I. CALL TO ORDER AND ROLL CALL

II. EMERGENCY ITEMS
   A. Discussion/Action of emergency items, if necessary.

III. PUBLIC COMMENTS
Any member of the public may address the Committee for a period not to exceed three minutes on any item of interest not on the agenda within the jurisdiction of the Committee. The Committee will listen to all communication, but in compliance with the Brown Act, will not take any action on items that are not on the agenda.

IV. APPROVAL OF CONSENT CALENDAR
   A. Approval of Management Committee Draft Minutes: December 8, 2011

   B. Receive and File:
      1. ICTC Board Draft Minutes: December 8, 2011
      2. ICTC SSTAC Minutes: December 7, 2011
      3. ICTC TAC Minutes: December 1, 2011
      4. ICTC TAC Minutes: December 29, 2011

   C. Application for Federal Transit Administration (FTA) Section 5307 Program Funds FY 2011-12

   ICTC staff requests that ICTC Management Committee forward this item to the ICTC Commission for review and approval:
1. Adopt the attached resolution authorizing the Executive Director to sign the FTA 5307 FY 2011-12 grant application, all supporting documentation, and, direct staff to submit the application to the Federal Transit Administration

D. California Transit Security Grant Program FY 2011-12

ICTC staff requests that ICTC Management Committee forward this item to the ICTC Commission for review and approval:

1. Approve the attached resolution authorizing the Executive Director or his designee to take any actions necessary on behalf of the ICTC for the purposes of obtaining FY 2011-12 financial assistance provided by the Governor’s Office of Homeland Security under the California Transit Grant Program

V. REPORTS

A. ICTC Executive Director
B. Southern California Association of Governments
C. California Department of Transportation – District 11
D. Committee Member Reports

VI. ACTION CALENDAR

A. ICTC Disadvantaged Business Enterprise Goal for FY 2011-12 for FTA Funds

ICTC staff requests that ICTC Management Committee forward this item to the ICTC Commission for review and approval:

1. Approve the proposed FY 2011-12 DBE goal of 1.4%

B. Redistribution of FY 2011-12 Regional Surface Transportation Program (RSTP) Funding

ICTC staff and ICTC TAC request that ICTC Management Committee forward this item to the ICTC Commission for review and approval:

1. Approve the recommended redistribution of $310,000 in FY 2011-12 RSTP funding divided equally for the County of Imperial and the Cities of Holtville and Imperial

C. Redistribution of FY 2011-12 Congestion Mitigation & Air Quality (CMAQ) Program Funding

ICTC staff and ICTC TAC request that ICTC Management Committee forward this item to the ICTC Commission for review and approval:

1. Approve the recommended redistribution of FY 2011-12 CMAQ funding to the Cities of Brawley, Calexico, Calipatria, El Centro, Holtville, Imperial, and the County of Imperial for a total of $1,825,00

VII. NEXT MEETING DATE AND PLACE

The next meeting of the Management Committee will be held on Wednesday, February 8, 2012 at 10:30 a.m., at the City of Brawley, Brawley, CA.

VIII. ADJOURNMENT

A. Motion to Adjourn
IV. CONSENT CALENDAR

A. APPROVAL OF ICTC MANAGEMENT COMMITTEE MINUTES
   DECEMBER 8, 2011
IMPERIAL COUNTY TRANSPORTATION COMMISSION
MANAGEMENT COMMITTEE

DRAFT MINUTES OF DECEMBER 8, 2011
10:30 a.m.

VOTING MEMBERS PRESENT:

<table>
<thead>
<tr>
<th>City</th>
<th>Name</th>
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<tbody>
<tr>
<td>City of Brawley</td>
<td>Rosanna Bayon Moore</td>
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<tr>
<td>City of Calipatria</td>
<td>Rom Medina</td>
</tr>
<tr>
<td>City of Calexico</td>
<td>Alex Espinoza</td>
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<tr>
<td>City of El Centro</td>
<td>Ruben Duran</td>
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<td>City of Holtville</td>
<td>Nick Wells</td>
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<tr>
<td>City of Imperial</td>
<td>Marlene Best</td>
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<td>City of Westmorland</td>
<td>Henry Graham</td>
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<td>County of Imperial</td>
<td>William Brunet</td>
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(Non-voting)
ICTC  Mark Baza

STAFF PRESENT:  Kathi Williams, David Salgado, Cristi Lerma, Carlos Hernandez (COH & Associates, AJ Gaddis (City of Imperial)

OTHERS PRESENT:  Tomas Oliva (SCAG)

The following minutes are listed as they were acted upon by the Imperial County Transportation Commission Management Committee and as listed on the agenda for the meeting held Wednesday, December 8, 2011 together with staff reports and related documents attached thereto and incorporated therein by reference.

I.  CALL TO ORDER AND ROLL CALL

Chairman Medina called the Committee meeting to order at 10:38 a.m. Roll call was taken. Introductions were made.

II.  EMERGENCY ITEMS

There were none.

III.  PUBLIC COMMENTS

There were none.

IV.  CONSENT ITEMS

A motion was made by Best, seconded by Brunet to approve consent items 4A through 4D. Motion carried unanimously.

A.  Approved ICTC Management Committee Minutes for November 9, 2011.

B.  Received and filed:

1.  ICTC Board Draft minutes for November 16, 2011

C.  Appointed the Social Services Transportation Advisory Council (SSTAC) for FY 2011-12 for positions and terms per the enclosure.
D. Adopted the resolution authorizing the Executive Director to sign the FTA 5311 FY 2011-12 grant application and all supporting documentation, and submit the application to Caltrans.

V. REPORTS

A. ICTC Executive Director

Mr. Baza’ announcements and updates included:
- There was a DBE and Good Faith Efforts (GFE) workshop at Caltrans in San Diego. The cities of Brawley, El Centro, Holtville, Imperial and the County of Imperial all attended. Local agencies have been having difficulties attaining a GFE from FHWA and Caltrans responded with a training to assist local agencies with their challenges in attaining the DBE goal and/or GFE.
- Mr. Baza stated that the Air Pollution Control District previously reported to IVAG about Air Quality sanctions being set forth by the EPA after they rejected the APCD’s State Implementation Plan (SIP) in 2010. In turn, APCD has filed a lawsuit against the EPA. Pending resolution of the lawsuit, Air Quality sanctions will still begin in February 2012 and Transportation sanctions will start in August 2012. The implications of these transportation sanctions are that Federal Transportation Funds that are not obligated will run the risk of being frozen. It will not be possible to expend new federal funds during this time. There are some exceptions, such as funds being utilized for safety and transportation control measures. Therefore, ICTC staff and Caltrans are urging agencies to obligate all their projects as soon as possible. Mr. Baza stated that there will be challenges but is hopeful that this will be resolved. There was some discussion regarding the enforcement of sanctions with the EPA and FHWA. This committee recommended that this be an ongoing discussion item each month until it has been resolved.

B. Southern California Association of Governments

Mr. Oliva had the following announcements:
- The 2012 RTP has been made public. A public workshop will be held on January 25, 2012 at 4 p.m. at the County Board Chambers. Executive Management and Elected Officials are encouraged to attend.

C. California Department of Transportation – District 11

- Nothing to report

D. Committee Member Reports

- Ms. Bayon Moore stated that Mayor George Nava will replace Council Member Ryan Kelley on the Commission beginning in December.

VI. ACTION CALENDAR

A. Recommendation on the retirement of the West Shores Dial-A-Ride Service and Operating Agreement, ARC – Imperial Valley, FY 2011-12

Ms. Williams stated that the West Shores Dial-A-Ride has been in operation since 1994. The County administered and managed the contract until ICTC took over in July 2010. The current contracted scope of work executed on March 201, provides services 2 days a week; Tuesdays and Thursdays through June 30, 2012. This service is funded through TDA funds subsidy that requires a 10% State mandated farebox ratio in order to maintain funding. In recent years the West Shores DAR has not been able to achieve the State mandated farebox ratio. Multiple changes in both fare and service hours have been implemented in order to achieve the required farebox ratio, however, none have been successful.
In March 2007, the County Board of Supervisors took action to reduce service from ten hours to eight hours, five days a week, maintaining the Westmorland connection with no change in the price of a fare.

On September 23rd, 2008, the County Board of Supervisors took action to approve the increase in fares for the West Shores Dial-A-Ride from $1.00 to $2.50, maintaining the Westmorland connection, effective November 3rd, 2008.

On June 16th, 2009, the County Board of Supervisors took action to approve a decrease in fares from $2.50 to $2.00 while simultaneously cutting service from five to three days a week, maintaining the Westmorland connection effective July 1st, 2009.

On March 16th, 2010, the County Board of Supervisors took action to approve a decrease in service from three days a week to one day a week (Thursday), and maintaining the Westmorland connection (Tuesday) effective July 1st, 2010.

During this five year period of time, ICTC staff have met several times with the local residents and the elected representative, Gary Wyatt, County Supervisor District #4, for the area. However at the conclusion of the fifth year of operation, FY 2010-11, the farebox ratio continues to be less than 6%.

ICTC staff recently met with Caltrans staff to discuss the situation and the results of the discussion indicated that this scenario was not a candidate for a petition to reduce the farebox ratio requirement. This scenario is reserved for specialty situations i.e. prototype equipment, demonstration funding, unique technologies.

ICTC staff have reviewed the option of an averaged farebox in a consolidated competitive bid for paratransit services. However, ICTC staff would not recommend this scenario as it would place an unreasonable financial burden (increased expense) on the remaining Dial-A-Ride services to achieve a higher farebox ratio through a potential increase in fares, to offset the lower farebox ratio for the West Shores area. Therefore, ICTC staff is recommending the retirement of the West Shores Dial-A-Ride effective June 30, 2012.

Based on the TDA requirements, ICTC staff cannot recommend the continuation of the service due to its inability to achieve the State’s farebox requirement. ICTC staff is requesting retirement of the service at the conclusion of the FY 2011-12.

The West Shores community has been made aware and there have been conversations with Supervisor Wyatt about the recommendation. Mr. Baza stated that if non public funds were made available, they could possibly be used to achieve the 10% farebox ratio. It was requested that the ICTC Management Committee forward this item to the ICTC Commission for their review and approval after public comment, if any:

1. Provide an opportunity for public comment
2. Provide direction to staff regarding the recommendation for the Retirement of the West Shores Dial-A-Ride service contract with ARC – Imperial Valley on June 30, 2012, at the conclusion of the 2011-12 Fiscal Year

A motion was made by Best, seconded by Graham, with the understanding that staff will continue to research other alternatives until the service is retired on June 30, 2012. **Motion carried unanimously.**

B. Unmet Transit Needs Public Hearing for Fiscal Year 2012-2013

Ms. Williams stated that the Unmet Transit Needs Hearing are usually held in the January – March timeframe at the Board of Supervisors Chambers in the County Administration Center. It has been customary to appoint 5 members with 2 alternates. Typically, 2 members of the County are selected, with 3 City representatives. The panel meets twice,
once for the actual hearing and then reconvenes approximately one month later to review testimony and adopt the “Findings” or actions to be implemented in the subsequent fiscal year. The date of the second meeting is determined by the panel members during the preliminary meeting. ICTC staff issues the public notices and coordinates administrative arrangements, which includes bilingual translations.

It was requested that the ICTC Management Committee forward this item to the ICTC Commission for their review and approval after public comment, if any:

1. Appoint the Unmet Transit Needs Hearing Panel: two members from the County, three City representatives with two City alternates
2. Select a hearing date of January 26, 2012 or February 2, 2012
3. Select the time of meeting

A motion was made by Duran, seconded by Best, Motion carried unanimously.

C. Authorization for Commercial Banking Account and Closure of ICTC Accounts 7147000 and 7148000

Mr. Baza stated that as part of the transition from the County of Imperial, ICTC staff have explored the feasibility of contracting with payroll and benefits services vendors for employee salaries and benefits and associated expenses. It appears that a commercial bank account is needed to conduct this type of business. ICTC or its predecessor IVAG needed a commercial bank account because all transactions were made through the County of Imperial’s Auditor-Controller, Human Resources or Treasurer’s offices. ICTC has 2 accounts with small balances remaining that were reserved for the purpose of establishing this bank account.

It was requested that the ICTC Management Committee forward this item to the ICTC Commission for their review and approval after public comment, if any:

1. Authorize the Executive Director to establish a commercial bank account under the name of “Imperial County Transportation Commission,” for the purposes of payroll/benefits and associated expenses
2. Authorize the closure of the ICTC accounts 7147000 and 7148000 at the County of Imperial
3. Request that the County of Imperial issue a check for the balance of the accounts made payable to the Imperial County Transportation Commission, in an approximate amount of $160,135.77

A motion was made by Graham, seconded by Best, Motion carried unanimously.

D. 2012 State Transportation Improvement Program (STIP)

Mr. Baza introduced ICTC’s STIP Consultant, Mr. Hernandez. Mr. Hernandez reviewed the Planning, Programming & Monitoring (PPM) funds. Staff is recommending that $300K be programmed in FY 12/13, 13/14, 14/15; $19K be programmed in FY 16/17 and $300K be programmed in FY 16/17. For a total of $1,219,000 to be programmed in PPM funds. Staff is recommending that the STIP TE (Transportation Enhancement) Funds be programmed in future years and specific projects will be identified later during a Call for Projects. In regards to the STIP RIP (State Highway Project) Funds, Construction of the I-8/Dogwood Avenue Interchange improvement project is programmed in the adopted STIP in FY 12/13 at $22,210,000. Caltrans is currently working to complete the project design and remains on schedule to secure the construction funds in FY 12/13. Existing
programmed funds remain sufficient to construct the project according to Caltrans. The I-8/Imperial Avenue Interchange reconstruction project remains a priority for STIP funding and the next project to be funded through the STIP. ICTC Staff Recommendation is to request $4,250,000 to complete design and purchase right-of-way foe the I-8/Imperial Avenue Interchange reconstruction project.

As in the past, there was a suggestion that Commissioners attend the CTC Board hearing in May to provide support to our local projects.

It was requested that the ICTC Management Committee forward this item to the ICTC Commission for their review and approval after public comment, if any:

1. Approve Options A2, B2, C2, and D2 as the recommended list of projects for the 2012 STIP submittal
2. Authorize the Chairman to sign supporting documentation
3. Direct staff to process and forward the STIP target list and supporting documentation to SCAG, Caltrans and the California Transportation Commission (CTC)

A motion was made by Duran, seconded by Brunet, Motion carried unanimously.

E. Regional Transportation Improvement Program (RTIP) FY 2012-13 to FY 2017-18

Mr. Salgado stated that the FY 2013 RTIP is approximately $128 million programmed primarily over the first four years. The changes for the various projects are submitted by member agencies as well as by Caltrans. There was an increase in the funding average per year of approximately 23%. This increase in programmed funding was primarily due to the projected increases for transit related projects in Imperial County.

It was requested that the ICTC Management Committee forward this item to the ICTC Commission for their review and approval after public comment, if any:

1. Adopt the recommended FY 2012-13 through FY 2017-18 RTIP
2. Authorize the Chairman to sign the attached resolution

A motion was made by Best, seconded by Bayon Moore, Motion carried unanimously.

F. Regional Surface Transportation Program Funding (RSTP) Call for Projects, FY 2012-13 to FY 2015-16

Ms. Williams stated that staff was notified by SCAG that Regional Surface Transportation Program Funds (RSTP) were available. The total amount available between Fiscal years 2012-13 to 2015-16 is $7,355 (millions).

Staffs proposed schedule after input from the TAC Committee is as follows:
- ICTC issues call for projects: December 19, 2011
- Call For Projects Effective December 19, 2011 – February 24, 2012
- CTC RSTP Evaluation Committee: February 2012
- ICTC Management Committee/Commission endorses project submittals, region’s financial plan and conducts final public comment period: March 2012
- Projects submitted to SCAG in an RTIP amendment: March to April 2012

It was requested that the ICTC Management Committee forward this item to the ICTC Commission for their review and approval after public comment, if any:
1. Direct staff to open a competitive call for projects for member agencies for estimated RSTP funds, effective December 19th, 2011 through February 24th, 2012
2. Direct staff to convene an evaluation committee to score and rank the projects
3. Direct staff to return with a list of recommended projects for approval

A motion was made by Graham, seconded by Best, **Motion carried** unanimously.

G. Imperial County Transportation Commission: Transition and Reorganization

Mr. Baza introduced Ms. AJ Gaddis, HR Consultant. Ms. Gaddis identified the process step by step for management committee. Early on staff was consulted and asked for their input and expectations for the transition.

Issues that staff considered and addressed over the course of the transition included:
- Communicating with employees at every step in the process with both an appropriate level of disclosure and discretion.
- Devising ways to transition most effectively, efficiently and humanely.
- Proactively avoiding legal issues for violation of federal and state civil rights acts.

Staff identified the five phases of the transition and key challenges that included:
- Creation of new policies to guide the new organization
- Retention of key employees
- Development of compensation strategies
- Creation of a comprehensive employee benefits program

Ultimately, the goal was to provide a seamless transition for current county employees and to provide them with comparable benefits. After much research and discussion, staff is recommending the following comparable benefit structure summary below beginning January 1, 2012.

**Medical, Dental and Vision:** Staff is recommending that ICTC pick up the employee out of pocket expense to the employee for plan year 2012. In the months leading to the second year an evaluation will be made to determine any potential change regarding employee contributions. The evaluation will consider the plan(s) costs, budget, salaries, etc.

Mandated payroll contributions will be included such as COBRA, SDI, Unemployment Insurance and Worker’s Compensation. Social Security and Medicare may also be included if it is mandated for small agencies like ICTC. To assist with the transition and planned bi-weekly payroll, ICTC has secured the services of Paychex, a well known vendor here in the Imperial Valley.

A classification and compensation study was conducted that included developing job descriptions and conducting a salary survey with comparable agency sites. Each position was carefully reviewed and employees were given the opportunity to participate in the process to identify their specific duties. The results of the compensation study indicated that the new positions were paid comparable however the salary range was much higher with the comparable sites and some positions were not at-will. As part of the transition, staff recommends that all current employees become at-will and any new hire will serve a probationary period of one year. A transition of employment status for the current employees to new at-will employees typically requires compensation consideration. With the change to at-will status and given that the current employees would not see their
future performance increase evaluated for at least one year from their hire as ICTC employees, it is staff’s recommendation to add a five percent salary adjustment to their current pay as new ICTC employees.

Each employee will be provided with a conditional offer of employment that includes benefit summary and current salary information after the Commission approves the organizational structure. Finally, a performance development plan will be included for ICTC that will focus on employee performance for each employee with the opportunity to provide merit increases on annual basis. If the current county employees accept the offer, they will submit a letter of resignation to the County of Imperial dated for December 31, 2011.

There was discussion regarding the benefits recommendation. Ms. Bayon Moore suggested that the benefits structure be revisited in one year. Mr. Duran suggested that a 2 member subcommittee be created to discuss the benefits structure for next calendar year.

It was requested that the ICTC Management Committee forward this item to the ICTC Commission for their review and approval after public comment, if any as amended:

1. Approve the job descriptions and organizational chart as presented
2. Approve the benefit structure as presented
3. Approve the salary adjustment effective January 1, 2012
4. Develop a two- member Executive subcommittee to revisit the benefit structure for next year.

A motion was made by Bayon Moore, seconded by Best, Motion carried unanimously.

VII. NEXT MEETING DATE AND PLACE

The next meeting of the Management Committee will be held on January 11, 2012 at the City of Westmorland, Westmorland, CA.

VIII. ADJOURNMENT

A. Motion was made by Graham and seconded by Duran, Motion carried and meeting adjourned at 11:30 a.m.
IV. CONSENT CALENDAR

B. RECEIVE AND FILE:

ICTC BOARD DRAFT MINUTES:
DECEMBER 8, 2011

ICTC SSTAC OF IMPERIAL VALLEY DRAFT MINUTES:
DECEMBER 7, 2011

ICTC TAC SUBCOMMITTEE DRAFT MINUTES:
DECEMBER 1, 2011
DECEMBER 29, 2011
1. Chair Hack called the meeting to order at 10:05 am. A quorum was present. Introductions were made.  
   - Ms. Sanchez made a public announcement that the Area Agency on Aging Senior Directory was finalized and copies were available if desired. Attached to the directory is a save the date card for Senior Appreciation Day for January 11, 2012 at the El Centro National Guard Armory.

2. Minutes adopted for October 5, 2011. (Sanchez/Salgado) **Motion Carried.**

3. CTSA Reports  
   - Mr. Salgado and Ms. Williams had the following updates:
     - The Transit Disadvantaged Business Enterprise (DBE) Goal for FY 2011-12 is published on the ICTC website and is available for comment.
     - The ICTC Procurement Policy was adopted at the November Commission meeting.
- IVT Access has fixed their phone issues. Ms. Williams stated that due to the increase in ADA applications there may be capacity issues in the near future and the service may experience denials in the future. Individuals who are certified will get priority over individuals that are not certified.
- ICTC staff will be recommending at the December Commission Meeting that the Unmet Transit Needs Hearing be held on January 26, 2011.
- Ms. Williams introduced Mr. Balin as the new General Manager, and Mr. Ekins of IVT Access.
- ICTC participated in the interviews for a shared office assistant for ICTC and SCAG. This person will be bilingual and become familiar with transit services as well as the ADA procedures and assist staff as needed.
- A West Shores Dial-A-Ride retirement of services is being requested at the Commission meeting for this month (December). It is with regret that ICTC staff has to make this recommendation. Ms. Williams stated that it has been in operation since 1994. This service is funded through TDA funds subsidy that requires a 10% State mandated farebox ratio in order to maintain funding. In recent years the West Shores DAR has not been able to achieve the State mandated farebox ratio. Multiple changes in both fare and service hours have been implemented in order to achieve the required farebox ratio, however, none have been successful.
  - In March 2007, the County Board of Supervisors took action to reduce service from ten hours to eight hours, five days a week, maintaining the Westmorland connection with no change in the price of a fare.
  - On September 23rd, 2008, the County Board of Supervisors took action to approve the increase in fares for the West Shores Dial-A-Ride from $1.00 to $2.50, maintaining the Westmorland connection, effective November 3rd, 2008.
  - On June 16th, 2009, the County Board of Supervisors took action to approve a decrease in fares from $2.50 to $2.00 while simultaneously cutting service from five to three days a week, maintaining the Westmorland connection effective July 1st, 2009.
  - On March 16th, 2010, the County Board of Supervisors took action to approve a decrease in service from three days a week to one day a week (Thursday), and maintaining the Westmorland connection (Tuesday) effective July 1st, 2010. During this five year period of time, ICTC staff have met several times with the local residents and the elected representative, Gary Wyatt, County Supervisor District #4, for the area. However at the conclusion of the fifth year of operation, FY 2010-11, the farebox ratio continues to be less than 6%.
  - ICTC staff recently met with Caltrans staff to discuss the situation and the results of the discussion indicated that this scenario was not a candidate for a petition to reduce the farebox ratio requirement. This scenario is reserved for specialty situations i.e. prototype equipment, demonstration funding, unique technologies.
  - ICTC staff have reviewed the option of an averaged farebox in a consolidated competitive bid for paratransit services. However, ICTC staff would not recommend this scenario as it would place an unreasonable financial burden (increased expense) on the remaining Dial-A-Ride services to achieve a higher farebox ratio through a potential increase in fares, to offset the lower farebox ratio for the West Shores area. Therefore, ICTC staff is recommending the retirement of the West Shores Dial-A-Ride effective June 30, 2012.
  - Ms. Sanchez stated that the service will be missed by those affected in the area, especially those that use it for nutrition services through Catholic Charities. Creative alternatives were encouraged. The service is recommended to be retired at the end of the fiscal year unless there are further alternatives suggested and pursued. Further discussion ensued. ARC of Imperial County is the current service provider for the West Shores DAR and is in support of its retirement. Ms. Kennedy stated that the driver will
sometimes sit on the side of the road for hours a time with no passengers. She also suggested alternative programs, such as a program called TRIP from Riverside County that gives mileage reimbursement to individuals who have vehicles and can take others with them. Ms. Williams encouraged all interested parties to come to the Commission meeting.

4. Operator Reports

- Mr. Balin stated that all minor problems associated with the telephones and the transition into IVT Access has been resolved. He also stated that Access does not have capacity problems at this time. Mr. Ekins stated that if demand exceeds supply denials may be needed but thus far it’s running smoothly. Ms. Williams stated that other peer agencies have a more in depth ADA certification procedure that ICTC may need to follow if denials become an issue. Mr. Balin elaborated on the two types of denials. One is associated with the certification process and not meeting the criteria within the ADA qualifications. The other has to do with the limited space/seating on the buses.
- Ms. Pacheco stated that the Brawley Dial-A-Ride is doing well. Last month they had 2300 passengers. Ms. Pacheco stated that the budget will be submitted to the City of Brawley tomorrow.
- Calexico Dial-A-Ride is having some capacity issues and may need to begin taking a closer look at the situation now that they are strictly servicing seniors and ADA passengers.
- There was nothing to report from ARC of Imperial Valley on the El Centro and Imperial Dial-A-Rides or the Medexpress.

5. General Discussion

- There was none.

6. Adjournment

- Meeting adjourned at 11:30 a.m.
TECHNICAL ADVISORY COMMITTEE

DRAFT MINUTES

December 1, 2011

Present:

Steven Sullivan    City of Brawley
Gordon Gaste       City of Brawley
Alex Espinoza      City of Calexico
Mindy Hernandez    City of Calipatria
Terry Hagen        City of El Centro
Abraham Campos     City of El Centro
Alex Meyerhoff     City of Holtville
Ana Salazar        The Holt Group/City of Holtville
Virginia Mendoza (Chair)   City of Imperial
Joel Hamby         City of Imperial
Wayne Walker       City of Westmorland
Bill Brunet        County of Imperial
John Gay           County of Imperial
Frank Fiorenza     IID

Others:

Oscar Espinosa     City of El Centro
Jose Castaneda     County of Imperial-Public Works
Jenell Guerrero    County of Imperial-Public Works
Manuel Ortiz       County of Imperial-Public Works
Codie Rowin        County of Imperial-Public Works
Emmanuel Sanchez   County of Imperial-APCD
Fumi Galvan        The Holt Group/City of Holtville
Kathi Williams     ICTC
Cristi Lerma       ICTC
David Salgado      ICTC
Dolores Valadez    Caltrans
Luis Medina        Caltrans
Chili Cilch        Caltrans
Jacob Armstrong    Caltrans
1. The meeting was called to order by Chair Mendoza at 10:02 a.m. A quorum was present. Introductions were made.

2. A motion was made to adopt the October 27, 2011 minutes. *(Sullivan/Campos)* **Motion Carried.**

3. ICTC Updates / Announcements
   - Mr. Salgado urged agencies to submit their TDA Article 3 requests via a letter. ICTC would like to take the Article 3 package to the Commission in January.
   - Ms. Williams stated that ICTC staff are working with the FTA 5309 earmark grant funds for the Imperial and Brawley transfer terminals.
   - Staff is still working on submitting the 2013 FTIP. Staff is pending information regarding the County’s projects.
   - ICTC continues their efforts to become an independent agency. Recently, ICTC was approved retirement benefits through ICERS. Currently, staff is reviewing comparable health benefits. Current county employees will be ICTC employees on January 1, 2012.
   - Staff is still working on the CMAQ Call For Projects with more information to come in January or if a special meeting is preferred, staff can come back later this month preferably on the Thursday before New Years.
   - ICTC staff will be recommending to the Commission that the West Shores Dial-A-Ride services be retired effective June 30, 2012. It has not been able to meet the performance standards set forth by the State for farebox ratio.
   - Ms. Williams and Ms. Lerma participated in the interview process for the Regional Office Assistant position. This individual will be working for SCAG 50% and ICTC 50%. SCAG also filled the Regional Affairs Officer position, with a Mr. Tomas Olivas.
   - It is anticipated that the STIP will be approved at the next Commission meeting. The STIP document is submitted to the California Transportation Commission for approval and covers a five year period. There are some STP TEA funds available for FY 2013-14-2016-17, in an amount approximate to $800K. Staff plans to come back to the TAC in early spring for a STIP TEA Call For Projects.

4. RSTP Call For Projects
   - Ms. Williams stated that staff was notified by SCAG that Regional Surface Transportation Program Funds (RSTP) were available. The total amount available between Fiscal years 2012-13 to 2015-16 is $7,355 (millions).

   Staff proposed a schedule as follows:
   ICTC issues call for projects: December 19, 2011
   - Call For Projects Effective December 19, 2011 – January 30, 2012
   - ICTC RSTP Evaluation Committee: February 2012
   - ICTC Management Committee/Commission endorses project submittals, region’s financial plan and conducts final public comment period: March 2012
   - Projects submitted to SCAG in an RTIP amendment: March to April 2012

   - A motion was made to proceed with the proposed schedule with a change to the Call For Projects effective dates to be December 19, 2012 to February 24, 2012. *(Hamby/Gay)* **Motion Carried.**

   - FY 2011-12 has $310 (thousands) available. These funds are recommended for use on current projects since they have to be programmed and obligated in this FFY. Agencies were reminded that these funds should be submitted to Caltrans for obligation by May 1, 2012. Also, if funds were added to an existing project that it didn’t exceed 40% of the total project
cost so that the funds could be programmed in an Administrative Amendment. Agencies discussed and proposed different projects and it was determined that further time was needed for agencies to discuss it internally. A motion was made to delay discussions for use of the $310,000 and to reconvene on December 29, 2011, (Hamby/Hagen) Motion Carried.

5. Value Analysis Study
   - An overview of the Value Analysis Study conducted in partnership with Imperial County and the City of El Centro to improve the oversight process for local projects on the State Highway System was presented by Ms. Chili Cilch of Caltrans. Ms. Cilch shared key study findings, recommendations, including plans for implementing process improvements.
   - Mr. Armstrong encouraged agencies contact his department during the preliminary stages of a new project to schedule and discuss early on preliminary scope of the project and cost estimates among other things.
   - For more information on this study, you may contact Ms. Cilch at 619 688-4217.

6. Caltrans Updates
   - Mr. Medina had the following announcements and updates:
   - Mr. Medina reviewed status of active projects, as of 09/07/2011. He indicated which projects had red flags and discussed with each agency what is needed if anything to clear each project.
   - Mr. Medina stated that there was an overview of the ARRA projects and FHWA found many deficiencies such as, labor compliance, support documentation among other things.
   - At the last TAC meeting Local Assistance agreed to provide a response to each agencies Good Faith Efforts (GFE) memorandum within 10 days. A GFE training will be held Wednesday, December 7, 2011 from 9 am to 1 pm at the Caltrans offices in San Diego.
   - Buy America requirements will apply to all CMAG funded vehicle and equipment purchase contracts.
   - DLA-OB 11-11 Dispute Resolution Process has been posted to the Local Assistance website at [http://www.dot.ca.gov/hq/LocalPrograms/DLA_OB/DLA_OB.htm](http://www.dot.ca.gov/hq/LocalPrograms/DLA_OB/DLA_OB.htm).
   - Discretionary Call For Projects applications are due December 9, 2011 by close of business.
   - Mr. Medina reviewed the Formula OA Funds delivery report.
   - Mr. Medina reviewed the Obligation Plan for FFY 2011-12.
   - For any questions on any of these announcements or updates please contact Luis Medina at (619) 278-3735.

7. General Discussion
   - There was none.

8. Meeting adjourned at 12:24 p.m.
   - The next meeting will be held on December 29, 2011 at 10 a.m. at the ICTC Offices.
1. The meeting was called to order by Chair Mendoza at 10:05 a.m. A quorum was present. Introductions were made.

2. A motion was made to adopt the December 1, 2011 minutes. (Sullivan/Gay) **Motion Carried.**

3. ICTC Updates / Announcements

   - Mr. Baza introduced Mr. Oliva. Mr. Oliva had the following SCAG announcements and updates. There will be an RTP Workshop geared toward Executive Management and Elected Officials. It will be held on January 25th, 2012 at the County Board Chambers from 3-6 p.m. A Caltrans Planning Grant Workshop will be held at the SCAG offices in Los Angeles and will be broadcasted via videoconference at the Valley Center offices on January 19, 2012.
- Mr. Baza stated that the Air Pollution Control District reported to IVAG back in 2008 about Air Quality sanctions being set forth by the EPA. Back in 2008 APCD had asked for an exemption due to the dust and pollution from Mexico, from local agriculture and sand dunes but the EPA disapproved. The sanctions clock began and in August 2012 all Federal Transportation Funds will be frozen that are not obligated, with the exception of funds being used for safety projects among others. APCD and ICTC are urging agencies to obligate all their projects as soon as possible. Mr. Baza stated that there will be challenges but is hopeful that this will be resolved. Commission and City Managers have also been made aware.

4. Apportionment Recommendation for FY 11-12 RSTP Funding

- Mr. Baza stated that the next RTIP Amendment is due to SCAG on February 28, 2012. If necessary, ICTC staff will address the possibility of an Administrative Amendment before that date. There were three agencies with projects that could use the $310K.
  o The County of Imperial presented a project with intersection improvements at Forrester and Worthington Roads. The County would benefit from the RSTP funds to due to a shortfall of $400K due to utility work needed. Mr. Gay stated that if the $310K is awarded to the County, the County would pay the remaining $90K with local funds.
  o The City of Holtville presented a project for improvements on 4th Street and the SR 115 intersection. Mr. Meyerhoff stated that the City of Holtville can utilize the $310K to payoff, all or in part, the remaining financial gap of $429,036.99.
  o Mr. Hamby for the City of Imperial presented the Aten II project. The $310K would assist the City of Imperial with their financial gap of $540K.

- A motion was made by Meyerhoff to adopt both the City of Holtville and the County of Imperial’s request, motion withdrawn.
- There was discussion about CMAQ funds, in which all agreed should be discussed separately since no one came prepared.
- A motion was made to equally distribute the $310K between the City of Holtville, the City of Imperial and the County of Imperial, (Hamby/Hagen) Motion Carried.

5. Recommendation for CMAQ Call For Projects

- The discussion for the apportionment recommendation for the $1.8 million available for FY 2011-12 was continued to next Thursday, January 5, 2012 at a special meeting of the ICTC TAC. The discussion to adopt the CMAQ Call for Projects schedule was continued to the next regularly scheduled meeting on January 26th, 2012. There was consensus that more time was needed.

6. Caltrans Updates
   Mr. Medina had the following announcements and updates:
   - Mr. Medina reviewed the 9-B and 9-C Status report for Federal FY 2011-2012.
   - Mr. Medina reviewed the Imperial County Monthly Activity Report for CMAQ and RSTP funds dated October 31, 2011.
   - Mr. Medina reviewed the Obligation Plan for FFY 2011-12.
   - There is currently a Call for Cycle 10 State-legislated Safe Routes to School (SR2S) Projects. Application submittal deadline is March 30, 2012. Mr. Medina stated that he would like to offer training at the San Diego office in January. Mr. Meyerhoff suggested that the training could be hosted by the City of Holtville. Mr. Medina stated that it would be difficult to get Caltrans training staff down to Imperial Valley to conduct training. Mr. Meyerhoff stated that the City of Holtville submitted a SR2S application previously and would like to submit one for the same project previously submitted and would like to know what to do differently.
on this application so that it will get approved. Mr. Salgado offered help to anyone interested in applying. Mr. Medina suggested that agencies interested in applying should engage the community and request their input. All documented community requests would bode well on an application.

- For any questions on any of these announcements or updates please contact Luis Medina at (619) 278-3735.

7. General Discussion

- Mr. Baza stated that more information on A Call for Projects for STIP TEA funds will be discussed in the future.

8. Meeting adjourned at 11:30 a.m.
   - The next meeting will be held on January 5, 2011 at 10 a.m. at the ICTC Offices.
IV. CONSENT CALENDAR

C. APPLICATION FOR FEDERAL TRANSIT ADMINISTRATION (FTA) SECTION 5307 PROGRAM FUNDS FY 2011-12
January 4, 2012

ICTC Management Committee
Imperial County Transportation Commission
1405 N. Imperial Ave Suite 1
El Centro, CA 92243

SUBJECT: Application for Federal Transit Administration (FTA) Section 5307 Program Funds FY 2011-12

Dear Committee Members:

The Federal Transit Administration (FTA) Section 5307 program provides a source of grant funding to offset operational costs within an identified small urban area for mass transportation purposes as specified by the Legislature. The small urban grant program is not administered by Caltrans, and agencies are required to work directly with the Federal Transit Administration (FTA) through the Grant Application process.

The Commission approved the annual FY 2011-12 Budget and Finance Plan on July 27, 2011. The FTA 5307 Small Urban Transit Grant Application is in the amount of $1,440,680. These Funds are to be applied to the following ICTC Transit service programs:

- IMPERIAL VALLEY TRANSIT
- IVT - Blue and Green Lines
- IVT Access - the ADA Paratransit program

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CITIES OF BRAWLEY, CALExico, CALIPATRIA, EL CENTRO, HOLTVILLE, IMPERIAL, WESTMORLAND, IMPERIAL IRRIGATION DISTRICT AND COUNTY OF IMPERIAL
It is requested that the ICTC Management Committee forward this item to the ICTC Commission for their review and approval.

1. Adopt the attached resolution authorizing the Executive Director to sign the FTA 5307 FY 2011-12 grant application, all supporting documentation, and, direct staff to submit the application to the Federal Transit Administration.

Sincerely yours,

MARK BAZA
Executive Director

BY: [Signature]

Kathi Williams
Senior Transit Planner

Attachment

MB/ksw/cl
RESOLUTION OF THE IMPERIAL COUNTY TRANSPORTATION COMMISSION (ICTC) AUTHORIZING THE FILING OF APPLICATIONS WITH THE FEDERAL TRANSIT ADMINISTRATION, AN OPERATING ADMINISTRATION OF THE UNITED STATES DEPARTMENT OF TRANSPORTATION, FOR FEDERAL TRANSPORTATION ASSISTANCE AS AUTHORIZED BY 49 U.S.C. CHAPTER 53, TITLE 23 UNITED STATES CODE; SECTION 5307 FUNDS FOR USE WITHIN THE REGIONAL COUNTY-WIDE TRANSIT SYSTEM

WHEREAS, the Federal Transit Administrator has been delegated authority to award the federal financial grant funding under Section 5307 for a transportation project; and

WHEREAS, the Imperial County Transportation Commission (ICTC) as the Designated Recipient will also apply for the Urbanized Area Formula Program assistance; and

WHEREAS, the grant or cooperative agreements for Federal financial assistance will impose certain obligations upon the ICTC, and may require the ICTC to provide the local share of the project cost; and

WHEREAS, the ICTC has or will provide all annual certifications and assurances to the Federal Transit Administration required for a project;

THEREFORE, BE IT RESOLVED the Commissioners for the Imperial County Transportation Commission;

1. Authorizes the Executive Director or designee, to execute and file applications for Federal assistance on behalf of the Imperial County Transportation Commission with the Federal Transit Administration for Federal Assistance authorized by 49 U.S.C. CHAPTER 53, TITLE 23 UNITED STATES CODE SECTION 5307, or other federal statutes authorizing a project administered by the Federal and Transit Administration;

2. Authorizes, the Executive Director or designee, to execute and file with its application, the annual certifications and assurances and other documents the Federal Transit Administration requires before awarding a Federal assistance grant or cooperative agreement.

3. Authorizes the Executive Director or designee, to execute grant and cooperative agreements with the Federal Transit Administration on behalf of the ICTC.

PASSED AND ADOPTED at a regular meeting of the Imperial County Transportation Commission held on ______________________, 2012.

By: ____________________________
Chairman

ATTEST:

By: ____________________________
CRISTI LERMA
Secretary to the Commission
IV. CONSENT CALENDAR

D. CALIFORNIA TRANSIT SECURITY GRANT PROGRAM FY 2011-12
January 4, 2012

ICTC Management Committee
Imperial County Transportation Commission
1405 N. Imperial Ave. Suite 1
El Centro, CA 92243

SUBJECT: California Transit Security Grant Program FY 2011-12

Dear Committee Members:

The California Transit Security Grant Program (CTSGP) provides funds for use on a variety of transit capital improvement projects. These projects are designed to enhance security for transit systems and passengers. The program is administered by the State of California’s Governor’s Office of Homeland Security.

In previous years, ICTC has successfully applied for funding through this program for security cameras and lighting improvements to the Imperial Valley College Bus Transfer Terminal and solar lighting at the Brawley Transfer Terminal. In FY 2011-12 the ICTC is seeking funding through this program to provide security cameras on board Imperial Valley Transit buses. No matching funds are required.

The application process requires the submittal of a resolution from the Commission authorizing the Executive Director to act on behalf of the Commission.

Therefore, it is requested the ICTC Management Committee forward this item to the Commission for review and approval.

1. Approve the attached resolution authorizing the Executive Director or his designee to take any actions necessary on behalf of the ICTC for the purposes of obtaining FY 2011-12 financial assistance provided by the Governor’s Office of Homeland Security under the California Transit Security Grant Program.

Sincerely yours,

MARK BAZA
Executive Director

BY: [Signature]

Kathi Williams
Senior Transit Planner

Attachment

CITIES OF BRAWLEY, CALEXICIO, CALIPATRIA, EL CENTRO, HOLTVILLE, IMPERIAL, WESTMORLAND, IMPERIAL IRRIGATION DISTRICT AND COUNTY OF IMPERIAL
RESOLUTION _______ OF
THE IMPERIAL COUNTY TRANSPORTATION COMMISSION (ICTC)

AUTHORIZING THE FILING OF GRANT APPLICATIONS FOR THE CALIFORNIA TRANSIT SECURITY GRANT PROGRAM – CALIFORNIA TRANSIT ASSISTANCE FUND (CTGSP-CTAF) FOR FY 2011-12 FROM THE CALIFORNIA DEPARTMENT OF HOMELAND SECURITY

WHEREAS, the California Department of Homeland Security is requesting project grant applications for the CTGSP program for FY 2011-12; and

WHEREAS, ICTC desires to apply for said financial assistance to improve the safety and security of passengers and related equipment on the Imperial Valley Transit system in ICTC’s service area; and

WHEREAS, ICTC has sufficient funds to operate the vehicles and/or equipment purchased under this project, as applicable; and

NOW, THEREFORE, BE IT RESOLVED that the ICTC does hereby authorize:

The Executive Director or his designee to take any actions necessary on behalf of the ICTC for the purposes of obtaining FY 2011-12 financial assistance provided by the Governor’s Office of Homeland Security under the California Transit Security Grant Program.

PASSED AND ADOPTED at a regular meeting of the Imperial County Transportation Commission held on ______________.

By: ________________________________
Chairman

ATTEST:

By: ________________________________

CRISTI LERMA
Secretary to the Commission
VI. ACTION CALENDAR

A. ICTC DISADVANTAGED BUSINESS ENTERPRISE GOAL FY 2011-12 FOR FTA FUNDS
January 4, 2012

ICTC Management Committee
Imperial County Transportation Commission
1405 N. Imperial Ave Suite 1
El Centro, CA 92243

SUBJECT: ICTC Disadvantaged Business Enterprise Goal for FY 11-12 for FTA funds

Dear Committee Members:

As a recipient of Federal Transit Administration (FTA) dollars, the ICTC is required to adopt and implement a Disadvantaged Business Enterprise (DBE) program to provide opportunities to underrepresented firms in the award and administration of contracts utilizing FTA funds. As part of this program, the ICTC must adopt an annual DBE goal. The goal is to be expressed as the percentage of FTA funds awarded to ICTC which ICTC expects to award to certified DBE firms over the fiscal year for which the goal is set.

This goal is calculated by examining all the expected contracting opportunities utilizing FTA funds in a given year, determining what proportion of all firms ready, willing and able to bid on those contracts are likely to be DBEs, and then using that information to set a reasonable goal regarding the amount of FTA funds that will actually be awarded to DBEs through contracts with those firms. This methodology is outlined in detail in the attached report.

ICTC staff proposed a FY 11-12 DBE goal of 1.4% in December 2011 and the Commission enacted a 45 day comment period. In addition the Commission directed staff to return for final adoption of the goal in January 2012.

ICTC staff requests that ICTC Management Committee forward this item to the ICTC Commission for review and approval:

1. Approve the proposed FY 11-12 DBE goal of 1.4%

Sincerely yours,

MARK BAZA
Executive Director

BY: [Signature]

Kathi Williams
Senior Transit Planner

Attachment

MB/ksw/cl

CITIES OF BRAWLEY, CALEXICO, CALIPATRIA, EL CENTRO, HOLTVILLE, IMPERIAL, WESTMORLAND, IMPERIAL IRRIGATION DISTRICT AND COUNTY OF IMPERIAL
Disadvantaged Business Enterprise Plan (DBE)
For Projects Funded Through
the Federal Transit Administration (FTA)

FY 2011-12
IMPERIAL COUNTY TRANSPORTATION COMMISSION

DEPARTMENT OF TRANSPORTATION
DBE PROGRAM – 49 CFR PART 26

POLICY STATEMENT

Section 26.1, 26.23  Objectives/Policy Statement

The Imperial County Transportation Commission has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The ICTC has received federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the ICTC has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the ICTC to ensure that DBEs are defined in part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT – assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT assisted contracts;
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

Kathi Williams has been delegated as the DBE Liaison Officer. In that capacity, Kathi Williams is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the ICTC in its financial assistance agreements with the Department of Transportation.

ICTC has disseminated this policy statement to the ICTC Commission and all of the relative components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform, or are anticipated to perform work for our organization on DOT assisted contracts. This distribution is accomplished through 1. Adoption of the program by the Commission 2. Publication available to all interested parties via the Commission's website 3. Inclusion in all relative competitive bid documents.

Executive Director

Date
# TABLE OF CONTENTS

1. GENERAL REQUIREMENTS
   a. Objectives ................................................. 4
   b. Applicability ........................................ 4
   c. Definitions ......................................... 4
   d. Non Discrimination Requirements ................. 4
   e. Record Keeping Requirements ..................... 4
   f. Federal Financial Assistance Agreement ......... 5

2. ADMINISTRATIVE REQUIREMENTS
   a. DBE Program Updates ................................... 5
   b. Policy Statement ...................................... 5
   c. DBE Liaison Officer ................................... 6
   d. DBE Financial Institutions ......................... 6
   e. Prompt Payment Mechanisms ....................... 7
   f. Directory ............................................. 7
   g. Overconcentration .................................... 7
   h. Business Development Programs .................. 7
   i. Monitoring and Enforcement Mechanisms ......... 7-8

3. GOALS, GOOD FAITH EFFORTS AND COUNTING
   a. Set Aside or Quotas .................................... 8
   b. Overall Goals ......................................... 8
   c. Transit Vehicle Manufacturers Goals ............. 8
   d. Break out of Estimate Race Neutral and Race Conscious Participation ....... 8
   e. Contract Goals ........................................ 9
   f. Good Faith Efforts Procedures .................... 9-11
   g. Counting DBE Participation ....................... 11

4. CERTIFICATIONS STANDARDS
   a. Certification Process ................................ 11

5. CERTIFICATION PROCEDURES
   a. Unified Certification Programs ................. 11-12
   b. Procedures for Certification Decisions ......... 12
   c. Denials of Initial Requests For Certification . 13
   d. Removal of a DBE's Eligibility .................. 13
   e. Certification Appeals ............................. 13

6. COMPLIANCE AND ENFORCEMENT
   a. Information, Confidentiality Cooperation ....... 13
ATTACHMENTS

Attachment 1 – Organizational Chart .................................................................................. 15
Attachment 2 – DBE Directory ............................................................................................ 16
Attachment 3 – Monitoring and Enforcement Mechanisms .................................................. 17
Attachment 4 – Overall Goal Calculation .......................................................................... 18-23
Attachment 5 – Breakout of Estimated Race–Neutral and Race-Conscious participation ...... 24
Attachment 6 – Forms ......................................................................................................... 25-29
Attachment 7 – Certification Application Forms .................................................................. 30
Attachment 8 – Procedures for the Removal of a DBE’s Eligibility .................................... 31
Attachment 9 – Regulations: 49 CFR Part 26 ..................................................................... 32
SUBPART A – GENERAL REQUIREMENTS

Section 26.1 Objectives

The objectives are found in the policy statement on the first page of this program.

Section 26.3 Applicability


Section 26.5 Definitions

The ICTC will adopt the definitions contained in Section 26.5 for this program.

Section 26.7 Non-discrimination Requirements

The ICTC will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR part 26 on the basis of race, color, sex, or national origin.

In administering its DBE program, the ICTC will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

Section 26.11 Record Keeping Requirements

Reporting to DOT: 26.11(b)

We will report DBE participation to DOT as follows:

We will report DBE participation on a quarterly basis, using DOT Form 4630 or through the FTA TEAM website. These reports will reflect payments actually made to DBEs on DOT-assisted contracts.

Bidders List: 26.11(c)

The ICTC will create a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The purpose of this requirement is to allow use of the bidders list approach to calculating overall goals. The bidder list will include the name, address, DBE non-DBE status, age, and annual gross receipts of firms.

We will collect this information in the following ways: requiring prime bidders to report the names/addresses and possible other information, of all firms who quote to them on subcontracts, providing a notice in solicitations and post it on the Commission website.
Section 26.13 Federal Financial Assistance Agreement

ICTC has signed the following assurances, applicable to all DOT-assisted contracts and their administration:

Assurance: 26.13(a)

ICTC shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT assisted contract or in the administration of its DBE Program or the requirements of 49 CFR part 26. The ICTC shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. The ICTC’s DBE Program, as required by 49 CFR part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the ICTC of its failure to carry out its approved program, the Department may impose sanction as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

This language will appear in financial assistance agreements with sub-recipients.

Contract Assurance: 26.13b

We will ensure that the following clause is placed in every DOT-assisted contract and subcontract:

The contractor, sub-recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the ICTC deems appropriate.

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

Since the ICTC may receive a grant of $250,000 or more for planning or development, planning capital, and or operating assistance in a federal fiscal year, by the statute for we will continue to carry out this program until all funds from DOT financial assistance have been expended. We will provide to DOT updates representing significant changes in the program.

Section 26.23 Policy Statement

The Policy Statement is elaborated on the first page of this program.
Section 26.25 DBE Liaison Officer (DBELO)

We have designated the following individual as our DBE Liaison Officer:

Kathi Williams, Senior Transit Planner
Imperial County Transportation Commission
1405 N. Imperial Ave. Suite 1
EL Centro, Ca, 92243
760-592-4492
kathiwilliams@imperialctc.org

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the ICTC complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Executive Director of ICTC concerning DBE program matters. An organization chart displaying the DBELO’s position in the organization is found in Attachment A to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO has a staff of 0 to assist in the administration of the program. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all components within the ICTC to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals attainment and identifies ways to improve progress.
6. Analyzes ICTC’s progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the Executive Director/Commission on DBE matters and achievement.
10. Provides DBEs with information and assistance in preparing bids.
11. Plans and participates in DBE training seminars.
13. Provides outreach to DBEs and community organizations to advise them of opportunities.
14. Maintains the ICTC’s updated directory on certified DBEs.

Section 26.27 DBE Financial Institutions

It is the policy of the ICTC to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contract to make use of these institutions. We have made the following efforts to identify and use such institutions: research the credit unions and commercials banks in the community through on site visits and website reviews.

To date we have identified the following such institutions: None
Section 26.29 Prompt Payment Mechanisms

The ICTC will include the following clause in each DOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 30 days from the receipt of each payment the prime contract receives from ICTC. The prime contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the ICTC. This clause applies to both DBE and non-DBE subcontracts.

Any failure to comply with this section by the prime contractor shall be considered as a breach of the contract, subject to the provisions of the agreement. In addition, the prime contractor will not be reimbursed for work performed by subcontractors unless and until the prime contractors ensures that the subcontractors are promptly paid for the work that they have performed.

Section 26.31 Directory

The ICTC maintains a directory identifying all firms eligible to participate as DBEs. The directory lists the firm’s name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE. We revise the Directory annually.

We make the Directory available online at http://www.dot.ca.gov/hq/bep/find_certified.htm.

Further information may be found about California’s Uniform Certification Program at http://www.dot.ca.gov/hq/bep/ucp.htm.

Section 26.33 Overconcentration

ICTC has not identified that overconcentration exists in the types of work that DBEs perform.

Section 26.35 Business Development Programs

ICTC has not established a business development program.

Section 26.37 Monitoring and Enforcement Mechanisms

The ICTC will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

1. We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.

2. We will consider similar action under our own legal authorities, including responsibility determinations in future contracts. Attachment 3 lists the regulation, provisions, and contract remedies available to us in the events of non-compliance with the DBE regulation by a participant in our procurement activities.
3. We will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished via a reporting mechanism.

4. We will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43  Set-asides or Quotas

The ICTC does not use quotas in any way in the administration of this DBE program.

Section 26.45  Overall Goals

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 4 to this program. This section of the program will be updated annually.

In accordance with Section 26.45(f) the ICTC will submit its overall goal to DOT on August 1 of each year. Before establishing the overall goal each year, ICTC will consult with the Chambers of Commerce and CALTRANS Local District Offices to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the ICTC’s efforts to establish a level playing field for the participation of DBEs.

Following this consultation, we will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at our office for 30 days following the date of the notice, and informing the public that you and DOT will accept comments on the goals for 45 days from the date of the notice. The notice will be available on the Commission’s website and the local newspaper of general circulation. We, we will issue this notice by June 1 of each year. The notice must include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed.

Our overall goal submission to DOT will include a summary of information and comments received during this public participation process and our responses.

We will begin using our overall goal on October 1 of each year, unless we have received other instructions from DOT. If we establish a goal on a project basis, we will begin using our goal by the time of the first solicitation for a DOT-assisted contract for the project.

Section 26.49  Transit Vehicle Manufacturers Goals

ICTC will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of this section. Alternatively, ICTC may, at its discretion and with FTA approval, establish project-specific goals for DBE participation in the procurement of transit vehicles in lieu of the TVM complying with this element of the program.

Section 26.51(a-c)  Breakout of Estimated Race-Neutral & Race-Conscious Participation

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment 5 to this program. This section of the program will be updated annually when the goal calculation is updated.
Section 26.51(d-g)  Contract Goals

The ICTC will use contract goals to meet any portion of the overall goal. ICTC does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of race-neutral means.

We will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. We need not establish a contract goal on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work.)

We will express our contract goals as a percentage of total amount of a DOT-assisted contract.

Section 26.53  Good Faith Efforts Procedures

Demonstration of Good Faith Efforts (26.53(a) & (c))

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are located in Appendix A to 49 CFR Part 26.

The following personnel is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive

Kathi Williams, Senior Transit Planner
Imperial County Transportation Commission
1405 N. Imperial Ave. Suite 1
EL Centro, Ca, 92243
760-592-4492
kathwilliams@imperialctc.org

We will ensure that all information is complete and accurate and adequately documents the bidder/offer's good faith efforts before we commit to the performance of the contract by the bidder/offeror.

Information to be submitted (26.53(b))

ICTC treats bidder/offers' compliance with good faith efforts' requirements as a matter of responsiveness.

Each solicitation for which a contract goal has been established will require the bidders/offerors to submit the following information:

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors commitment and
6. If the contract goal is not met, evidence of good faith efforts.
Administrative reconsideration (26.53(d))

Within 10 days of being informed by ICTC that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official:

Mark Baza, Executive Director
Imperial County Transportation Commission
1405 N. Imperial Ave. Suite 1
El Centro Ca, 92243
760-592-4494
markbaza@imperialctc.org

The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do so. We will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transpiration.

Good Faith Efforts when a DBE is replaced on a contract (26.53(f))

ICTC will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. We will require the prime contractor to notify the DBE Liaison officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, we will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

If the contractor fails or refuses to comply in the time specified, ICTC will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding.

Sample Bid Specification:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of the [Name of ICTC] to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of ____ percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (Attachment 1), to meet the contract goal for DBE participation in the performance of this contract.
The bidder/offeree will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that each DBE firm will perform; (3) the dollar amount of the participation of each DBE firm participating; (4) Written documentation of the bidder/offeree’s commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; (5) Written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); and (5) if the contract goal is not met, evidence of good faith efforts.

Section 26.55  Counting DBE Participation

We will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55.

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73  Certification Process

ICTC will use the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. We will make our certification decisions based on the facts as a whole.

For information about the certification process or to apply for certification, firms should contact:

CALTRANS Civil Rights
ATTN: Certification Unit
1823 14th Street
Sacramento, Ca. 95811
(866) 810-6346
http://www.caltrans.ca.gov/hq/bep/business_forms.htm

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81  Unified Certification Programs

ICTC adopts the California Unified Certification program (UCP) procedures administered by the Certifying agencies of the CUCP. The ICTC is the member of a Unified Certification Program (UCP)]. The UCP meets all of the requirements of this section. The following is a description of the UCP (as provided on the CUCP website located at http://www.californiaurp.com/index.html)

“The California Unified Certification Program (CUCP) went into effect on January 1, 2002. It is a one stop shopping certification procedure that eliminates the need for Disadvantaged Business Enterprises (DBE) firms to obtain certifications from multiple agencies within the State.

The CUCP is charged with the responsibility of certifying firms and compiling and maintaining a single Statewide database of certified DBEs, pursuant to 49 CFR Part 26. The database is intended to expand the use of DBE firms by maintaining complete and current information on those businesses and the products and services they can provide to all DOT assisted grantees in California.
The CUCP has established two regional DBE certification clusters throughout the State, designated by geographical boundaries to effectively facilitate Statewide DBE certification activities. The CUCP certifying agencies are responsible for certifying DBE firms. It is not necessary to apply for DBE certification at more than one agency. If your firm meets the general criteria for DBE certification as provided on the Application package, please submit your completed application, along with the requested documentation to one of the Certifying agencies serving the County where your firm has its principal place of business."

Section 26.83 Procedures for Certification Decisions

Re-certifications 26.83(a) & (c)

We will review the eligibility of DBEs, to make sure that they will meet the standards of Subpart E of Part 26. We will complete this review no later than five years from the most recent certification date of each firm.

For firms that we have reviewed and found eligible under part 26, we will again review their eligibility every five years. These reviews will include the following components: filing out a new application, performing on site visits in the ICTC local area, and reviewing work history, qualifications and equipment of the firm.

"No Change" Affidavits and Notices of Change (26.83(j))

To the extent as required by the CUCP, we require all DBEs to inform us, in a written affidavit, of any change in its circumstances affecting its ability to meet size, disadvantaged status, ownership or control criteria of 49 CFR Part 26 or of any material changes in the information provided with the CUCP’s application for certification.

We also require all owners of all DBEs to submit, on the anniversary date of their certification, a "no change" affidavit meeting the requirements of 26.83(j). The text of this affidavit is the following:

I swear (or affirm) that there have been no changes in the circumstances of [name of DBE firm] affecting its ability to meet size, disadvantaged status, ownership, or control requirements of 49 CFR part 26. There have been no material changes in the information provided with [name of DBE]'s application for certification, except for any changes about which you have provided written notice to the ICTC under 26.83(j). [Name of firm] meets Small Business Administration (SBA) criteria for being a small business concern and its average annual gross receipts (as defined by SBA rules) over the firm's previous three fiscal years do not exceed $16.6 million.

We require DBEs to submit with this affidavit documentation of the firm’s size and gross receipts.

We will notify all currently certified DBE firms of these obligations. This notification will inform DBEs that to submit the “no change” affidavit, their owners must swear or affirm that they meet all regulatory requirements of part 26, including personal net worth. Likewise, if a firm’s owner knows or should know that he or she, or the firm, fails to meet a part 26 eligibility requirement (e.g. personal net worth), the obligation to submit a notice of change applies.
Section 26.85 Denials of Initial Requests for Certification

If the CUCP denies a firm’s application or decertify it, it may not reapply until 12 months have passed from the action.

Section 26.87 Removal of a DBE’s Eligibility

In the event the CUCP proposes to remove a DBE’s certification, we will follow procedures consistent with 26.87.

Section 26.89 Certification Appeals

Any firm or complainant may appeal the CUCP decision in a certification matter to DOT. Such appeals may be sent to:

Department of Transportation
Office of Civil Rights Certification Appeals Branch
400 7th Street, SW
Room 2104
Washington, D.C. 20590

We will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for our DOT-assisted contracting.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

We will safeguard from disclose to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law.

Notwithstanding any contrary provisions of state or local law, we will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submitter.

Monitoring Payments to DBEs

We will require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of the ITC or DOT. This reporting requirement also extends to any certified DBE subcontractor.

We will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts states in the schedule of DBE participation.
## ATTACHMENTS

<table>
<thead>
<tr>
<th>Attachment</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attachment 1</td>
<td>Organizational Chart</td>
</tr>
<tr>
<td>Attachment 2</td>
<td>DBE Directory</td>
</tr>
<tr>
<td>Attachment 3</td>
<td>Monitoring and Enforcement Mechanisms</td>
</tr>
<tr>
<td>Attachment 4</td>
<td>Overall Goal Calculation</td>
</tr>
<tr>
<td>Attachment 5</td>
<td>Breakout of Estimated Race-Neutral &amp; Race-Conscious Participation</td>
</tr>
<tr>
<td>Attachment 6</td>
<td>Forms for Demonstration of Good Faith Efforts</td>
</tr>
<tr>
<td>Attachment 7</td>
<td>Certification Application</td>
</tr>
<tr>
<td>Attachment 8</td>
<td>Procedures for Removal of DBE's Eligibility</td>
</tr>
<tr>
<td>Attachment 9</td>
<td>Regulations: 49 CFR part 26</td>
</tr>
</tbody>
</table>
Attachment 1
Organizational Chart

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

Commission

Mark Baza
Executive Director

Kathi Williams
Senior Transit Planner
Attachment 2

DBE Directory

See the CUCP directory, found at http://www.dot.ca.gov/ucp/GetLicenseForm.do

ICTC encourages prime contract bidders to search this directory when seeking subcontractors that are certified as a DBE.
Attachment 3

Monitoring and Enforcement Mechanisms

The ICTC has available several remedies to enforce the DBE requirements contained in its contracts, including, but are not limited to, the following:

1. Breach of contract action, pursuant to the terms of the contract;
2. Breach of contract action pursuant to California Civil Code S 3300, et. seq;
3. Any other enforcement mechanism in law or equity allowable in California

In addition, the federal government has available several enforcement mechanisms that it may apply to firms participating in the DBE problem, including, but not limited to, the following:

1. Suspension or debarment proceedings pursuant to 49 CFR part 26
2. Enforcement action pursuant to 49 CFR part 31
3. Prosecution pursuant to 18 USC 1001.
Attachment 4

ICTC Methodology for adopting an FY 2011-12 DBE goal for FTA purposes

Pursuant to Section 49 CFR Part 26, The ICTC present the following information as it relates to the development of the ICTC Methodology for adopting a FY 2011-12 DBE goal for FTA purposes.

Anticipated ICTC contracting opportunities during FY 2011-12 utilizing FTA funds:

1. Two (2) Contracts anticipated for consultant planning studies
   
   Total FY 11-12 contract cost: 2 @ $100,000 = $200,000
   
   Total FY 11-12 FTA 5304 funds associated with these contracts: $200,000
   
   These contracts are for consultant prepared transit planning studies including the design of additional future fixed route services, as well as, a feasibility study for an intermodal transit transfer terminal.

2. One (1) Contract for fixed route transit services and One (1) Contract for ADA paratransit services
   
   Total FY 11-12 contract cost (including federal and non federal funds): $4,664,314
   
   Total FY 11-12 FTA funds associated with this contract: $1,803,549
   
   Total FY 2011-12 FTA 5307 Funds: $1,440,680 5311 Funds: $362,869
   
   This contract is for turnkey operation of all fixed route transit and ADA paratransit services administered by ICTC (i.e. Imperial Valley Transit). ICTC does not presently own transit vehicles or facilities, therefore only those firms capable of providing facilities and the vehicles needed for operations (at a minimum, ten 40' buses and eighteen cutaways) will respond to ICTC’s competitive bid processes.

Approximate total amounts were based upon:

1. Yet to be obligated funds based on revenue apportionments as posted by the FTA under the FTA 5307 and FTA 5311 program and documented in the ICTC OWP and Transit Budget.
2. Obligated funds under the FTA 5304 and programmed to be distributed by the MPO, the Southern California Association of Governments (CAG) for two approved planning studies.

Unique factors affecting the development of the DBE Goal for FY 2011-12

1. Recognition and local knowledge that as a small urban turnkey transit system, the majority of the FTA 5307 and FTA 5311 funds are used for direct operating costs in turn key contracts for which limited opportunities exist for DBE participation i.e. salaries and facility lease costs.

2. Recognition and local knowledge that there is limited DBE participation in the immediate geographic area. The area is 84 miles to the south of Riverside and 120 miles to the east of San Diego counties, which represent the closest populated areas. The market area, or region, therefore has been expanded to include the Counties of Imperial, Riverside and San Diego Counties.

3. The DBE firms certified by the California Unified Certification Program with the most appropriate NAICS classification code (485113 – Bus and motor vehicle transit systems) are generally charter services who are not ready, willing, or able to bid on a public fixed route contracts of this size and complexity.

4. There may exist opportunities for the prime contractor (currently First Transit) to utilize outside firms to provide needed services.

Step 1 – Development of the Base Goal Figure

In order to determine an overall goal the first step is to determine a base figure:

Potential funding available for the contacting opportunities

<table>
<thead>
<tr>
<th>Table 1</th>
<th>Amount of DOT Funding</th>
<th>Amount of DOT funds</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAICS CODE</td>
<td>Description of the Work</td>
<td>Percent of Total Weight</td>
</tr>
<tr>
<td>423120</td>
<td>Parts (general)</td>
<td>$90,000.00</td>
</tr>
<tr>
<td>423130</td>
<td>Tire products</td>
<td>$15,000.00</td>
</tr>
<tr>
<td>424720</td>
<td>Fuel and Oil Suppliers</td>
<td>$565,000.00</td>
</tr>
<tr>
<td>541614</td>
<td>Consulting Services</td>
<td>$200,000.00</td>
</tr>
<tr>
<td>541850</td>
<td>Transit Advertising</td>
<td>$75,000.00</td>
</tr>
<tr>
<td>541870</td>
<td>Transit printing</td>
<td>$60,000.00</td>
</tr>
<tr>
<td>TOTALS</td>
<td></td>
<td>$1,005,000.00</td>
</tr>
</tbody>
</table>
The number of DBE and non DBE firms ready, willing, and able to bid on contracting opportunities

<table>
<thead>
<tr>
<th>NAICS CODE</th>
<th>Description of the Work</th>
<th>Available DBEs in the Region</th>
<th>Number of all Firms Available</th>
<th>Relative Availability</th>
</tr>
</thead>
<tbody>
<tr>
<td>423120</td>
<td>Parts ( general)</td>
<td>0</td>
<td>4</td>
<td>0.000</td>
</tr>
<tr>
<td>423130</td>
<td>Tire products</td>
<td>0</td>
<td>10</td>
<td>0.000</td>
</tr>
<tr>
<td>424720</td>
<td>Fuel and Oil Suppliers</td>
<td>0</td>
<td>32</td>
<td>0.000</td>
</tr>
<tr>
<td>541614</td>
<td>Consulting Services</td>
<td>0</td>
<td>21</td>
<td>0.000</td>
</tr>
<tr>
<td>541850</td>
<td>Transit Advertising</td>
<td>0</td>
<td>4</td>
<td>0.000</td>
</tr>
<tr>
<td>541870</td>
<td>Transit printing</td>
<td>0</td>
<td>5</td>
<td>0.000</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td></td>
<td><strong>0</strong></td>
<td><strong>100%</strong></td>
<td><strong>0%</strong></td>
</tr>
</tbody>
</table>

Local Potential Subcontracting Opportunities

There are currently a total of six certified DBE's in the entire County of Imperial. None perform the services that Imperial Valley Transit needs. Two are general freight trucking companies, two provide engineering services, one is an electrical contractor, and one does fabricated structural metal manufacturing. Therefore, there are no DBE's available in the region to provide printing, advertising, or website services.

<table>
<thead>
<tr>
<th>NAICS CODE</th>
<th>Description of the Work</th>
<th>Weight</th>
<th>Relative Availability</th>
<th>Weighted Base Figure</th>
</tr>
</thead>
<tbody>
<tr>
<td>423120</td>
<td>Parts ( general)</td>
<td>0.090</td>
<td>0.000</td>
<td>0.000</td>
</tr>
<tr>
<td>423130</td>
<td>Tire products</td>
<td>0.015</td>
<td>0.000</td>
<td>0.000</td>
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<tr>
<td>424720</td>
<td>Fuel and Oil Suppliers</td>
<td>0.562</td>
<td>0.063</td>
<td>0.000</td>
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<tr>
<td>541614</td>
<td>Consulting Services</td>
<td>0.199</td>
<td>0.000</td>
<td>0.000</td>
</tr>
<tr>
<td>541850</td>
<td>Transit Advertising</td>
<td>0.075</td>
<td>4.000</td>
<td>0.000</td>
</tr>
<tr>
<td>541870</td>
<td>Transit printing</td>
<td>0.060</td>
<td>5.000</td>
<td>0.000</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td></td>
<td><strong>100%</strong></td>
<td><strong>100%</strong></td>
<td><strong>0.000</strong></td>
</tr>
</tbody>
</table>
Step 2: Adjustments to the Base DBE relative Availability Figure

Adjustments to the base figure goal may be necessary and justified for a variety of reasons including: lower or higher than expected past participation by DBE firms, additional evidence from disparity studies, etc. Unfortunately, very little data of this sort is currently available to ICTC. In past years FTA funds were spent solely on the turnkey operations contract. In addition, no comprehensive disparity study has been or is likely to be conducted in Imperial County. Therefore, ICTC cannot identify a valid reason to adjust its base goal upward or downward based on past participation or based upon other available studies.

However, ICTC does recognize that there are many firms within Imperial County currently eligible to be certified as DBE firms that simply have not gone through the application process. Based on recent conversation with potential applicants, this is because of a lack of understanding of said process and/or a lack of monetary incentive to do so. ICTC anticipates encouraging these firms in future contracting opportunities, especially local subcontracting opportunities.

An outreach program may be successful given the large proportion of minority and women owned firms without the County of Imperial. (The numbers reported below are from 2010 Census data.)

<table>
<thead>
<tr>
<th>Hispanic owned firms</th>
<th>44.1%</th>
<th>Asian owned firms</th>
<th>6.3%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Women owned firms</td>
<td>25.8%</td>
<td>Black owned firms</td>
<td>1.6%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table 4</th>
<th>Historical DBE Participation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>FFY Goals</td>
</tr>
<tr>
<td>2011</td>
<td>1.40% Annual Participation</td>
</tr>
</tbody>
</table>

The median participation FFYs 2012 and Step 2 Goal

DBE Median Participation (2011) = 0.00%
Step One Base Goal = 0.00%
Total Divided by 2 = 0

However, ICTC feels an adjustment of its DBE goal is warranted. There have been opportunities for non federally funded projects to have DBE/WBE/MDE/UBDE participation. Most recently, two locally funded consultant developed projects were completed in FY 2011:

Transit Drug and Alcohol Programs Compliance Audit $11,000 DBE participation 100%
Short Range Transit Plan $14,986 DBE participation 15.4%

There are two planned projects in FY 2012, there for it is anticipated that consultants or subcontractors should be able to attain a DBE goal of 1.4%

FY 2011-12 DBE Goal = 1.4%
Attachment 5

Section 26.51: Breakout of Estimated Race-Neutral & Race Conscious Participation

The ICTC is a small urban organization with the majority of its FTA funding used for operating expenses rather than for capital purchases. ICTC will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation as required in Section 26.51(a). Planned outreach efforts by ICTC are all race/gender neutral and it is anticipated that ICTC will accomplish its DBE goal solely through race/gender neutral means.

ICTC will use the following race neutral means to increase DBE participation:

1. Arranging solicitations, times for the presentations of bids, quantities, specifications and delivery schedules in a manner that facilitate DBE and other small businesses participation. i.e unbundling large contracts to make them more accessible, requiring large contractors to subcontract portions of the work effort
2. Reducing bonding requirements when possible
3. Providing technical assistance and other services
4. Providing information and communications in a bilingual format
5. Coordinating with resource agencies i.e. workforce development, small business alliance, chambers of commerce and economic development centers
Attachment 6

Forms for Demonstration of Good Faith Efforts

[Forms should be provided as part of the solicitation documents.]
Placeholder for form
Attachment 7

Certification Application Forms

The certification application forms for the CUCP are found at:

http://caltrans.ca.gov/hq/bep/downloads/pdf/UCP_application_package_rev_06_2

The application package includes an affidavit of personal net worth.
Attachment 8

Procedures for Removal of DBE's Eligibility

The ICTC is not a certifying agency under the CUCP.

Ineligibility complaints

Any person may file a written complaint alleging that a currently certified firm is not eligible and specifying the alleged reasons why the firm is ineligible. ICTC is not required to accept a general statement or allegation that a firm is ineligible, or an anonymous complaint. The complaint must include information supporting the assertion that the firm is ineligible and should not continue to be certified. Complainants identified must be protected as provided in Sec 26.109(b).

ICTC will review its records concerning the firm and any materials provided by the complainant. ICTC may request additional information or conduct any other investigation that ICTC deems necessary.

If the ICTC determines that there is reasonable cause to believe that the firm is ineligible, ICTC will provide written notice to the firm that the ICTC proposes to find the firm ineligible, setting forth the reasons. If ICTC determines that reasonable cause does not exist, the ICTC will notify the complainant and the firm in writing of this determination and the reasons for it. All statements and reasons for findings on the issue of reasonable cause must specifically reference the evidence in the record on which the reason is based.

Recipient initiated

If based on notifications by the firm of a change in its circumstances or other information that comes to ICTC attention, the ICTC determines that there is reasonable cause to believe that a currently certified firm is ineligible, the ICC will provide written notice to the firm that ICTC proposes to find the firm ineligible, setting forth the reasons for the proposed determination. The statement of reasons for the finding of reasonable cause must specifically reference the evidence in the record on which each reason is based.

DOT directive

If the DOT determines that a firm does not meet the requirements for eligibility, the DOT will provide a notice setting forth the reasons for the record with relevant documentation and the ICTC may initiate appropriate actions after consultation with the DOT.
Attachment 9

Regulations: 49 CFR Part 26

Please refer to: http://www.fhwa.dot.gov/HEP/49cfr26.htm
VI. ACTION CALENDAR

B. REDISTRIBUTION OF FY 2011-12 REGIONAL TRANSPORTATION PROGRAM (RSTP) FUNDING
January 5, 2012

ICTC Management Committee
Imperial County Transportation Commission
1405 N. Imperial Ave Suite 1
El Centro, CA 92243

SUBJECT: Redistribution of FY 2011-12 Regional Surface Transportation Program (RSTP) Funding

Dear Committee Members:

ICTCT staff were able to determine that there were un-programmed FY 2011-12 funds in an amount of $310K for the RSTP program after a comparison of previously program projects based upon revenue estimates and the current funds available. As a result a presentation was made on December 29th, 2011 to the Technical Advisory Committee, whom ultimately made a recommendation as to the timing and method for the apportionment of these funds.

Three agencies were able to bring forth existing projects that required additional funding and met the minimum requirements for the $310K funding.

- The County of Imperial presented an existing project with intersection improvements at Forrester and Worthington Roads. There was a shortfall due to utility work needed.
- The City of Holtville presented a project with a shortfall on 4th Street and the SR 115 intersection.
- The City of Imperial presented a project with a shortfall on the Aten Rd. Phase II.

The TAC made a recommendation to allocate the funding equally between the three agencies for an approximate total of $103K per project.

Therefore the TAC and ICTC staff request that ICTC Management Committee forward this item to the ICTC Commission for review and approval:

1. Approve the recommended redistribution of $310 in FY 2011-12 RSTP funding divided equally for the County of Imperial and the Cities of Holtville and Imperial.

Sincerely yours,

MARK BAZA
Executive Director

BY: [Signature]

Kathi Williams
Senior Transit Planner

Attachment

MB/ksw/ci
CITIES OF BRAWLEY, CALEXICO, CALIPATRIA, EL CENTRO, HOLTVILLE, IMPERIAL, WESTMORLAND, IMPERIAL IRRIGATION DISTRICT AND COUNTY OF IMPERIAL
VI. ACTION CALENDAR

C. REDISTRIBUTION OF FY 2011-12 CONGESTION MITIGATION & AIR QUALITY PROGRAM (CMAQ) FUNDING
January 5, 2012

ICTC Management Committee
Imperial County Transportation Commission
1405 N. Imperial Ave Suite 1
El Centro, CA 92243

SUBJECT: Redistribution of FY 2011-12 Congestion Mitigation and Air Quality (CMAQ) Funding

Dear Committee Members:

ICTC staff were able to determine that there were un-programmed FY 2011-12 funds in an amount of $1,825,000 for the CMAQ program after a comparison of previously programmed projects based upon revenue estimates and the current funds available. As a result a presentation was made on January 5, 2012 to the Technical Advisory Committee, whom ultimately made a recommendation as to the timing and method for the apportionment of these funds.

Seven agencies were able to bring forth existing as well as new projects that can be completed within the required time constraints and meet the minimum requirements for the CMAQ funds.

- The City of Brawley presented a project proposal for the purchase of 1 Clean Natural Gas (CNG) street sweeper as their first priority.
- The City of Calexico presented a project proposal for the purchase of 1 CNG street sweeper as their first priority.
- The City of Calipatria presented 3 projects. The first a diesel truck purchase, the second a request for additional funding for HWY 11 East Sidewalk Improvements, and the third for a hybrid vehicle purchase.
- The City of El Centro presented 2 projects. The first being Parking Lot Improvements at Bucklin Park. The second the retrofitting of several diesel vehicles.
- The City of Holtville presented 2 projects with shortfalls on 4th Street and the SR 115 intersection as well as a project on 9th Street which is a pedestrian/sidewalk improvement.
- The County of Imperial presented a project proposal for the purchase of CNG street sweeper as their first priority.
- The City of Imperial presented a project proposal for the purchase of 1 CNG street sweeper as their first priority.
The TAC made a recommendation to equally distribute the available funds however the City of Calipatria was able to fund all three of their projects with the amount of $158,104.60. The remaining funds from Calipatria’s share were added to the fund total and divided evenly among the 6 remaining agencies. The amount each agency will be awarded is $277,815.90.

Therefore the TAC and ICTC staff requests that ICTC Management Committee forward this item to the ICTC Commission for review and approval:

1. Approve the recommended redistribution of FFY 2011/2012 CMAQ funding to the Cities of Brawley, Calexico, El Centro, Holtville, Imperial, and the County of Imperial for a total of $1,825,000.

Sincerely yours,

MARK BAZA
Executive Director

Attachment

MB/ksw/ds