

Central Services
Joan Araujo, Director

Engineering Services
James O'Tousa, Director

Roads & Transportation
Anitha Balan, Director

Water & Sanitation
Joseph Pope, Director

Watershed Protection
Vacant, Director

May 1, 2024

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

Exhibit 9-B Local Agency Annual Submittal Form

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

Ventura County Public Works Agency (VCPWA) hereby submits our DBE Annual Exhibit 9-B Information for the Federal Fiscal year 2024-2025, beginning on October 1, 2024, and ending on September 30, 2025.

Disadvantaged Business Enterprise Liaison Officer (DBELO)

VCPWA has designated the Acting Director of Roads & Transportation as the DBELO for the County of Ventura. The DBELO is responsible for implementing all aspects of the DBE Program and ensuring that VCPWA complies with all provisions of 49 CFR Part 26. The DBELO has direct access to the Director of the Public Works Agency concerning DBE Program matters. The DBELO has a total of three professional staff members assigned to the DBE Program. An organization chart has been provided in Attachment B to this Annual Certification.

Anitha Balan
Director, Roads & Transportation
800 S. Victoria Avenue, Ventura CA 93009
Phone No. : 805-654-2077
Email: Anitha.Balan@ventura.org

Planned Race-Neutral Measures

VCPWA plans to implement the following Planned Race-Neutral Measures:

1. Arranging solicitations, times for the presentation of bids, quantities, specifications and delivery schedule in ways to facilitate DBE, and other small businesses participation (e.g., by unbundling large contracts to make them more accessible to small businesses when practical and in the best interest of the County and/or requiring or encouraging prime contractors to subcontract portions of work that they might otherwise perform with their own forces.



2. Provide technical assistance and other services whenever requested by DBE firms.
3. Carrying out information and communication programs on contracting procedures and specific contract opportunities. This includes ensuring the inclusion of DBE's and other small businesses, mailing lists of bidders and ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors.
4. Ensuring distribution of DBE directory, through print and electronic means, to potential prime contractors when requested.

Prompt Pay

Federal Regulation 49 CFR 26.29 (b) requires one of 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. For the Federal Fiscal Year 2024-2025, VCPWA selects Prompt Pay Method No. 3 (See Attachment A).

Prompt Pay Enforcement Mechanism

Ventura County Public Works Agency (VCPWA) will implement and carry out appropriate mechanisms to ensure compliance with 49 CFR 26.29 (d) requires providing appropriate means to enforce prompt payment. These means may include appropriate penalties for failure to comply with the terms and conditions of the contract. The means may also provide that any delay or postponement of payment among the parties may take place only for good cause with the Local Public Agency's prior written approval.

VCPWA will take the necessary steps to ensure prompt payment to all subcontractors and subconsultants. Failure by the contractor to comply with 49 CFR §26.13 will be subjected to the penalties, sanctions, and other remedies.

Construction Contracts

VCPWA shall provide ongoing monitoring of prime contractor payments to subcontractors for each project through the following methods:

- Upon award of each construction contract, VCPWA notifies all listed subcontractors in writing of the "Prompt Payment and Retainage Requirement" in accordance with 49 CFR 26.29. VCPWA has expanded its Prompt Payment Program to include all locally funded (Non-Federal) projects to provide consistent payment policies and procedures. In addition, subcontractors are directed to VCPWA's website in which all contract payments made to the construction contract are posted online. If a Subcontractor has not been promptly paid, they are advised to contact the contract administrator whose information is provided in the notification letter.
- The prime contractor is required to pay subcontractors not later than 7 days after receipt of progress payment received or final retention payment. Each month, at the request of the



VCPWA, the prime contractor submits Exhibit 9-P "Prompt Payment Certification". This form is required for all Federal construction contracts. For all locally funded projects, the prime contractor is required to submit the "Subcontractor Monthly Payment Form". If the prime contractor does not make any payments to subcontractors, suppliers, and/or manufacturers, they must report "No payments were made to sub this month" and provide justification. If the prime contractor fails to complete the Prompt Payment Reporting Form and/or Subcontractor Monthly Payment Form, VCPWA will withhold a portion of their next progress payment.

Consultant contracts

- VCPWA has developed a payment tracker system that keeps track of when consultant invoices are processed, when forwarded to Fiscal and approved for payment by the Auditor-Controller Office. Weekly payment monitoring identifies issues quickly and ensures that payment to the Consultant is processed promptly.
- The Consultant shall pay to any subconsultant, not later than fifteen (15) days after receipt of each progress payment. After payment is made to the Consultant, VCPWA will request the Consultant to submit Exhibit 9-P "Prompt Payment Certification" for all Federal-aid contracts. If the Consultant does not make any payment to a subconsultant, they must report "No payments were made to subconsultant this month" and provide justification. If the Consultant fails to complete the Prompt Payment Reporting Form, the VCPWA will withhold a portion of their next progress payment.

(Signature)


David Sasek Interim Director
Public Works Agency

(Date)

805-654-2073

(Phone Number)



(Signature)

Caltrans District Local Assistance Engineer

Vitavat Buranabul for Steve Novotny

5/22/2024

(Date)

Distribution:

- (1) Original – DLAE
- (2) Signed copy by the DLAE – Local Agency



(Attachment A)

Prompt Payment of Withheld Funds to Subcontractors

Federal regulation (49 CFR 26.29(b)) 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.

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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 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 other remedies specified in Section 7108.5 of the California Business and Professions Code and Section 10262 of the California Public Contract Code for construction contracts, and Section 3321 of the California Civil Code for consultant contracts. 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.

A&E CON

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 seven (7) days for construction contracts and fifteen (15) days for consultant contracts 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 and Section 10262 of the California Public Contract Code for construction contracts, and Section 3321 of the California Civil Code for consultant contracts. 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.

A&E CON

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 seven (7) days for construction contracts and fifteen (15) days for consultant contracts after receiving payment for work satisfactorily completed and accepted including incremental acceptances of 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 or subcontractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code and Section 10262 of the California Public Contract Code for construction contracts, and Section 3321 of the California Civil Code for consultant contracts. 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.

Ventura County Organizational Chart – Public Works Agency

Exhibit B

