

Meeting Agendas/Info

**CITY COUNCIL
COMMUNICATION:**

ITEM _____

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

01-044

SYNOPSIS -

AGENDA:

JANUARY 22, 2001

SUBJECT:

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 -

TYPE:

None.

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 as a condition of receiving this assistance, the City must sign an assurance that it will comply with 49 CFR Part 26.

The City receives DOT financial assistance from the Federal Highway Administration (FHWA) and the FAA. IDOT administers FHWA funds and requires the IDOT DBE Program in all FHWA-funded projects. The Engineering Department has been

working with the FAA and IDOT to establish a DBE program in accordance with said 49 CFR Part 26.

The Airport Board and City Council approved a DBE program to comply with 49 CFR Part 26 in August 1999. Subsequently, additional comments were received from the FAA in July 2000 and November 2000. These review comments and proposed City response and program revisions are on file with the City Clerk. 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," on file with the City Clerk, meets the standards of 49 CFR Part 26 and was approved on January 10, 2001 by the Regional FAA Administrator on behalf of the DOT. This DBE Program will be used on FAA-funded projects. A statewide certification of DBE before April 2002 is required by 49 CFR Part 26. IDOT is taking the lead in this unified certification process. In the interim, staff is working toward this unified certification process by using the IDOT Certified DBE Directory on FAA-funded projects. The IDOT DBE Program (revised June 19, 2000) is attached to the roll call and becomes a part of the City's DBE Program.

Any future revisions to said June 19, 2000 IDOT DBE Program will be presented to the City Council and Airport Board for approval and incorporation into the City's program. Administrative rules made by IDOT that do not change the IDOT DBE Program will be followed by the City as they apply to administration of the City's DBE Program. Since these rules do not change the actual DBE Program, it is recommended that these rules be utilized by staff without additional approval of the City Council or Airport Board.

This DBE Program applies to FAA-funded projects and does not replace the current City DBE Program on City-funded projects.