

Caltrans Statewide Small Business Council – Meeting Record
 Farmers Market 3, First Floor Conference Room – 1727 30th St., Sacramento, CA 95816
 November 16, 2012, 8:30 a.m. to 12:30 p.m.

Action/Task	Who is responsible/ presented	By when	Status
A. Meeting called to order at 8:48 a.m.	René Halverson, Assistant Director, OBEO and Council Chair		
B. Action Items to Date	René Halverson		
Carry over from the July 20 SBC meeting:			
<ul style="list-style-type: none"> Provide data tracking DBE utilization performance of primes and subs, specifically, professional service (A&E) contracts. Provide the Caltrans plan to foster small business participation approved by FHWA to SBC members. 	Ramon Carlos René Halverson to coordinate	11/16/12 11/16/12	ASSIGNED – Mr. Carlos has been working with Mr. Lau on this matter, and noted tracking has improved. UPDATE as required – per Lance Yokota, approval of the Caltrans plan is now being handled by the Head Office; anticipate approval.
ACTION ITEMS from the November SBC meeting:			
1. Provide DBE information by ethnic group on the quarterly Award Tracker Report.	Ramon Carlos	1/18/12	UPDATE on progress.
2. Provide a presentation on A+B contracts.	Ramon Carlos	3/15/13	ASSIGNED – will provide update on progress at the March SBC meeting.
3. Provide an update on Design/Build contracts, the pros and cons for SBs.	Ray Tritt	TBD	ASSIGNED – will schedule for a SBC meeting in 2013.
4. How many SBs have used set asides in California and across the U.S.? Outcomes?	Ramon Carlos	3/15/13	ASSIGNED – progress report during the March SBC meeting.
5. Provide council members contact information for Ted Link-Oberstar and Dan Yost; send digital copy of the list of laws presented.	Carole Ching	12/31/12	COMPLETED – email sent to council members on 12/6/12.
6. Provide council members with the link to the Caltrans page used by Jidi Wong in his presentation.	Carole Ching	12/31/12	COMPLETED – email sent to council members on 12/10/12.
Further comments from the Chair - René Halverson			
1. SARA award ceremony – Caltrans received three awards a. SB Advocate Innovation Award – George Crosby, DSBL, District 4 b. Finalist – Alicia Sequeira, OBEO c. Finalist as an agency – OBEO d. Kudos to all in recognition of the fine work they do. e. Angel Carrera, DGS explained competition is very keen; awards are truly earned.			

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<ol style="list-style-type: none"> 2. SBC membership – letter will be sent soon; new process for renewal of membership. 3. Meeting schedule for 2013 – need to decide on one more location outside Sacramento; Director Malcolm Dougherty has expressed a preference for District 7. 4. Committee reports – placed earlier in the agenda to provide more time for the committees to report. 5. FHWA report - included as a standing agenda item. 			
DISCUSSION regarding Award Tracker Report included in the meeting packets.			
<ol style="list-style-type: none"> 1. Council Member Zeke Patten asked for a breakdown by ethnic group in the Award Tracker Report. In the past, the report included DBE information by ethnic group. <ol style="list-style-type: none"> a. Mr. Carlos responded this is provided twice a year to FHWA, but not month by month at this point in time. b. Council Member Josie Calderon expressed an interest in seeing this breakdown on a more frequent basis. c. Council Member Eddy Lau asked if FHWA was looking for commitment or expenditure, to which Mr. Yokota answered they were looking for both. 			
ACTION ITEM #1: Provide DBE information by ethnic group on the quarterly Award Tracker Report.			
C. Code of Conduct – Council Member Debbie Hunsaker			
<ol style="list-style-type: none"> 1. Draft distributed to the council – good starting point; still a work in progress; send comments, suggestions to Ms. Hunsaker to be incorporated. 2. Discussion in committee also yielded good suggestions. 3. Bijan Sartipi, Director, District 4, suggested the draft be sent to the DSBLs. 4. Requested to be placed on the agenda for January; possibly adopt at that time. 			
D. Highlights from the Director’s Office – in Director Dougherty’s absence, Chair Halverson provided a brief report.			
<ol style="list-style-type: none"> 1. Program Review – posted on the Caltrans web site; matrix with goals also posted online. Appendix C – see this section for more information on how Caltrans funding flows. 2. Announcement – Kome Ajise has been appointed Deputy Director, Planning and Modal Programs. 			
E. FHWA Update – Lance Yokota			
<ol style="list-style-type: none"> 1. Proposed changes to rulemaking, DBE program – deadline to submit comments extended to Dec. 24, 2012 <ol style="list-style-type: none"> a. California has a strong impact on changes being proposed. b. Mr. Yokota suggested to be more effective, consider other aspects of the argument when submitting comments. c. The group recommended submitting comments as members of their respective trade associations, not as members of the SBC. 2. Ms. Calderon asked what is being done to address local projects. <ol style="list-style-type: none"> a. Mr. Yokota requested specific information on particular projects to follow up with Ms. Calderon. b. Mr. Yokota added as long as federal money is a part of a project, federal goals apply. c. Mr. Camacho mentioned goal setting would be addressed in the Local Assistance Committee report. 3. Council Member Diana LaCome stated state and federal funds for a project are frequently commingled. How is auditing done? Deniz Anbliah, Caltrans Local Assistance, stated federal money is not released until the appropriate DBE form is submitted. Whenever a project receives federal funds, it is announced on their web site. 			

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<ol style="list-style-type: none"> 4. Ms. Calderon spoke of the City of San Diego, which received federal funds for a project, but moved it to another agency to fast track. When this happened, the DBE goals no longer applied. She asked how the FHWA tracked this, which happens frequently. Mr. Yokota will look into this. 5. Mr. Lau noted enforcement is an issue Local Assistance needs to consider. 			
<p>F. District Director Update</p>			
<p>Jody Jones, District 3</p> <ol style="list-style-type: none"> 1. The district SB Program continues to achieve success as it strives to promote and increase participation of SB and DVBE in procurement and contracting. FY 2011/2012 – according to DPAC report, the district achieved 5.2% DVBE participation and 58.7% SB participation. Does not include CalCard purchases, which cannot be tracked at this time. 2. Credited Liza Whitmore with the success of the SB Program. Ms. Whitmore has coordinated many efforts and events. She is the Vice Chair of the Sacramento Public Agency Consortium, which coordinated the recent highly successful Connecting Point, a SB/DVBE outreach event. Connecting Point drew nearly 700 attendees, 5 federal agencies, 27 state agencies/departments, 11 local agencies, 4 public agencies, and 18 business resource agencies. <ol style="list-style-type: none"> a. Minor B staff changes – Ms. Whitmore will be communicating with them in the new year to promote utilization of DBE and DVBE. b. Ms. Whitmore welcomes the feedback she has been receiving from SBs regarding the work being done by DSBLs. c. CalMentor outreach event – very successful networking opportunity for the primes and AE firms who attended. d. Central Valley Alliance – more education to veterans about DVBE certification and connecting with DPAC for contract opportunities. Challenge with this population is they do not want to perceive themselves as “disabled” or claim preference on the basis of being disabled. e. Procurement Fair set for either February or March, date not yet settled; working with Scott Leslie of US DOT. f. Working with Janice Salais, Certification, to promote local SB resources. 3. Construction – for the 2012/2013 FY including Districts 1, 2, and 3, handled projects totaling \$775 million; for the 2013/2014 FY, anticipate \$47 million, a reflection of a decline of approximately 42% in funding sources. 4. Contracts (mainly construction and environmental services) – spending in the 2012/2013 FY likely to be similar to the 2011/2012 FY, about \$16 to \$19 million. 5. Bridge deck replacement on Highway 50 Camellia City Viaduct and the storm water project at Tahoe – these are the next two big projects slated for 2013. 			
<p>Bijan Sartipi, District 4</p> <ol style="list-style-type: none"> 1. Currently, handling 145 contracts: 7 contracts totaling \$106 million; 19 contracts totaling \$280 million. 2. Director’s Orders – as of 11/14/12, \$2,266,000 (11%) paid for SBE out of a total \$20,540,000. 3. DBE, UDBE, DVBE reports on goal attainment for A&E contracts is ongoing; do not have actual dollars paid thus far, but will be sure to include these figures in the near future; doing well with their A&E contracts. 4. Proposed service contracts over \$5,000 (Maintenance, Administration, and Right of Way) – total of \$2,129,000 in proposed dollars for 17 contracts. 5. Contracts as of quarterly October 2012 update – SBE utilization = 48.68%; DVBE utilization = 7.73% 6. CalMentor program has been doing well. 7. Congratulations to George Crosby, District 4 DSBL, for his recent SARA award. 			
<p>Carrie Bowen, District 10</p> <ol style="list-style-type: none"> 1. DBE certification workshop, Oct. 25 – collaborated with the Small Business Development Center; 13 businesses attended; continue to work on outreach. 			

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<p>2. As of 11/5/12, the state has been handling 676 ongoing contracts totaling \$11.4 billion, of which the district has 38 contracts valued at \$565,118,700. This is the most work the district has handled in a decade; also good for the local economies.</p> <p>3. During the November California Trade Commission meeting, over \$26 million and a total of 6 projects were voted in District 10:</p> <ul style="list-style-type: none"> a. Amador County - \$146,000 for pedestrian curb ramp installation on Route 49, and Calaveras and Tuolumne Counties on Route 12 and 49. b. San Joaquin County - \$2,331,000 to install traffic monitoring stations on Routes 5, 132, and 580. c. San Joaquin County - \$205,000 for planning, programming and monitoring. d. San Joaquin County - \$10,974,000 for ACE Stockton Passenger Track Extension (gap closure), which should improve train access to station and passenger boarding access points. e. Stanislaus County - \$53,000 for Whitmore Avenue landscaping. f. Stanislaus County - \$13,241,000 for State Route 219 Widening Phase II (near Salida, on Route 219 from Morrow Road to State Route 108 widening to four lanes). <p>4. Minor B, 2011/2012 – total of 19 projects at \$2,413,849 awarded; of this, total projects going to SBES was 18 at \$1,753,757; 95% of Minor B projects were awarded to certified SBs.</p> <p>5. Minor B, 2012/2013 – 15 projects scheduled to be delivered; SB goal has not been assigned yet; no Minor B projects have been advertised or awarded as of July 2012.</p> <p>6. SBE/DVBE contracts participation, 7/1/11-6/30/12 – total spent, \$9,013,718; total SBE spent, \$4,316,280.79 (47.9%; statewide goal is 25%); total DVBE spent, \$518,123.11 (5.7%; statewide goal is 5%). Noted these figures do not include contracts with federal dollars, Cal-Card purchases, purchase orders, California Multiple Award Schedules (CMAS) contracts, state funded contracts executed by divisions other than DPAC, fund transfer agreements, or contracts with government entities.</p> <p>7. DBE participation, 10/1/11-9/30/12 (federal FY 2011/2012) – 15 (federal) contracts awarded for total amount of \$144,058,462; total DBE, \$12,677,863 (8.8% DBE; statewide goal, 13.5%); RC (Race Conscious), \$8,543,848; RN (Race Neutral), \$4,134,015.</p> <p>8. Procurement Fair scheduled for 1/24/13 to be held at the District 10 Office.</p>	<p>Lori Guinan, Deputy District Director, District 6 and Morris Caudle, DSBL for Sharrri Bender Ehler, District 6 Director</p>	<p>1. Meet the Primes and Certification Event, 9/21/12 – held at the Mary Ella Brown Community Center in Fresno; sponsored by the San Joaquin Valley Black Contractors Association.</p> <p>2. SB Certification workshop, 9/25/12 – hands on type of workshop; held at Fresno Community College; follow-up on any questions attendees might have held on 11/15/12. Another certification workshop is scheduled for 11/30/12.</p> <p>3. CallMentor program mixer held on 9/23/12 – good networking opportunity for participants.</p> <p>4. Will be working with Marvin Dean on the January event he is coordinating at the Fresno Radisson.</p> <p>5. Mentor Protégé kickoff event scheduled for 2/15/12.</p> <p>6. Procurement Fair for Fall 2013 currently in the planning stage; finding a location with free parking has been a challenge.</p>	<p>Lorri Rice, Deputy District Director, District 11 for Laurie Berman, District 11 Director</p> <p>1. Chicano Park Mural Restoration Project – received the WTS San Diego Chapter Rosa Parks Diversity Leadership Award.</p> <p>2. La Sonja Boulware, District 11 DSBL accepted an award on behalf of Caltrans District 11 from the California Black Chamber of Commerce at the 17th Annual Ron</p>

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<p>Brown Business and Economic Summit in recognition of the district's increasing procurement opportunities.</p> <ol style="list-style-type: none"> 3. DPAC report for 7/1/11 to 4/23/12 – SB participation, 59.9%; DVBE participation, 3.7%. 4. DBE certification workshop, 10/26/12 – very successful with 44 attendees. 5. Completed 3 of 4 thermoplastic directional interstate shield logos on Route 8, the first in the state on the state right of way. 6. Minor B, FY 2012/2013 – 4 Minor B contracts awarded for total of \$1,081,000; all four contracts awarded to SBs. An additional 6 Minor B projects are pending budget authorization. 7. Prime Contractors Award – to be given immediately following their Small Business Council Meeting on 2/27/12 from 10:30 a.m. to 12:30 p.m. 8. CalMentor Program – currently 22 successful CalMentor pairings, all of which are within program compliance; mixer held on 10/25/12 drew 54 attendants. Kick-off for the 5th CalMentor cycle will commence March 2013. 9. <i>Pairings Newsletter</i> – a quarterly publication written by OBEO's Business Service Unit specifically for the CalMentor Program; first issue released in October includes an article highlighting successful CalMentor relationships in District 11. 10. Imperial Valley Procurement Fair, 11/15/12 – held at Barbara Worth Facility in Holtville; over 40 exhibitors, including numerous public agencies [Imperial County Transportation Commission; Imperial County Sheriff's office]. Noted the Imperial County Sheriff's Office just received \$32 million for a new Sheriff's facility; the Sheriff's Office promoted their upcoming contracting opportunities. 			
<p>G. September 21, 2012 Meeting Record approval – René Halverson</p> <ol style="list-style-type: none"> 1. Amendments to the record: Add Jesus Vargas to the list of those who attended. [Council Member Aubry Stone requested his alternate, Ms. Thompson, be also added, however, a thorough examination of the sign-in sheets indicated no one by that name had signed in.] 2. Motion to approve the meeting record as amended made by Council Member Debbie Hunsaker; seconded by Council Member Aubry Stone. 3. No discussion occurred before the vote; meeting record approved unanimously. 			
<p>H. Committee Meeting Reports</p> <ol style="list-style-type: none"> 1. Professional Services – Eddy Lau, Chair <ol style="list-style-type: none"> a. Contract goals – still set by the district, which is sent to DPAC for approval before it goes to advertising; OBEO has the power to change this process. b. Tracking DBE and UDBE utilization – little response from CMS; committee needs support on this; Ramon Carlos, Acting DBE Manager, OBEO, noted the contracts have not closed, which is probably why results have not been forthcoming. c. Work code implementation – feedback needed by 11/30/12. d. DPAC prompt payment issue – need to know when the prime gets paid. e. Upcoming District 59 contract for \$16 million – requested District Director Sartipi consider unbundling this; if not, then consider setting higher DBE goals. f. Deniz Anbiah, Local Assistance, discussed the \$19 million worth of contracts due out by 11/19/12. g. Ms. LaCome requested the status of a lawsuit in District 7 involving two primes which was just filed. Council Member Johnathan Hou stated he has looked into this matter; added the situation has been going on for the past few years in regards to the evaluation and awarding processes. Chair Halverson pointed out she would not be able to comment on any active litigation. 			

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<p>2. Local Assistance – Julian Camacho, Chair</p> <p>a. Goal setting at the local agency level – a meaningful, uniform way to set goals is needed. However, it is a complicated issue, because of work codes required for the CUCP database. The process is seen as a major block.</p> <p>b. Mr. Ambiah presented a methodology for setting goals to the committee, which was positively received; important for subs to get their work codes entered into the CUCP database. The committee will work with OBEO to streamline the process.</p> <p>c. 11 point plan of action composed – will inform current and future work for the committee.</p> <p>d. Ms. LaCome suggested the role of licenses be considered in the work codes.</p> <p>e. Mr. Camacho said to set the work code aside to allow goal setting to be the focus.</p>			
<p>3. Construction – Council Member Rebecca Llewellyn reported for Chair Debbie Hunsaker</p> <p>a. Ms. Llewellyn opened by urging us all to work together to improve matters; SBs need to unify to be one voice.</p> <p>b. Re: work codes – supports a process that allows for inclusion.</p> <p>c. Ms. LaCome requested an update on Design/Build contracts, as well as the pros and cons for SBs.</p> <p>d. Regarding SB set asides – how many companies have used this in California and across the U.S.? Outcome?</p> <p>e. Regarding the work codes – most of the committee has reviewed and submitted their comments to Ms. Salais.</p> <p>f. The committee requests a presentation on A and B contracts.</p>			
<p>4. Commodities – this committee did not meet due to the Committee Chair’s absence.</p>			
<p>ACTION ITEM #2: Provide a presentation on A+B contracts.</p>			
<p>ACTION ITEM #3: Provide an update on Design/Build contracts, the pros and cons for SBs.</p>			
<p>ACTION ITEM #4: How many SBs have used set asides in California and across the U.S.? Outcomes?</p> <p>1. Presentation: Overview – changes in laws affecting the transportation industry, presented by Ted Link-Oberstar, Acting Assistant Director, Legislative Affairs, and Dan Yost, Legislative Representative; handout distributed in meeting packets.</p> <ol style="list-style-type: none"> 1. Reviewed the list of laws due to take effect on Jan. 1, 2013. 2. Pointed out the following laws: AB 1517; AB 1671; AB 2498; AB 2677. 3. Members requested they be sent contact information for the presenters and a digital copy of the list of laws. 4. Electronic bidding – more movement towards this has been noted. 5. Bonding security – still needs to be submitted in hard copy, which seems to defeat the purpose of electronic bidding. 			
<p>ACTION ITEM #5: Provide council members contact information for Ted Link-Oberstar and Dan Yost; send digital copy of the list of laws presented.</p> <p>1. Presentation: Stop notices and changes in lien laws, presented by Jidi Wong, Deputy Attorney, Caltrans Legal; handout distributed in meeting packets.</p> <ol style="list-style-type: none"> 1. Stop notice – allows the sub-contractor to stop payment to the general contractor to enforce payment of the sub-contractor’s work; must comply; dates are a consideration. Caltrans is a neutral disinterested stakeholder and must adhere to the statutory rules applying to stop notices. 2. A \$10 fee (increased from \$3) can be paid to be notified of the completion date; completion date can also be found on the Caltrans web site. 3. Statute allows for a release bond to be filed by the contractor – at this time, Caltrans does not allow for these (also known as a “bond around”). 			

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<ol style="list-style-type: none"> 4. Recommend filing a preliminary notice as soon as a company "steps foot on the job." 5. All stop notices are equally handled. 6. Funds are released on a pro rata basis. 7. Notice of commencement – informs Caltrans that a lawsuit has been filed. 8. Stop notices are sent to the disbursing officer. 9. Contract accepted – date is set by the RE. 10. Stop notice filing deadline – date is 90 days from the date of completion. 11. Expiration of suit-filing period – date is 180 days from the stop notice filing deadline. 12. Paperwork must be filed within the dates listed above. 13. In the example of a contract not yet completed, the withhold figure is calculated based on the claim amount plus 25%. 14. Provide council members with the link to the page Mr. Wong pulled the examples from. 			

ACTION ITEM #6: Provide council members with the link to the Caltrans page used by Mr. Wong in his presentation.

K. Ad Hoc Committee Report – African American DBE Participation, Council Member Eddy Lau, Chair

1. Meeting was attended by a smaller group; only one person of African American descent present.
2. Data from 2007 to 2012 reveal low availability and low utilization; 939 certified African American firms.
3. Mr. Lau stated without more participation from the African American community, he was not sure about the future of the committee.

L. Public Comment – Chair Halverson, Facilitator

1. Ms. LaCome – Small Business Opportunity Conference sponsored by the Associated Professionals and Contractors of CA and the Asian American Architects and Engineers, 12/5/12 [save the date flyer distributed in meeting packet].
2. Mr. Marvin Dean (Alternante) – save the date: 6th Annual San Joaquin Valley Regional Conference & High Speed Rail SBE/DVBE/MB/DBE/MBE/WBE Contracting Forum / Expo, 1/10 to 1/11/13, Downtown Fresno Radisson Hotel & Convention Center (2233 Ventura St., Fresno, 93721); <http://sivannualpce.eventbrite.com/#>

Meeting adjourned: 12:29 p.m.

Next meeting: January 18, 2013, District 11 Office, San Diego; specific details to be sent to members.	Carole Ching to notify SBC members.	12/18/12	COMPLETED – Email sent to members on 12/12/12 with date, time, meeting schedule for 2013, and list of hotel accommodations near the District 11 Office where the meetings will take place.
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DOCUMENTS included in the meeting packet:

- SBC Meeting Schedule, 2013
- 2011-12 Fiscal Year Highlights
- Award Tracker Report, September 2012
- *On the Move*, October 2012, page 1 re: Small Business Expo

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- Notice of deadline extension for public comment, Proposed Rulemaking (NPRM) for the Disadvantaged Business Enterprise (DBE) Program
- Federal Register re: DBE : Program Implementation Modifications
- SBC Code of Conduct – draft
- DBE Goal Setting
- Small Business-Related Transportation Laws Chaptered in 2012 to take effect Jan. 1, 2013
- Caltrans Division of Accounting, Major Construction Payment & Information – sample screen shots

PRESENT

Council Members:

1. Calderon, Josie
2. Camacho, Julian
3. Arvin Chaudhary
4. Chen, Lynn
5. Coleman, Sharon (Alternate, Stephen McGlover)
6. Dean, Marvin (teleconference; Alternate, Debbie Hunsaker)
7. Garnett, Ron (Alternate, Bernard Johnson)
8. Guerrero, Paul
9. Halm, Eric
10. Hassoun, Sam
11. Hou, Johnathan
12. Hunsaker, Debbie
13. Jackson, Jeffrey
14. LaCome, Diana
15. Lau, Eddy
16. Llewellyn, Rebecca
17. Lowry, Patrick
18. Ortiz, Leonard
19. Patten, Zeke (teleconference)
20. Ramirez, Frank
21. Stone, Aubry

22. Ulmer, Bill
23. Vargas, Jesus
24. Yu, M.C. (Alternate, Eddy Lau, who was also present)

Caltrans Staff:

1. Halverson, René, Assistant Director, OBEO & Council Chair
2. Anbiah, Denix
3. Bayar, Zoe, DPAC
4. Boulware, La Sonja, District 11 (teleconference)
5. Bowen, Carrie, Director, District 10
6. Carlos, Ramon, OBEO (teleconference)
7. Ching, Carole, OBEO
8. Effinger, Rob, Project Delivery
9. Gastinell, Sherri, OBEO (teleconference)
10. Jones, Jody, Director, District 3
11. McGowan, Cyndee, District 11 (teleconference)
12. Rice, Lorna, District 11
13. Salais, Janice, OBEO
14. Sartipi, Bijan, District 4
15. Sequiera, Alicia, OBEO (teleconference)
16. Shell, Angela, Construction
17. Singh, Sanjay, OBEO
18. Solis, Mario, OBEO

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19. Whitmore, Liza, District 3
20. Wong, Jidi, Legal

Guests:

1. Carrera, Angel, DGS

Approved by:



RENÉ HALVERSON

Assistant Director

Business and Economic Opportunity

California Department of Transportation