



**CITY COUNCIL
COMMUNICATION:**

ITEM _____

**OFFICE OF THE CITY MANAGER
CITY OF DES MOINES, IOWA**

01-017

SYNOPSIS -

AGENDA:

JANUARY 8, 2001

SUBJECT:

REVISIONS TO
DISADVANTAGED
BUSINESS
ENTERPRISE
PROGRAM

The U.S. Department of Transportation (DOT) has revised rules (49 CFR Part 26) for participation by Disadvantaged Business Enterprises (DBE) in DOT funded programs. The Engineering Department has worked with the Federal Aviation Administration (FAA) and Iowa Department of Transportation (IDOT) to revise this DBE Program to incorporate the review comments of the FAA Regional Civil Rights Officer, which must be completed before final FAA approval of the City's DBE Program. This revised DBE Program now must be approved by the City Council.

FISCAL IMPACT -

None.

TYPE:

RESOLUTION
ORDINANCE
RECEIVE/FILE

RECOMMENDATION -

Approval.

SUBMITTED BY:

FLOYD BENTZ, P.E.
CITY ENGINEER

BACKGROUND -

On February 2, 1999, the DOT published in the Federal Register revised final rules for participation by DBE in DOT programs being 49 CFR Parts 23 and 26 that became effective March 4, 1999.

Said 49 CFR Part 26 requires recipients of federal financial assistance from the DOT to revise their DBE programs to comply with the new 40 CFR Part 26 and submit their revised program by September 1, 1999.

The City receives DOT financial assistance from the Federal Highway Administration (FHWA) and the FAA. The Engineering Department has been working with the FAA and IDOT, which administers FHWA funds, to establish a DBE program in accordance

with regulations of the DOT, 49 CFR Part 26. The City receives federal financial assistance from the DOT, and as a condition of receiving this assistance, the City must sign an assurance that it will comply with 49 CFR Part 26.

The Airport Board and City Council approved a DBE Program to comply with 49 CFR Part 26 in August 1999. This DBE Program was revised to comply with comments from FAA in July 2000 and November 2000. The DOT has submitted additional comments to the "Disadvantaged Business Enterprise Program Adopted Specifically for Projects Funded in Part by the U.S. Department of Transportation, City of Des Moines, dated November 2000" that must be addressed before final adoption of the City's DBE Program. The FAA review comments and proposed City response and program revisions are attached to the roll call. The Engineering Department has worked with the FAA and IDOT to revise this DBE Program to address the FAA review comments.

The "Disadvantaged Business Enterprise Program Adopted Specifically for Projects Funded in Part by the U.S. Department of Transportation, City of Des Moines, revised January 2001," has been revised to specifically meet the DOT requirements for the City to remain eligible for federal funds. The IDOT DBE Program (revised June 19, 2000) is attached to the roll call and becomes a part of the City's DBE Program. By reference, any revision made to the IDOT adopted DBE Program will also become a revision to the City's DBE Program for DOT assisted projects.

This program applies only to projects funded with DOT federal funds and does not apply to City-funded projects, and does not replace the current City DBE Program on City-funded projects.

It is staff's opinion that both the Airport Board and the City Council must approve the revised City of Des Moines DBE Program.