

1                   **BEFORE THE BOARD OF SUPERVISORS, COUNTY OF SAN BENITO**

2   A RESOLUTION OF THE SAN BENITO COUNTY           )       Resolution No. \_\_\_\_\_  
3   BOARD OF SUPERVISORS, IMPLEMENTING A           )  
4   POLICY THAT WILL PROMOTE THE COUNTY'S           )  
5   UTILIZATION OF DISADVANTAGED BUSINESS           )  
6   ENTERPRISES    )  
7   \_\_\_\_\_)

8                   WHEREAS, San Benito County intends to receive federal financial assistance from the U.S.  
9   Department of Transportation (DOT) through the California Department of Transportation  
10   (Caltrans); and

11                   WHEREAS, to ensure nondiscrimination in the award and administration of DOT-assisted  
12   contracts in Caltrans' highway, transit, and bridge financial assistance programs, and to create a  
13   level playing field on which DBE's can compete fairly for DOT-assisted contracts, San Benito  
14   County must comply with the California Department of Transportation Disadvantaged Business  
15   Enterprise Implementation Agreement as a condition of receiving this assistance; and

16                   WHEREAS, the Agreement states that the County Board of Supervisors must issue a signed  
17   and dated policy that expresses its commitment to the DBE program, states its objectives, and  
18   outlines responsibilities for its implementation; and

19                   WHEREAS, the County has developed a policy that expresses its commitment to the DBE  
20   program, states its objectives, and outlines responsibilities for its implementation (DBE policy),  
21   attached hereto and incorporated herein by reference as Exhibit 1; and

22                   WHEREAS, the DBE policy will promote the utilization of Disadvantaged Business  
23   Enterprises, Minority Business Enterprises, Woman-owned Business Enterprises, Disabled Veteran  
24   Business Enterprises and Small/Local Businesses (collectively known as DBE's) in all aspects of  
25   contracting relating to construction, materials and services, professional services, land development  
26   related activities, leases, and concessions; and

27                   WHEREAS, the DBE policy will apply to all County departments within the County  
28   structure, and under this policy, the County acknowledges that it is fully committed to encouraging  
29   the participation of DBE's in all phases of procurement and contracting activity within the scope of  
30   current and existing law.

31                   NOW, THEREFORE, BE IT RESOLVED, by the San Benito County Board of Supervisors,  
32   that it hereby finds, determines, declares, and resolves as follows:

- 33                   1. The above recitals are true and correct;
- 34                   2. The County is committed to complying with the Federal and State requirements to  
35                   promote utilization of DBE's during the procurement and contracting process;

- 1 3. The Board of Supervisors adopts the County of San Benito Disadvantaged Business  
2 Enterprise Outreach Program, attached hereto and incorporated herein by reference as  
3 Exhibit 1; and  
4 4. The Resource Management Agency shall submit the DBE policy and all other relevant  
5 documents to the California Department of Transportation to ensure that County road  
6 and bridge projects remain eligible for review, processing, and reimbursement;

7 PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN  
8 BENITO THIS 12<sup>th</sup> DAY OF JUNE, 2018 BY THE FOLLOWING VOTE:

9 AYES: SUPERVISORS  
10 NOES: SUPERVISORS  
11 ABSENT: SUPERVISORS  
12 ABSTAIN: SUPERVISORS

13 By: \_\_\_\_\_  
14 Anthony Botelho, Chair

15 **ATTEST:**  
16 Janet Slibsager, Clerk of the Board

17 **APPROVED AS TO LEGAL FORM:**  
18 San Benito County Counsel's Office

19 By: \_\_\_\_\_

20 By: Shirley L. Murphy  
21 Shirley L. Murphy, Deputy County Counsel

22 Date: \_\_\_\_\_

23 Date: June 6, 2018

COUNTY OF SAN BENITO

DISADVANTAGED BUSINESS ENTERPRISE  
OUTREACH PROGRAM



FINAL VERSION

DATED: June 12, 2018

# **COUNTY OF SAN BENITO DISADVANTAGED BUSINESS ENTERPRISE (DBE) OUTREACH PROGRAM**

## **1. PURPOSE AND SCOPE**

Adopt a policy that will promote the County of San Benito's utilization of Disadvantaged Business Enterprises, Minority Business Enterprises, Woman-owned Business Enterprises, Disabled Veteran Business Enterprises and Small/Local Businesses (collectively known as DBE's) in all aspects of contracting relating to construction, materials and services, professional services, land development related activities, leases, and concessions. This policy will apply to all County departments within the County structure. Under this policy, the County acknowledges that it is fully committed to encouraging the participation of DBE's in all phases of procurement and contracting activity within the scope of current and existing law.

The County of San Benito, through the Board of Supervisors, will take all responsible steps to ensure that DBE's have the maximum opportunity to compete for and perform County contracts.

### **1.1 MEASURABLE OBJECTIVES:**

The Outreach Program will furnish the foundation for implementing processes to offer contracting opportunities consistent with Federal, State and Local Laws. The County of San Benito Outreach Program has been developed for use by all departments that procure goods and services.

The following represents a list of proposed measurable performance objectives for the Outreach Program:

#### **1.1.1 Inform Businesses about Contracting Opportunities:**

Provide DBE's with information regarding contracting opportunities that are both timely and reliable. Develop proactive methods of communication to keep local area businesses informed about upcoming opportunities using systems of communication that provide accurate and easily accessible information.

#### **1.1.2 Establish Relationships with Business Organizations:**

Establish cooperative relationships with business organizations and community groups interested in the success of DBE's. Develop and coordinate a network of resources to assist with outreach efforts. Participate in meetings and events, and encourage the exchange of information and ideas between county and DBE's. Increase the County's visibility in the business community. Address local business concerns, and seek to mutually resolve identified issues.

**1.1.3 Identify Qualified Local Businesses to compete for County Contracts:**

Implement outreach techniques to identify local businesses interested in participating in the Outreach Program. For example, visit local businesses to obtain firsthand knowledge of existing firms, talk with local business leaders to obtain guidance on contracting firms presently working in the area and attend trade and other meetings that would be advantageous to the success of the program. Increase the number of qualified bidders that can provide the goods and services required by the County.

**1.1.4 Promote Business Community involvement that Represents the Diversity of the County:**

Develop and implement a reporting system to continually track DBE outreach and participation. Review available procurement reports to track whether these groups are participating in contracting opportunities. Tailor the outreach strategies so that all groups have equal access to county contracting.

**2. DEFINITIONS**

The following definitions apply to this program:

Disadvantaged Business Enterprise means a small business concern that is, (1) at least 51 percent owned by one or more socially and economically disadvantaged individual(s) or, in the case of any publicly-owned business, at least 51 percent of the stock is owned by one or more socially and economically disadvantaged individuals, and (2) the management and daily business operations of which are controlled by one or more socially and economically disadvantaged individuals who own it. Those groups which are considered socially and economically disadvantaged are citizens of the United States who are African Americans, Hispanic Americans, Asian Pacific Americans, Native Americans, and Subcontinent Asian Americans. (Reference 15 U.S.C. §637(a)).

"Minority" means the following groups: African Americans, Hispanic Americans, Asian Pacific Americans, Native Americans, and Subcontinent Asian Americans.

"Disabled Veteran" means a California resident who was disabled as a result of participating in the United States military.

"Minority Business Enterprise" means a business which, is at least 51 percent owned, managed and operated by one or more minorities, or in the case of a publicly owned business, at least 51 percent of the stock must be owned, and the business managed and operated, by minorities.

"Woman Business Enterprise" means a business which is at least 51 percent owned, managed and operated by one or more women, or in the case of a publicly owned business, at least 51 percent of the stock must be owned, and the business managed and operated by women.

"Disabled Veteran Business Enterprise" means a business, which is at least 51 percent owned, managed and operated by one or more disabled veterans, or in the case of a

publicly owned business, at least 51 percent of the stock must be owned, and the business managed and operated, by disabled veterans.

### **3. PRIMARY GOAL**

The primary goal of the Outreach Program shall be to contract with DBE's for a reasonable and equitable amount of business, and create an environment of inclusion for County procurement and contracting.

### **4. DEPARTMENT RESPONSIBILITIES**

Each county department is responsible for managing their Outreach Program. This assistance would include conducting outreach activities, as well as verifying DBE status and producing DBE participation and outreach reports as necessary. To effectively implement this policy, the following responsibilities will be incorporated into the procurement process of each department:

- 4.1 Develop contracting and bidding procedures that emphasize timely dissemination of contract and bid information to both DBE's and business organizations.
- 4.2 Collect and disseminate information regarding DBE's that contact the department and indicate an interest in doing business with the County.
- 4.3 All departments involved with the bidding and/or negotiation of contracts will maintain such records and provide such reports as are necessary to ensure compliance with this policy.
- 4.4 All RFP's, RFQ's, RFI's, and construction notices will encourage the use of DBE's, and will state that the bidder is encouraged to meet the County's objectives.

### **5. ANNUAL REVIEW**

There will be an annual review of this program by the County Administrators Office. A staff report will be prepared for the Board of Supervisors covering the activities relating to the efforts undertaken by all County departments to successfully implement the Outreach Program. The report will be prepared on an annual basis and will be due ninety (90) days after the end of the fiscal year.

### **6. OUTREACH PROGRAM COMPONENTS**

In addition to the policy, definitions, objectives, and responsibilities referenced above, the Outreach Program will also include the following components that will assist in creating an environment of inclusion in County procurement and contracting:

#### **6.1 Technical Assistance:**

Small businesses may require specialized assistance to take advantage of contracting opportunities with the County. Staff from each department procuring

goods and services will be available to assist local companies interested in conducting business with the County. Each department will maintain up-to-date information about contracting opportunities that can be forwarded to local businesses, or provide a name and telephone number of the person and/or department interested businesses may contact.

## 6.2 Web Page Information:

The County's web page is a mode of communication that should be used to disseminate upcoming opportunities as well as pertinent information to contractors, vendors, and consultants. It should also be used to post public notices for meetings and educational workshops related to contract opportunities, relevant telephone numbers, and/or email addresses, and a technical assistance resource referral list.

## 6.3 County Bidding, Proposal, and Other Procurement Processes:

The County will use all means available to inform DBE's of bid advertisements (including their appearance in the local media). County departments will be responsible for preparing advertisements that thoroughly explain the Invitation to Bid/Request for Proposal process. The following County materials will be made available to participants:

- "How to do business with the County"
- General contract language including insurance requirements.

The County's policy is that all bid documents incorporate language that encourages suppliers to utilize DBE's. The language requires prime contractors to provide partnering and subcontracting opportunities to DBE's.