

**Exhibit 9-B: Local Agency DBE Annual Submittal Form**

TO: CALTRANS DISTRICT \_6\_  
District Local Assistance Engineer

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.

The City/County/Region of City of Fresno submits our annual 9-B information for the Federal Fiscal Year beginning on October 1, 2022 and ending on September 30, 2023.

Disadvantaged Business Enterprise Liaison Officer (DBELO)

Melissa Perales  
2600 Fresno St.  
Ph. 559-621-1157  
[Melissa.Perales@fresno.gov](mailto:Melissa.Perales@fresno.gov)

The City of Fresno has designated the Director of Public Works as the DBE Liaison Officer for the City of Fresno. In that capacity, the Director of Public Works is responsible for implementing all aspects of the DBE program and ensuring that the City of Fresno complies with all provisions of 49 CFR Part 26. The Director of Public Works has direct access to the City Council and the City Manager concerning DBE program matters. The DBELO has a professional staff of one assigned to the DBE program and the point of contact for the DBE Program is the DBE Program Coordinator for the City of Fresno. The address of the DBE Program is 2101 G Street, Building A, Fresno, CA 93706, phone number 559-621-7036. An organization chart displaying the DBELO's position in the organization is found in **Attachment B** to this program.

Planned Race-neutral Measures

The City of Fresno has a very assertive outreach program not only related to DBE firms, but also to local, small businesses. The City of Fresno hosts training sessions on how to become certified as a DBE and as a small business. We participate in community outreach events such as Procurement Fairs, Workshops, Central Valley Business Diversity Expos, High Speed Rail informational meetings and Business Matchmaking Events.

We attend various Chambers of Commerce meetings such as the Fresno Metro Black Chamber of Commerce, and other community organizations such as the Minority Business Development workshops.

The City of Fresno is a certifying agency for Disadvantaged Business firms in partnership with Caltrans and other certifying agencies. We hold mandatory pre-bid meetings when applicable and notify all chambers of upcoming projects.

The City of Fresno works in partnership with the Small Business Administration (SBA). Caltrans District 6 Small Business Liaison Office providing referrals and training on how to do business with the City of Fresno. The City of Fresno has an on-line procurement system in which small and disadvantaged businesses can download plans and specifications at no cost. We are also in partnership with the Central California Builder's Exchange who partners with other statewide plan rooms providing the opportunity for small and disadvantaged businesses throughout the State of California to view our plans and specifications.

Prompt Pay

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.

The City of Fresno will use **Method #3** in our procurement/payment process, as indicated in **Attachment A**

Prompt Pay Enforcement Mechanism

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 Agency’s prior written approval. The City of Fresno will monitor payments to all subcontractors, including DBE’s, through our Construction Management Division as part of the inspection and progress payment process. The City of Fresno’s Construction Management Division, as part of the inspection and progress payment process, monitors payments to all subcontractors, including DBE’s. Failure for the Prime to pay or pay promptly the sub-contractors, results in the City holding 150% of the disputed amount from the Prime Contractor. City adheres to California Business and Professional Code Section 7108.5.

_____ (Signature)	_____ (Date)
_____ (Print Name and Title) ADMINISTERING AGENCY (Authorized Governing Body Representative)	_____ (Phone Number)
_____ (Signature of Caltrans District Local Assistance Engineer)	_____ (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.

- 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.
- 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.
- 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.

