

TRUCKEE TAHOE AIRPORT DISTRICT
BOARD OF DIRECTORS AGENDA ITEM SUMMARY

Topic: **2013-2015 DBE PROGRAM**

Purpose	Information:	Guidance:	Decision: <input checked="" type="checkbox"/>
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Recommendation	Approve the 2013-2015 Disadvantaged Business Enterprise (DBE) program for the Truckee Tahoe Airport District establishing a goal of expending 6.0% of federal funds to disadvantaged business enterprises during that time period.
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Last Action	The previous DBE Program was approved in August 2009.
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Discussion	<p>The TTAD anticipates receiving Federal financial assistance from the FAA for various projects at the Truckee Tahoe Airport during federal fiscal years 2013-2015, and as a condition of receiving this assistance, the TTAD has signed an AIP grant assurance that it will comply with 49 CFR Part 26. In accordance with that assurance, a DBE Program has been prepared for TTAD establishing an overall goal to expend 6.0% of FAA assisted contracts with DBE contractors through race neutral means. Given the amount of anticipated FAA-assisted contracts, which is \$2,756,250. The District has set a goal of expending \$165,375 with DBEs during fiscal years 2013-2015. However, the actual dollar amount spent may be more or less depending on the successful bid(s) submitted and the actual DBE goal achieved at project closeout. The specific monetary amounts detailed above will fluctuate and vary depending on funding availability and bids received. The 6.0% is the important figure to focus on. As there is significant pavement work planned for and underway this summer, the District will update the DBE program listed projects after the work is completed and the new ACIP is approved this fall.</p>
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After approval of the 2013-2015 DBE Program, a public notice will be published in the newspaper to notify the public that the program is available for review for a period of 30 days following the date of publication in the newspaper. Public comments will be received for a period of 45 days following the date of publication. The public comments will be evaluated and the DBE Program will be revised accordingly. It is anticipated that the revisions to the DBE Program will be to add DBE contractors that may have been overlooked while compiling the list of available DBE's. The deadline for submitting the 2013-2015 DBE Program to the FAA is August 1, 2012.

~~Date of Board Meeting: June 28, 2012~~ Although a goal to expend 6.0% of the anticipated federal funds has

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been established, the goal is not enforceable. On May 9, 2005, the Ninth Circuit Court of Appeals issued an opinion reversing the Washington State Federal District Court's decision on the Western States Paving Company, Inc., v Washington State Department of Transportation (WSDOT). The opinion ruled that the WSDOT Disadvantaged Business Enterprise Program is unconstitutional as applied in Washington State and any other state that is currently operating a goal based DBE program without proof of discrimination within the construction industry in their specific geographical location. As a result of that opinion, race conscious goals are not included in federal aid projects within the Ninth Circuit unless a disparity study has been performed. Caltrans performed a disparity study in 2006, however airports were not included in the study and therefore, most FAA funded projects in California continue to have no DBE goal. The District is still required to have a DBE Program to meet FAA AIP Grant Assurance obligations.

Summary

- A DBE Program is required to be submitted to the FAA to continue receiving funds from the FAA during federal fiscal years 2013-2015.
- The DBE Program at TTAD has established a goal to expend 6.0% of federal funds during the years 2013-2015. The goal will not be included in any FAA funded projects; however participation by DBE contractors will be strongly encouraged.
- A draft of the DBE Program will be sent to the FAA prior to August 1, 2012. The DBE Program will be revised according to the public comments and the final version will be sent to the FAA.

Fiscal Impact	None
Communication Strategy	A notice will be published in the newspaper informing the public of the DBE Program and comments will be received for a period of 45 days after the date of publication.
Attachments	2013-2015 DBE Program
