent bid shopping by contractors. The FPA explains that a contractor may not substitute a subcontractor listed in the original bid except with the approval of the awarding authority.

The RE will give the contractor a blank Exhibit 17-F, "Final Report Utilization of Disadvantaged Business Enterprises, First Tier Subcontractors" and will explain to them that the document will be required at the end of the project, for which payment can be withheld, in conformance with the contract.

Construction Contract Monitoring

The RE will ensure that the RE's staff (inspectors) know what items of work each DBE is responsible for performing. Inspectors will notify the RE immediately of apparent violations.

When a firm other than the listed DBE subcontractor is found performing the work, the RE will notify the contractor of the apparent discrepancy and potential loss of payment. Based on the contractor's response, the RE will take appropriate action: The DBE Liaison Officer will perform a preliminary investigation to identify any potential issues related to the DBE subcontractor performing a commercially useful function. Any substantive issues will be forwarded to the Caltrans Disadvantaged Business Enterprise Program. If the contractor fails to adequately explain why there is a discrepancy, payment for the work will be withheld and a letter will be sent to the contractor referencing the applicable specification violation and the required withholding of payment.

If the contract requires the submittal of a monthly truck document, the contractor will be required to submit documentation to the RE showing the owner's name; California Highway Patrol CA number; and the DBE certification number of the owner of the truck for each truck used during that month for which DBE participation will be claimed. The trucks will be listed by California Highway Patrol CA number in the daily diary or on a separate piece of paper for documentation. The numbers are checked by inspectors regularly to confirm compliance.

Providing evidence of DBE payment is the responsibility of the contractor.

Substitution

When a DBE substitution is requested, the RE/Contract Manager will request a letter from the contractor explaining why substitution is needed. The RE/Contract Manager must review the letter to be sure names and addresses are shown, dollar values are included, and reason for the request is explained. If the RE/Contract Manager agrees to the substitution, the RE/Contract Manager will notify, in writing, the DBE subcontractor regarding the proposed substitution and procedure for written objection from the DBE subcontractor in accordance with the Subletting and Subcontracting Fair Practices Act. If the contractor is not meeting the contract goal with this substitution, the contractor must provide the required good faith effort to the RE/Contract Manager for local agency consideration.

If there is any doubt in the RE/Contract Manager's mind regarding the requested substitution, the RE/Contract Manager may contact the DLAE for assistance and direction.

Record Keeping and Final Report Utilization of Disadvantaged Business Enterprises

The contractor shall maintain records showing the name and address of each first-tier subcontractor. The records shall also show:

1. The name and business address, regardless of tier, of every DBE subcontractor, DBE vendor of materials and DBE trucking company.
2. The date of payment and the total dollar figure paid to each of the firms.
3. The DBE prime contractor shall also show the date of work performed by their own forces along with the corresponding dollar value of the work claimed toward DBE goals.

When a contract has been completed, the contractor will provide a summary of the records stated above. The DBE utilization information will be documented on the form "Final Report-Utilization of Disadvantaged Business Enterprises (DBE), First-Tier Subcontractors" (Exhibit 17-F) and will be submitted to the DLAE attached to the Report of Expenditures. The RE will compare the completed "Final Report-Utilization of Disadvantaged Business Enterprises (DBE), First-Tier Subcontractors" form to the contractor's completed "Local Agency Bidder-DBE-Information" (Exhibit 15-G) and, if applicable, to the completed "Subcontracting Request" (Exhibit 16-B). The DBEs shown on the completed "Final Report-Utilization of Disadvantaged Business Enterprises (DBE), First-Tier Subcontractors" form should be the same as those originally listed unless an authorized substitution was allowed, or the contractor used more DBEs and they were added. The dollar amount should reflect any changes made in planned work done by the DBE. The contractor will be required to explain in writing why the names of the subcontractors, the work items or dollar figures are different from what was originally shown on the completed "Local Agency Bidder-DBE-Information" form when:

- There have been no changes made by the RE.

- The contractor has not provided a sufficient explanation in the comments section of the completed "Final Report-Utilization of Disadvantaged Business Enterprises (DBE), First-Tier Subcontractors" form.

The explanation will be attached to the completed "Final Report-Utilization of Disadvantaged Business Enterprises (DBE), First-Tier Subcontractors" form for submittal. The RE will file this in the project records.

The local agency's Liaison Officer will keep track of the DBE certification status on the Internet at www.dot.ca.gov/hq/bep and keep the RE informed of changes that affect the contract. The RE will require the contractor to act in accordance with existing contractual commitments regardless of decertification.

The DLAE will use the PS&E checklist to monitor the County of Stanislaus' commitment to require bidders list information to be submitted to the County of Stanislaus from the awarded prime and subcontractors as a means to develop a bidders list. This monitoring will only take place if the bidders list information is required to be submitted as stipulated in the special provisions.

The County of Stanislaus will bring to the attention of the DOT through the DLAE any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in §26.109. The County of Stanislaus also will consider similar action under our own legal authorities, including responsibility determinations in future contracts.

XIV Overall Goals (§26.45)

Amount of Goal

The County of Stanislaus' overall goal for the federal fiscal year 2001-02 is the following: 7% of the federal financial assistance in DOT-assisted contracts. This overall goal is broken down into 5% race-conscious and 2% race-neutral components.

Methodology

The Methodology used to determine an appropriate annual DBE goal for the County of Stanislaus was a comparison of available DBE contractors within the 952xx and 953xx zip codes compared to the total number of companies doing comparable work within the same geographic area. The available DBE contractors were found by sorting the Work Category Codes (WCC's) of the certified DBE database maintained by Caltrans to select those activities that match our upcoming project needs. The total available number of companies in the same geographic area was arrived at by collating the same work activities using the Standard Industry Codes (SIC's) from the Census Bureau data available on the Internet.

An upward adjustment was made to the base goal to account for DBE participation success in the past by the County of Stanislaus. The upward adjustment was tempered by the new guidelines related to DBE trucking brokers that will likely reduce their previously very significant role in attaining a project goal.

Breakout of Estimated Race-Neutral and Race-Conscious Participation

The race-neutral goal was taken directly from the unadjusted base figure arrived at by comparing available DBE firms to the total number of firms doing comparable work in our geographic area. The race-conscious goal was the additional percentage needed to reach an adjusted figure related to past achievements of the DBE program.

Process

Starting with the federal fiscal year 2002, the amount of overall goal, the method to calculate the goal, and the breakout of estimated race-neutral and race-conscious participation will be required annually by June 1 in advance of the federal fiscal year beginning October 1 for DOT-assisted contracts. Submittals will be to the Caltrans' DLAE. An exception to this will be if FTA or FAA recipients are required by FTA or FAA to submit the annual information to them or a designee by another date. FHWA recipients will follow this process:

Once the DLAE has responded with preliminary comments and the comments have been incorporated into the draft overall goal information, the County of Stanislaus will publish a notice of the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the County of Stanislaus' principal office for 30 days following the date of the notice, and informing the public that comments will be accepted on the goals for 45 days following the date of the notice. The notice must be published in general circulation media and available minority-focused media and trade association publications. The notice will include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed.

The overall goal resubmission to the Caltrans DLAE, will include a summary of information and comments received during this public participation process and the County of Stanislaus' responses. This will be due by September 1 to the Caltrans DLAE. The DLAE will have a month to make a final review so the County of Stanislaus may begin using the overall goal on October 1 of each year.

If there is a design build please refer to Appendix B of this Model DBE Program.

XV Contract Goals (§26.51)

The County of Stanislaus will use contract goals to meet any portion of the overall goal the County of Stanislaus does not project being able to meet by the use of race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of the overall goal that is not projected to be met through the use of race-neutral means.

Contract goals will be established only on those DOT-assisted contracts that have subcontracting possibilities. Contract goals need not be established on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work). The contract work items will be compared with eligible DBE contractors willing to work on the project. A determination will also be made to decide which items are likely to be performed by the prime contractor and which ones are likely to be performed by the subcontractor(s). The goal will then be incorporated into the contract documents. Contract goals will be expressed as a percentage of the total amount of a DOT-assisted contract.

XVI Transit Vehicle Manufacturers (§26.49)

If DOT-assisted contracts will include transit vehicle procurements, the County of Stanislaus will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on transit vehicle procurements, to certify that it has complied with the requirements of 49 CFR Part 26, Section 49. The County of Stanislaus will direct the transit vehicle manufacturer to the subject requirements located on the Internet at <http://osdbuweb.dot.gov/programs/dbe/dbe.htm>.

XVII Good Faith Efforts (§26.53)

Information to be Submitted

The County of Stanislaus treats bidders'/offerors' compliance with good faith effort requirements as a matter of responsiveness. A responsive proposal is meeting all the requirements of the advertisement and solicitation.

Each solicitation for which a contract goal has been established will require the bidders/offerors to submit the following information to Stanislaus County Department of Public Works, 1716 Morgan Road, Modesto, CA 95358 no later than 4:00 p.m. on or before the fourth day, not including Saturdays, Sundays and legal holidays, following bid opening:

1. The names and addresses of known DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participation;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment; and
6. If the contract goal is not met, evidence of good faith efforts.

Demonstration of Good Faith Efforts

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to Part 26 which is attached.

The following personnel are responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive: Charles Barnes, DBE Liaison Officer.

The County of Stanislaus will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before a commitment to the performance of the contract by the bidder/offeror is made.

Administrative Reconsideration

Within 10 days of being informed by The County of Stanislaus that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official: Mr. Pat

Bates, Stanislaus County Department of Public Works, 1010 10th Street, Suite 3500, Modesto, CA 95354, phone (209) 525-6552, email batesp@mail.co.stanislaus.ca.us. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not make document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with the reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do so. The County of Stanislaus will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to Caltrans, FHWA or the DOT.

Good Faith Efforts when a DBE is Replaced on a Contract

The County of Stanislaus will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. The prime contractor is required to notify the RE immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, the prime contractor will be required to obtain the County of Stanislaus' prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts. If the contractor fails or refuses to comply in the time specified, the County of Stanislaus' contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding.

XVIII Counting DBE Participation (§26.55)

The County of Stanislaus will count DBE participation toward overall and contract goals as provided in the contract specifications for the prime contractor, subcontractor, joint venture partner with prime or subcontractor, or vendor of material or supplies. See the Caltrans' Sample Boiler Plate Contract Documents. Also, refer to XIII. "After Contract Award."

XIX Certification (§26.83(a))

The County of Stanislaus ensures that only DBE firms currently certified on the Caltrans' directory will participate as DBEs in our program.

XX Information Collection and Reporting

Bidders List

The County of Stanislaus will create and maintain a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on its DOT-assisted contracts. The bidders list will include the name, address, DBE/non-DBE status, age, and annual gross receipts of firms.

Monitoring Payments to DBEs

Prime contractors are required to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of the County of Stanislaus, Caltrans, FHWA, or DOT. This reporting requirement also extends to any certified DBE subcontractor.

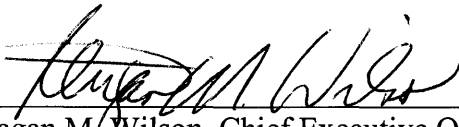
Payments to DBE subcontractors will be reviewed by the County of Stanislaus to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

Reporting to Caltrans

The County of Stanislaus - Final utilization of DBE participation will be reported to the DLAE using Exhibit 17-F of the Caltrans' LAPM.

Confidentiality

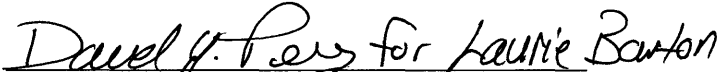
The County of Stanislaus will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with federal, state, and local laws.



Reagan M. Wilson, Chief Executive Officer

Date: 7/10/01

This Disadvantaged Business Enterprises Program is accepted by:



Laurie Barton, DLAE District 10

Date: 10-03-01

APPENDIX A TO PART 26 -- GUIDANCE CONCERNING GOOD FAITH EFFORTS

I. When, as a recipient, you establish a contract goal on a DOT-assisted contract, a bidder must, in order to be responsible and/or responsive, make good faith efforts to meet the goal. The bidder can meet this requirement in either of two ways. First, the bidder can meet the goal, documenting commitments for participation by DBE firms sufficient for this purpose. Second, even if it doesn't meet the goal, the bidder can document adequate good faith efforts. This means that the bidder must show that it took all necessary and reasonable steps to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation, even if they were not fully successful.

II. In any situation in which you have established a contract goal, part 26 requires you to use the good faith efforts mechanism of this part. As a recipient, it is up to you to make a fair and reasonable judgment whether a bidder that did not meet the goal made adequate good faith efforts. It is important for you to consider the quality, quantity, and intensity of the different kinds of efforts that the bidder has made. The efforts employed by the bidder should be those that one could reasonably expect a bidder to take if the bidder were actively and aggressively trying to obtain DBE participation sufficient to meet the DBE contract goal. Mere pro forma efforts are not good faith efforts to meet the DBE contract requirements. We emphasize, however, that your determination concerning the sufficiency of the firm's good faith efforts is a judgment call: meeting quantitative formulas is not required.

III. The Department also strongly cautions you against requiring that a bidder meet a contract goal (i.e., obtain a specified amount of DBE participation) in order to be awarded a contract, even though the bidder makes an adequate good faith efforts showing. This rule specifically prohibits you from ignoring bona fide good faith efforts.

IV. The following is a list of types of actions which you should consider as part of the bidder's good faith efforts to obtain DBE participation. It is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases.

A. Soliciting through all reasonable and available means (e.g. attendance at pre-bid meetings, advertising and/or written notices) the interest of all certified DBEs who have the capability to perform the work of the contract. The bidder must solicit this interest within sufficient time to allow the DBEs to respond to the solicitation. The bidder must determine with certainty if the DBEs are interested by taking appropriate steps to follow up initial solicitations.

B. Selecting portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces.

C. Providing interested DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.

D. (1) Negotiating in good faith with interested DBEs. It is the bidder's responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for DBEs to perform the work.

(2) A bidder using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBEs is not in itself sufficient reason for a bidder's failure to meet the contract DBE goal, as long as such costs are reasonable. Also, the ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts. Prime contractors are not, however, required to accept higher quotes from DBEs if the price difference is excessive or unreasonable.

E. Not rejecting DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The contractor's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the contractor's efforts to meet the project goal.

F. Making efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance as required by the recipient or contractor.

G. Making efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.

H. Effectively using the services of available minority/women community organizations; minority/women contractors' groups; local, state, and federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBEs.

V. In determining whether a bidder has made good faith efforts, you may take into account the performance of other bidders in meeting the contract. For example, when the apparent successful bidder fails to meet the contract goal, but others meet it, you may reasonably raise the question of whether, with additional reasonable efforts, the apparent successful bidder could have met the goal. If the apparent successful bidder fails to meet the goal, but meets or exceeds the average DBE participation obtained by other bidders, you may view this, in conjunction with other factors, as evidence of the apparent successful bidder having made good faith efforts.

APPENDIX B
TO BE USED FOR DESIGN-BUILD CONTRACTS

The following are hereby incorporated into the Agency's Disadvantaged Business Enterprise (DBE) Program:

II Objectives /Policy Statement (§§26.1, 26.23)

At the end of the first paragraph, add the following:

The Agency recognizes that certain modifications are necessary to adapt the program for use in connection with design-build contracts, and has therefore established certain procedures applicable to design-build DBE contracts under the DBE Program. Public Contract Code Section 4109 requires subcontractors to be identified by the prime contractor for the subletting or subcontracting of any portion of the work in excess of one-half of 1 percent of the prime contractor's total bid. Exceptions are only in the cases of public emergency or necessity, and then only after a finding reduced to writing as a public record of the awarding authority setting forth the facts constituting the emergency or necessity. The written public record of the awarding authority/Agency as to either emergency or necessity is attached hereto (See Appendix C for sample).

XIII Monitoring and Enforcement Mechanisms (§26.37)

At the end of the first paragraph below "After Contract Award", add the following paragraph:

After Design-Build Contract Award

As described in the Section entitled "GOOD FAITH EFFORTS" below, each proposer for an Agency design-build contract will be required to submit a DBE Performance Plan as part of a responsive proposal. Following award of a design-build contract and during both the design and construction portions of the project, the design-build contractor will be required to submit documentation, in the form of progress reports described below, to show that the design-build contractor is meeting the contract goal for the project, or if the goal is not being met, the design-build contractor must submit satisfactory evidence that it has made good faith efforts, in accordance with Section XVII, to meet the goal. Evidence of good faith efforts, as described in 49 CFR Part 26 Section 26.53 and Appendix A, will be monitored by the Agency throughout the duration of the design-build project.

At the end of the first paragraph below "Preconstruction Conference", add the following sentence:

_____The contractor will promptly provide the Agency with the information required by the form entitled "Local Agency DBE Information" upon selection of any DBE or other subcontractor not previously identified by the design-build contractor. During the course of the contract, differences must be explained and resolved by either making corrections or requesting a substitution.

At the end of the fourth paragraph below "Construction Contract Monitoring", add the following paragraph:

The contractor will provide DBE Progress Reports to the Agency with each invoice and will provide an annual report on or before August 1 of each year of the design-build contract. Each report must also include a narrative summary stating whether the contractor is on target with respect to the DBE goal set forth in the design-build contract, whether the goal has been exceeded (stating the amount of the excess), or whether the contractor is behind target (stating the amount of the deficit).

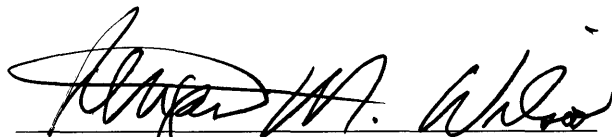
XVII Good Faith Efforts (§26.53)

At the end of the third paragraph below "Information to be Submitted", add the following items:

- 7. A DBE Performance Plan containing a detailed description of the design-build contractor's planned methodology for achieving the DBE goal stated in the contract, including a description of the good faith efforts the design-build contractor intends to undertake to achieve that goal.***
- 8. A design-build proposal must also include an affidavit that the proposer will either attain the DBE goals for the design-build contract or will exercise good faith efforts to do so.***

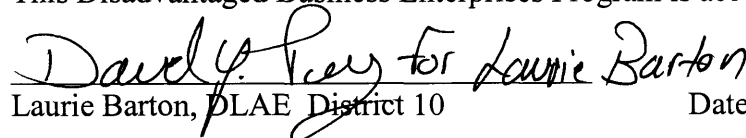
At the end of the first paragraph below "Demonstration of Good Faith Efforts", add the following sentence:

If it is a design-build contract, each contractor proposing will be required to submit a DBE Performance Plan as part of a responsive proposal and good faith efforts.


Reagan M. Wilson, Chief Executive Officer

Date: 7/10/01

This Disadvantaged Business Enterprises Program is accepted by:


Laurie Barton, DLAE District 10

Date: 10-03-01

APPENDIX C

**RESOLUTION OF THE COUNTY OF STANISLAUS REGARDING NECESSITY
OR EMERGENCY FOR SUBSEQUENT SUBCONTRACTOR
IDENTIFICATION AND SELECTION FOR DESIGN-BUILD CONTRACTS**

**(REQUIRED BY PUBLIC CONTRACT CODE SECTION 4109
ENTITLED "Public Emergency Grounds For Change")**

- A. EXPLANATION OF PUBLIC NECESSITY OR EMERGENCY**

- B. FACTS CONSTITUTING THE PUBLIC NECESSITY OR EMERGENCY**

- C. FINDINGS**

- D. RESOLUTION FOR SUBSEQUENT IDENTIFICATION OF SUBCONTRACTORS**

- E. ADOPTION OF PROCEDURE TO BE USED BY DESIGN-BUILD CONTRACTOR FOR
SUBSEQUENT IDENTIFICATION OF SUBCONTRACTORS**

- F. CERTIFICATE OF SECRETARY**
 - 1. MOTION MADE AND DATE**

 - 2. VOTING RESULTS**

 - 3. SIGNATURES**
 - (a) Secretary**

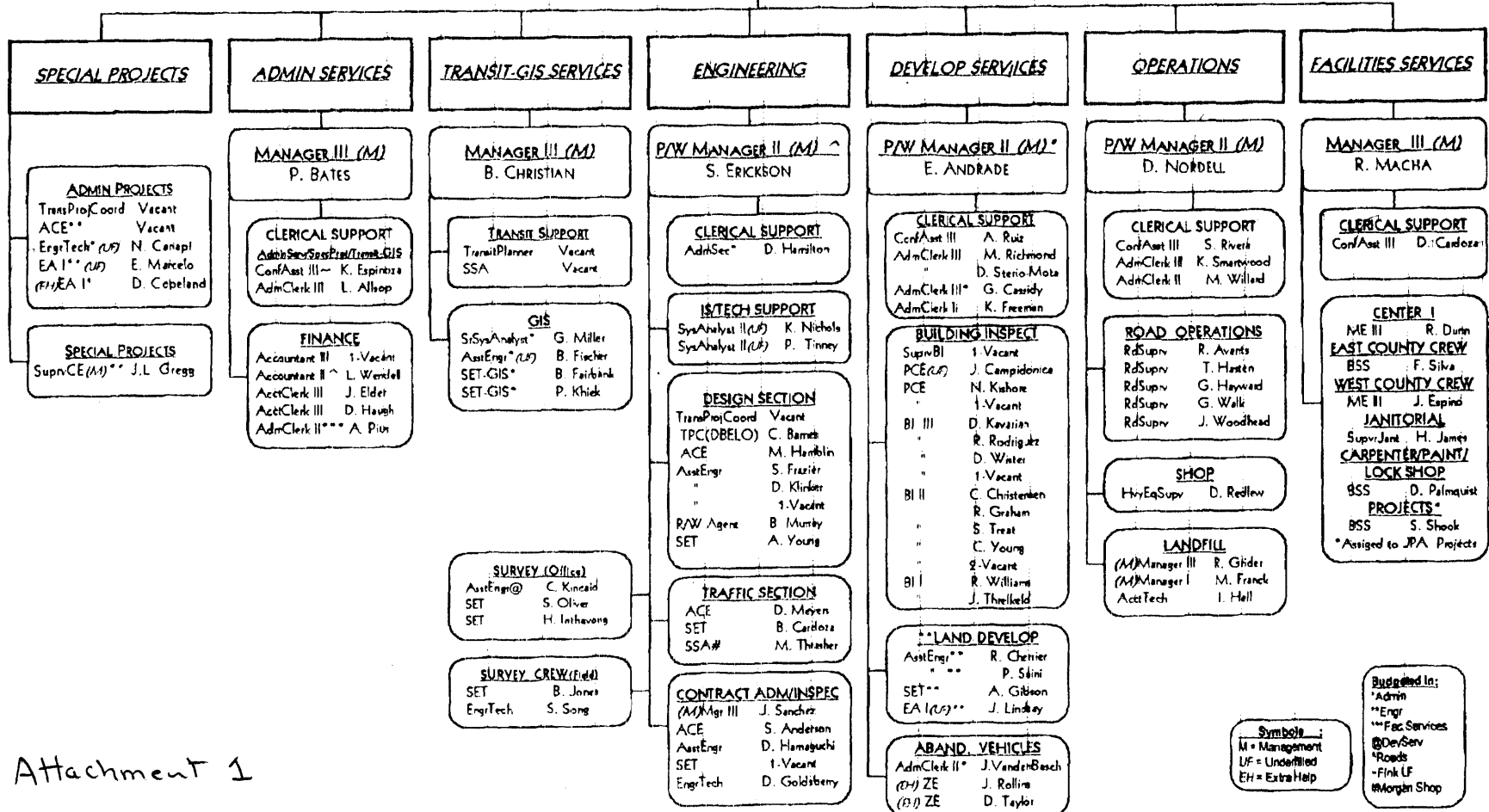
 - (b) Chairperson**

DEPARTMENT OF PUBLIC WORKS

DIRECTOR
GEORGE STILLMAN

DEPUTY DIRECTOR
VACANT

ADMINISTRATIVE SUPPORT TO DIRECTOR
CONF ASST IV S. PENNINGTON



Attachment 1

Symbols:
M = Management
UF = Unfilled
EH = Extra Help

Budgeted In:
*Admin
**Engr
***Fac Services
@Dev/Sec
*Roads
*Fink LF
#Morgan Shop

NOTICE

The County of Stanislaus has set an annual goal of 7% for Federal-Aid Highway projects for Disadvantaged Business Enterprise (DBE) for the period of October 1, 2001 through September 30, 2002.

The goal establishment procedure will be available for public inspection at the Stanislaus County Department of Public Works, 1716 Morgan Road, Modesto, CA, for a period of 30 days from the date of this notice.

Comments on these goals will be received in the aforementioned office and by Ms. Laurie Barton, District Local Assistance Engineer, Caltrans District 10, P.O. Box 2048, Stockton, CA 95201-2048 for a period of 45 days from the date of this notice.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: July 10, 2001

ATTEST: CHRISTINE FERRARO TALLMAN,
Clerk of the Board of Supervisors of the
County of Stanislaus, State of California

By: 
Assistant Clerk

**DECLARATION OF PUBLICATION
(C.C.P. S2015.5)**

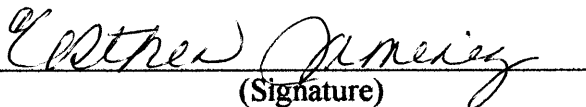
**COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and Principal clerk of the publisher of **THE MODESTO BEE**, printed in the City of **MODESTO**, County of **STANISLAUS**, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS**, State of California, Under the date of **February 25, 1951, Action No. 46453**; that the notice of which the annexed is a printed copy, has been published in each issue thereof on the following dates, to wit:

JULY 18, 2001

I certify (or declare) under penalty of perjury That the foregoing is true and correct and that This declaration was executed at **MODESTO**, California on

JULY 18, 2001


(Signature)

NOTICE

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BY ORDER OF THE BOARD OF SUPERVISORS
DATED: July 10, 2001

ATTEST: CHRISTINE FERRARO TALLMAN,
Clerk of the Board of Supervisors of the
County of Stanislaus, State of California
By: /s/ Lillie Farriester
Assistant Clerk
July 18, 2001
