



City of Grand Island

Tuesday, January 10, 2023

Council Session

Item G-13

#2023-11 - Approving Disadvantaged Business Enterprises Program for the City of Grand Island Transit Division of the Public Work Department

Staff Contact: Keith Kurz PE, Interim Public Works Director

Council Agenda Memo

From: Charley Falmlen, Transit Program Manager

Meeting: January 10, 2023

Subject: Approving Disadvantaged Business Enterprises Program for the City of Grand Island Transit Division of the Public Work Department

Presenter(s): Keith Kurz PE, Interim Public Works Director

Background

The City of Grand Island is the recipient of the United States Department of Transportation's Federal Transit Authority (FTA) Section 5307 Urbanized Area Formula Program funds authorized as part of 49 U.S.C. 5307, and FTA Section 5303 Metropolitan and Statewide Planning Funds under 49 U.S.C. 5303. The FTA requires that all communities which receive these funds adopt a Disadvantaged Business Enterprise (DBE) Plan. This plan sets forth how the City of Grand Island will ensure that DBE's have an equal opportunity to receive and participate in Department of Transportation-assisted contracts.

Discussion

The City of Grand Island Transit Division of the Public Works Department has established a Disadvantaged Business Enterprise (DBE) Program, as required by FTA. The DBE was available for public comment for a 30 day period (November 18-December 19, 2022). There were no public comments received. This DBE Program will replace and supersede the DBE Program previously approved pursuant to Resolution 2017-183.

Only the Policy Statement has been included with this memo, the full page document is available for review in the City Clerk's office.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve

2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

Recommendation

City Administration recommends that the Council approve the updated Disadvantaged Business Enterprise (DBE) Program for the Transit Division of the Public Works Department.

Sample Motion

Move to approve the resolution adopting the updated Disadvantaged Business Enterprise (DBE) Program for the Transit Division of the Public Works Department.

INTRODUCTION

1.1 PLAN POLICY STATEMENT

The City of Grand Island - Transit Division (herein called "Transit Division") 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 Transit Division has received Federal financial assistance from DOT, and as a condition of receiving this assistance, has signed an assurance that it will comply with 49 CFR Part 26 (hereafter referred to as "Part 26").

It is the policy of the Transit Division to ensure that DBEs as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also the Transit Division's policy to engage in the following objectives on a continuing basis:

- Ensure nondiscrimination in the award and administration of DOT- assisted contracts;
- Create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
- Ensure that the DBE Program is narrowly tailored in accordance with applicable law;
- Ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
- Help remove barriers to the participation of DBEs in DOT assisted contracts;
- Assist the development of firms which can compete successfully in the market place outside the DBE Program; and

The City of Grand Island's Grant Administrator has been delegated as the DBE Liaison Officer. In that capacity, the Grant Administrator has oversight of all aspects of the DBE program. Implementation of the DBE program is afforded the same priority as compliance with all other legal obligations incurred by the Transit Division in its financial assistance agreements with DOT.

The Transit Division has disseminated this policy statement to City Council. This statement has been distributed to DBE and non-DBE business communities that may perform work on the Transit Division's DOT-assisted contracts. The distribution was accomplished by public notice in the Grand Island Independent and publish on the Transit Division's website at crane-transit.com, and on the City of Grand Island's social media.

[signature of CEO here]

Mayor [Date]

RESOLUTION 2023-11

WHEREAS, the City of Grand Island is the recipient of the United States Department of Transportation's Federal Transit Administration (FTA) Section 5307 Urbanized Area Formula Program funds authorized under 49 U.S.C. 5307, and the recipient of FTA Section 5303 Metropolitan and Statewide Planning Funds under 49 U.S.C. 5303; and

WHEREAS, FTA requires all recipients of these funds adopt a Disadvantaged Business Enterprise Program; and

WHEREAS, by Resolution 2017-183, the City Council of the City of Grand Island previously adopted its Disadvantaged Business Enterprise Program; and

WHEREAS, the Transit Division of the Public Works Department has created an updated Disadvantaged Business Enterprise Program in accordance with FTA regulations; and

WHEREAS, the public comment period, which ran from November 18-December 19, 2022 and was duly publicized, offered the public an opportunity to make comments on the program.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA, that the City of Grand Island, Nebraska hereby approves and adopts the revised Disadvantaged Business Enterprise Program, attached hereto as Exhibit A and incorporated herein by reference, and the Mayor is hereby authorized to sign such plan on behalf of the City of Grand Island.

BE IT FURTHER RESOLVED, that the Mayor and designees are hereby authorized to take all actions necessary to implement the City's Disadvantaged Business Enterprise Program.

BE IT FURTHER RESOLVED, Resolution 2017-183 is hereby rescinded in its entirety and the Disadvantaged Business Enterprise Program adopted herein shall replace and supersede the prior program.

Adopted by the City Council of the City of Grand Island, Nebraska, January 10, 2023.

Roger G. Steele, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
January 5, 2023	☐ City Attorney