

# county of ventura



May 1, 2019

Caltrans, Office of Local Assistance  
Attention: DBE Coordinator  
100 S. Main Street, 12-420  
Los Angeles, CA 90012

**Jeff Pratt**  
Agency Director  
Central Services  
**Joan Araujo**, Director  
Engineering Services  
**Christopher Cooper**, Director  
Transportation  
**David Fleisch**, Director  
Water & Sanitation  
**Michaela Brown**, Director  
Watershed Protection  
**Glenn Shephard**, Director

## Exhibit 9-B Local Agency Annual Submittal Form

The information for Exhibit 9-B is presented herein, in accordance with Title 49 of the Code of Federal Regulation (CFR), Part 26, and the State of California Department of Transportation (Caltrans) Disadvantaged Business Enterprise (DBE) Program Plan.

The County of Ventura submits our annual 9-B Information for the Federal Fiscal Year 2019-2020, beginning on October 1, 2019 and ending on September 30, 2020.

### Disadvantaged Business Enterprise liaison Officer (DBELO)

The County of Ventura has designated the following individual as the DBE Liaison Officer:

David Fleisch  
Director, Transportation Department  
800 S. Victoria Avenue 93009-1620  
Ph: 805-654-2077  
Email: [David.Fleisch@ventura.org](mailto:David.Fleisch@ventura.org)

### Planned Race Neutral Measures

In order to facilitate DBE participation among contractors and subcontractors bidding on County of Ventura's projects, we plan to do the following:

1. Arrange solicitations, times for the presentation of bids, quantities specification, and delivery schedules in ways that facilitate DBE participation.
2. Provide technical assistance and other services whenever requested.

3. Carry out information and communication programs on contracting procedures and contract opportunities. This includes ensuring the inclusion of DBE's and other small businesses, on mailing lists of bidders and ensuring the dissemination to prime bidders of lists of potential DBE subcontractors.
4. Ensuring distribution of a DBE directory through print or electronic means to our database of potential prime contractors.

**Prompt Pay**

Federal Regulation (49 CFR 26.29) requires that one of three methods be used in federal-aid contracts to ensure prompt and full payment of retainage kept by the prime contractor or subcontractor to a subcontractor. The County of Ventura will use Prompt Method No. 1 (see attached).

**Prompt Pay Enforcement Mechanism**

In order to ensure that all subcontractors including DBE's are promptly paid, upon Award of Contract, we will notify all subcontractors in writing relating to the Federal Regulation (49 CFR 26.29) stating that the County of Ventura will not withhold retainage from the Prime Contractor, therefore the Prime is prohibited from withholding retainage from Subcontractors. Subcontractors will be given procedures to follow if they have not been promptly paid. If such is the case, the County Ventura will withhold a deduction from the Prime Contractor for failure to comply with the terms and conditions of the contract.

  
\_\_\_\_\_  
Jeff Pratt, Director – Public Works Agency

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Caltrans District Local Assistance Engineer

  
\_\_\_\_\_  
Date

(Attachment)  
Prompt Payment of Withheld Funds to  
Subcontractors

Federal Regulations (49 CFR 26.29) requires one of the following three methods be used in Federal-aid contracts to ensure prompt and full payment of any retainage kept by the prime contractor or subcontractor to a subcontractor.

Please check the box of the method chosen by the Local Agency to ensure prompt and full payment of any retainage.

- Method 1: No retainage will be held by the Agency from progress payments due to the prime contractor. Prime contractors and subcontractors are prohibited from holding retainage from subcontractors. Any delay or postponement of payment may take place only for good cause with the Agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.
- Method 2: No retainage will be held by the Agency from progress payments due to the prime contractor. Any retainage kept by the prime contractor or by a subcontractor must be paid in full to the earning subcontractor in 30 days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment may take place only for good cause and with the Agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed not limit or impair any contractual, administrative or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.
- Method 3: The agency shall hold retainage from the prime contractor and shall make prompt and regular incremental acceptances of portions, as determined by the Agency of the contract work and pay retainage to the prime contractor based on these acceptances. The prime contractor or subcontractor shall return all monies withheld in retention from all subcontractors within 30 days after receiving payment for work satisfactorily completed and accepted including incremental acceptances portions of the contract work by the Agency. Any delay or postponement of payment may take place only for good cause and with the Agency's prior written approval. Any violation of these provisions shall subject the violating prime contractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. This requirement shall not be construed to limit or impair any contractual, administrative or judicial remedies otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor; deficient subcontractor performance and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.