



DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

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PURPOSE/SCOPE

The Cleveland Airport System (CAS) is committed to diversity and ensuring that all persons have an equal opportunity to receive and participate in Airport contracts. CAS is comprised of Cleveland Hopkins International Airport and Burke Lakefront Airport. CAS demonstrates its commitment to diversity in leveling the playing field for all businesses interested in contracting opportunities with CAS through the implementation and operation of its Disadvantaged Business Enterprise (DBE) and Airport Disadvantaged Business Enterprise (ACDBE) Program. CAS is committed to nondiscrimination in its contracting process, continually increasing the number of certified DBE firms with the Ohio Unified Certification Program (UCP), and encouraging the participation of DBE firms in prime contracting and subcontracting opportunities. CAS also provides information and programs that will assist DBE firms in being able to achieve the goal of successfully competing and functioning outside of the parameters of CAS's DBE Program.

CAS receives federal assistance from the United States Department of Transportation (DOT). The DOT requires all Federal Aviation Administration (FAA) recipients who will award prime contracts exceeding \$250,000 in FAA funds in a Federal Fiscal Year to have a DBE program that meets the requirements of 49 CFR Part 26, Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs.

This revision of the DBE/ACDBE Program manual incorporates significant changes made to the Cleveland Airport System's prior approved DBE/ACDBE program.

POLICY STATEMENT

Section 26.1, 26.23 Objectives/Policy Statement

The Cleveland Airport System (CAS), owner of Cleveland Hopkins International Airport and Burke Lakefront Airport, has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. CAS has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, CAS 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 CAS to ensure that DBEs as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also CAS policy to engage in the following actions on a continuing basis:

1. Ensure nondiscrimination in the award and administration of DOT- assisted contracts;
2. Create a level playing field on which DBEs can compete fairly for DOT- assisted contracts;
3. Ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. Ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. Help remove barriers to the participation of DBEs in DOT assisted contracts;
6. Promote the use of DBEs in all types of federally-assisted contracts and procurement activities;
7. Assist the development of firms that can compete successfully in the market place outside the DBE Program; and
8. Make appropriate use of the flexibility afforded to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

The Manager of Compliance & Inclusion, *William R. Veney* has been delegated as the DBE Liaison Officer. In that capacity, the Manager of Compliance & Inclusion 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 CAS in its financial assistance agreements with the Department of Transportation.

CAS has disseminated this policy statement to the Director of Airports and all of the components of our organization. This statement has been distributed to DBE and non-DBE business communities that may perform work on CAS DOT-assisted contracts. The distribution was accomplished by CAS DBE Policy Statement in all U.S. DOT-assisted solicitations.



Robert W. Kennedy

Director of Port Control


Date

SUBPART A - GENERAL REQUIREMENTS

Section 26.1 Objectives

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

Section 26.3 Applicability

CAS is the recipient of Federal airport funds authorized by 49 U.S.C. 47101, *et seq.*

Section 26.5 Definitions

CAS will use terms in this program that have their meanings defined in Part 26, §26.5.

Affiliation - has the same meaning the term has in the Small Business Administration (SBA) regulations, 13 CFR part 121.

(1) Except as otherwise provided in 13 CFR part 121, concerns are affiliates of each other when, either directly or indirectly:

(i) One concern controls or has the power to control the other; or

(ii) A third party or parties controls or has the power to control both; or

(iii) An identity of interest between or among parties exists such that affiliation may be found.

(2) In determining whether affiliation exists, it is necessary to consider all appropriate factors, including common ownership, common management, and contractual relationships. Affiliates must be considered together in determining whether a concern meets small business size criteria and the statutory cap on the participation of firms in the DBE program.

Alaska Native - means a citizen of the United States who is a person of one-fourth degree or more Alaskan Indian (including Tsimshian Indians not enrolled in the Metlaktla Indian Community), Eskimo, or Aleut blood, or a combination of those bloodlines. The term includes, in the absence of proof of a minimum blood quantum, any citizen whom a Native village or Native group regards as an Alaska Native if their father or mother is regarded as an Alaska Native.

Alaska Native Corporation (ANC) - means any Regional Corporation, Village Corporation, Urban Corporation, or Group Corporation organized under the laws of the State of Alaska in accordance with the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601, *et seq.*).

Assets mean all the property of a person available for paying debts or for distribution, including one's respective share of jointly held assets. This includes, but is not limited

to, cash on hand and in banks, savings accounts, IRA or other retirement accounts, accounts receivable, life insurance, stocks and bonds, real estate, and personal property.

Business, business concern or business enterprise - means an entity organized for profit with a place of business located in the United States, and which operates primarily within the United States or which makes a significant contribution to the United States economy through payment of taxes or use of American products, materials, or labor.

Compliance - means that a recipient has correctly implemented the requirements of this part.

Contingent Liability - means a liability that depends on the occurrence of a future and uncertain event. This includes, but is not limited to, guaranty for debts owed by the applicant concern, legal claims and judgments, and provisions for federal income tax.

Contract - means a legally binding relationship obligating a seller to furnish supplies or services (including, but not limited to, construction and professional services) and the buyer to pay for them. For purposes of this part, a lease is considered to be a contract.

Contractor - means one who participates, through a contract or subcontract (at any tier), in a DOT-assisted highway, transit, or airport program.

Days - mean calendar days. In computing any period of time described in this part, the day from which the period begins to run is not counted, and when the last day of the period is a Saturday, Sunday, or Federal holiday, the period extends to the next day that is not a Saturday, Sunday, or Federal holiday. Similarly, in circumstances where the recipient's offices are closed for all or part of the last day, the period extends to the next day on which the agency is open.

Department or DOT - means the U.S. Department of Transportation, including the Office of the Secretary, the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and the Federal Aviation Administration (FAA).

Disadvantaged business enterprise or DBE - means a for-profit small business concern -

(1) That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals; and

(2) Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

DOT-assisted contract - means any contract between a recipient and a contractor (at any tier) funded in whole or in part with DOT financial assistance, including letters of credit or loan guarantees, except a contract solely for the purchase of land.

Good faith efforts - means efforts to achieve a DBE goal or other requirement of this part which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill the program requirement.

Home state - means the state in which a DBE firm or applicant for DBE certification maintains its principal place of business.

Immediate family member - means father, mother, husband, wife, son, daughter, brother, sister, grandfather, grandmother, father-in-law, mother-in-law, sister-in-law, brother-in-law, and domestic partner and civil unions recognized under State law.

Indian tribe - means any Indian tribe, band, nation, or other organized group or community of Indians, including any ANC, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, or is recognized as such by the State in which the tribe, band, nation, group, or community resides. See definition of "tribally-owned concern" in this section.

Joint venture - means an association of a DBE firm and one or more other firms to carry out a single, for-profit business enterprise, for which the parties combine their property, capital, efforts, skills and knowledge, and in which the DBE is responsible for a distinct, clearly defined portion of the work of the contract and whose share in the capital contribution, control, management, risks, and profits of the joint venture are commensurate with its ownership interest.

Liabilities - mean financial or pecuniary obligations. This includes, but is not limited to, accounts payable, notes payable to bank or others, installment accounts, mortgages on real estate, and unpaid taxes.

Native Hawaiian - means any individual whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

Native Hawaiian Organization - means any community service organization serving Native Hawaiians in the State of Hawaii which is a not-for-profit organization chartered by the State of Hawaii, is controlled by Native Hawaiians, and whose business activities will principally benefit such Native Hawaiians.

Noncompliance - means that a recipient has not correctly implemented the requirements of this part.

Operating Administration or OA - means any of the following parts of DOT: the Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA). The "Administrator" of an operating administration includes his or her designees.

Personal net worth - means the net value of the assets of an individual remaining after total liabilities are deducted. An individual's personal net worth does not include: The individual's ownership interest in an applicant or participating DBE firm; or the

individual's equity in his or her primary place of residence. An individual's personal net worth includes only his or her own share of assets held jointly or as community property with the individual's spouse.

Primary industry classification - means the most current North American Industry Classification System (NAICS) designation which best describes the primary business of a firm. The NAICS is described in the North American Industry Classification Manual - United States, which is available on the Internet at the U.S. Census Bureau Web site: <http://www.census.gov/eos/www/naics/>.

Primary recipient - means a recipient which receives DOT financial assistance and passes some or all of it on to another recipient.

Principal place of business - means the business location where the individuals who manage the firm's day-to-day operations spend most working hours. If the offices from which management is directed and where the business records are kept are in different locations, the recipient will determine the principal place of business.

Program - means any undertaking on a recipient's part to use DOT financial assistance, authorized by the laws to which this part applies.

Race-conscious measure or program - is one that is focused specifically on assisting only DBEs, including women-owned DBEs.

Race-neutral measure or program - is one that is, or can be, used to assist all small businesses. For the purposes of this part, race-neutral includes gender-neutrality.

Recipient - is any entity, public or private, to which DOT financial assistance is extended, whether directly or through another recipient, through the programs of the FAA, FHWA, or FTA, or who has applied for such assistance.

Secretary - means the Secretary of Transportation or his/her designee.

Set-aside - means a contracting practice restricting eligibility for the competitive award of a contract solely to DBE firms.

Small Business Administration or SBA - means the United States Small Business Administration.

SBA certified firm - refers to firms that have a current, valid certification from or recognized by the SBA under the 8(a) BD or SDB programs.

Small business concern - means, with respect to firms seeking to participate as DBEs in DOT-assisted contracts, a small business concern as defined pursuant to section 3 of the Small Business Act and Small Business Administration regulations implementing it (13 CFR part 121) that also does not exceed the cap on average annual gross receipts specified in § 26.65(b).

Socially and economically disadvantaged individual - means any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who has been subjected to racial or ethnic prejudice or cultural bias within American society because of his or her identity as a members of groups and without regard to his or her individual qualities. The social disadvantage must stem from circumstances beyond the individual's control.

(1) Any individual who a recipient finds to be a socially and economically disadvantaged individual on a case-by-case basis. An individual must demonstrate that he or she has held himself or herself out, as a member of a designated group if you require it.

(2) Any individual in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged:

(i) "Black Americans," which includes persons having origins in any of the Black racial groups of Africa;

(ii) "Hispanic Americans," which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;

(iii) "Native Americans," which includes persons who are enrolled members of a federally or State recognized Indian tribe, Alaska Natives, or Native Hawaiians;

(iv) "Asian-Pacific Americans," which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), Republic of the Northern Marianas Islands, Samoa, Macao, Fiji, Tonga, Kiribati, Tuvalu, Nauru, Federated States of Micronesia, or Hong Kong;

(v) "Subcontinent Asian Americans," which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka;

(vi) Women;

(vii) Any additional groups whose members are designated as socially and economically disadvantaged by the SBA, at such time as the SBA designation becomes effective.

(3) Being born in a particular country does not, standing alone, mean that a person is necessarily a member of one of the groups listed in this definition.

Spouse - means a married person, including a person in a domestic partnership or a civil union recognized under State law.

Transit vehicle manufacturer - means any manufacturer whose primary business purpose is to manufacture vehicles specifically built for public mass transportation. Such vehicles include, but are not limited to: Buses, rail cars, trolleys, ferries, and vehicles manufactured specifically for paratransit purposes. Producers of vehicles that receive post-production alterations or retrofitting to be used for public transportation purposes (e.g., so-called cutaway vehicles, vans customized for service to people with disabilities) are also considered transit vehicle manufacturers. Businesses that manufacture, mass-produce, or distribute vehicles solely for personal use and for sale "off the lot" are not considered transit vehicle manufacturers.

Tribally-owned concern - means any concern at least 51 percent owned by an Indian tribe as defined in this section.

You - refers to a recipient, unless a statement in the text of this part or the context requires otherwise (i.e., 'You must do XYZ' means that recipients must do XYZ).

Section 26.7 Non-discrimination Requirements

CAS 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, CAS 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

CAS will provide data about its DBE/ACDBE Program to the Department as directed by DOT operating administrations.

DBE participation will be reported to DOT/FAA as follows:

CAS will transmit to FAA annually, by or before December 1, the information required for the "Uniform Report of DBE Awards or Commitments and Payments", as described in Appendix B to Part 26. CAS will similarly report the required information about participating DBE firms. All reporting will be done through FAA official reporting system, or another format acceptable to FAA as instructed thereby.

CAS will transmit to FAA annually, by or before March 1, the information required for the "Uniform Report of ACDBE Awards or Commitments and Payments", as described in Appendix A to Part 23. CAS will similarly report the required information about participating ACDBE firms. All reporting will be done through FAA official reporting system, or another format acceptable to FAA as instructed thereby.

Bidders List

CAS will create and maintain a bidders list. The purpose of the list is to provide as accurate data as possible about the universe of DBE and non-DBE contractors and subcontractors who seek to work on CAS DOT-assisted contracts, for use in helping to set overall goals. The bidders list will include the name, address, DBE and non-DBE status, age of firm, and annual gross receipts of firms.

CAS will collect this information in the following ways:

(ENCLOSURE A) - A-5 form Requirements Concerning Prime and Sub-Contractors

This form is included in all CAS solicitations and is to be completed by all contractors and consultants bidding or proposing on all CAS federally-assisted contracts.

Section 26.13 Federal Financial Assistance Agreement

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

Assurance: - Each financial assistance agreement CAS signs with a DOT operating administration (or a primary recipient) will include the following assurance:

The Cleveland Airport System (CAS) 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 CAS 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 CAS 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 CAS of its failure to carry out its approved program, the Department may impose sanctions as provided for under 49 CFR 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.*).

Contract Assurance: The Cleveland Airport System (CAS) will ensure that the following clause is included in each DOT-funded contract it signs with a contractor (and each subcontract the prime contractor signs with a subcontractor):

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 recipient deems appropriate, which may include, but is not limited to:

- 1) Withholding monthly progress payments;
- 2) Assessing sanctions;
- 3) Liquidated damages; and/or
- 4) Disqualifying the contractor from future bidding as non-responsible.

SUBPART B – ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

CAS is required to have a DBE program meeting the requirements of this part as it will receive grants for airport planning or development and will award prime contracts, cumulative total value of which exceeds \$250,000 in FAA funds in a federal fiscal year. CAS is not eligible to receive DOT financial assistance unless DOT has approved this DBE program and CAS is in compliance with it and Part 26. CAS will continue to carry out this program until all funds from DOT financial assistance have been expended. CAS does not have to submit regular updates of the DBE program document, as long as it remains in compliance. However, significant changes in the program, including those required by regulatory updates, will be submitted for DOT approval.

Section 26.23 Policy Statement

The Policy Statement is elaborated on the first page of this DBE Program.

Section 26.25 DBE Liaison Officer (DBELO)

The following individual has been designated as the DBE Liaison Officer for The Cleveland Airport System (CAS):

William R. Veney
Manager of Compliance & Inclusion
5300 Riverside Drive
P.O. Box 81009
Office - 216.265.3324
wveney@clevelandairport.com

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the CAS complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Robert W. Kennedy, Director of Port Control concerning DBE/ACDBE program matters. An organizational chart displaying

the DBELO's position in the organization is included in Attachment (**ENCLOSURE B**) 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 (3) direct reports and other support staff in CAS Procurement, Finance, Planning & Engineering, Marketing & Advertising, Legal and Business Development divisions.

Contract Compliance Monitor – responsible for the monitoring and compliance of all professional services projects and conducts random audits on active prime contracts to determine compliance with subcontractor/ACDBE payments.

Contract Compliance Monitor / Prevailing Wage Officer – is responsible for monitoring and compliance on all contracts subject to State of Ohio Prevailing Wage and Davis Bacon regulations. Also, responsible for the monitoring and compliance of all construction projects and conducts random audits on active prime contracts to determine compliance with subcontractor/DBE payments.

Other specific duties performed by the DBELO and CAS DBE program staff include the following:

1. Provides outreach to DBEs and community organizations to advise them of opportunities.
2. Maintains the CAS updated Directory on certified DBEs (this Directory is the Ohio UCP Directory).
3. Contract specific goal setting
4. Gathers and reports statistical data and other information as required by DOT.
5. Review of third party contracts and purchase requisitions for compliance with this program.
6. Works with other departments to set overall annual goals.
7. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
8. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
9. Analyzes CAS's progress toward attainment and identifies ways to improve progress.
10. Participates in pre-bid meetings.
11. Advises the Director/Mayor/City Council on DBE matters and achievements.
12. Chairs the DBE Advisory Committee.
13. Determines contractor compliance with Good Faith Efforts.
14. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
15. Plans and participates in DBE training and seminars.
16. Acts as liaison to the Uniform Certification Process in the State of Ohio.

Section 26.27 DBE Financial Institutions

It is the policy of the CAS 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 contracts to make use of these institutions.

Efforts made to identify financial institutions owned and controlled by socially and economically disadvantaged individuals were the following:

1. Search of Federal Reserve statistical release of minority owned banks
2. Search of the Office of the Comptroller of the Currency – U.S. Department of the Treasury.
3. Search of Financial Management Service - A Bureau of the United States Department of Treasury.

The results of the search can be found in **(Enclosure C)**. The Office of Compliance & Inclusion will do an annual search for financial institutions owned and controlled by socially and economically disadvantaged individuals in the community.

Section 26.29 Prompt Payment Mechanisms

CAS requires that all subcontractors performing work on DOT-assisted contracts shall be promptly paid for work performed pursuant to their agreements, in accordance with all relevant federal, state, and local law.

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 10 days from the receipt of each payment the prime contractor receives from the Department of Port Control.

CAS ensures prompt and full payment of retainage from the prime contractor to the subcontractor within 10 days after the subcontractor's work is satisfactorily completed. Pursuant to §26.29, CAS has selected the following method to comply with this requirement:

The CAS may hold retainage from prime Contractors and provide for prompt and regular incremental acceptances of portions of the prime contract, pay retainage to prime Contractors based on these acceptances, and require a contract clause obligating the prime Contractor to pay all retainage owed to the subcontractor for satisfactory completion of the accepted work within 10 days after CAS's payment to the prime Contractor.

a. From the total of the amount determined to be payable on a partial payment, a percent, not to exceed 10%, percent of such total amount will be deducted and retained by CAS for protection of CAS's interests. Unless otherwise instructed by the CAS, the amount retained by the Owner will be in effect until the final payment is made except as follows:

- (1) Contractor may request release of retainage on work that has been partially accepted by the Owner in accordance with Section 50-14. Contractor must provide a certified invoice to the RPR that supports the value of retainage held by the Owner for partially accepted work.
- (2) In lieu of retainage, the Contractor may exercise at its option the establishment of an escrow account per paragraph 90-08.

The Contractor is required to pay all subcontractors for satisfactory performance of their contracts no later than 10 days after the Contractor has received a partial payment. Contractor must provide the CAS evidence of prompt and full payment of retainage held by the prime Contractor to the subcontractor within 10 days after the subcontractor's work is satisfactorily completed. A subcontractor's work as satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by CAS. When CAS has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.

When at least 95% of the work has been completed, the Engineer shall, at the CAS's discretion and with the consent of the surety, prepare estimates of both the contract value and the cost of the remaining work to be done. CAS may retain an amount not less than twice the contract value or estimated cost, whichever is greater, of the work remaining to be done. The remainder, less all previous payments and deductions, will then be certified for payment to the Contractor.

Section 26.31 Directory

CAS uses the state of Ohio Unified Certification Program (UCP), maintained by the state of Ohio. The UCP maintains a directory identifying all firms eligible to participate as DBEs, which contains all the elements required by §26.31.

The State of Ohio revises the directory on an on-going basis. Certified firm information in the directory is updated annually at a minimum. CAS makes the Directory available by providing the website <http://www.dot.state.oh.us/Divisions/ODI/SDBE/Pages/UCP.aspx>.

Section 26.33 Over-concentration

CAS has not identified that over-concentration exists in the types of work that DBEs perform.

Section 26.35 Business Development Programs

CAS has a DBE Business Development Program (BDP) to assist firms in gaining the ability to compete successfully in the marketplace outside the DBE Program. The rationale for the BDP is to increase the race-neutral participation in CAS DBE Program. CAS has created; The CAS Mentor Protégé Program. See **(ENCLOSURE D)** of this Program for specific provisions of this element.

Section 26.37 Monitoring Responsibilities

CAS implements and carries out appropriate mechanisms to ensure compliance with 49 CFR Part 26 program requirements by all program participants, including prompt payment, and describes and set forth these mechanisms in CAS DBE program.

CAS actively monitors participation by maintaining a running tally of actual DBE attainments (e.g., payments actually made to DBE firms), including a means of comparing these attainments to commitments.

Monitoring and Enforcement Mechanism Payments to DBEs and Non-DBEs

CAS undertakes ongoing monitoring of prime payments to subcontractors over the course of any covered contract. Such monitoring activities will be accomplished through the following method(s):

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 26.107.
2. We will implement similar action under our own legal authorities, including responsibility determinations in future contracts. **(ENCLOSURE F)** lists the provisions, and contract remedies available to us in the events of non-compliance with the DBE regulations by a participant in our DBE Program.
3. We have implemented a monitoring and compliance mechanism to ensure that work committed to by DBEs at contract award or subsequently is actually performed by the DBEs to which the work was committed. CAS has purchased and implemented a contract compliance and monitoring system. With this system CAS tracks and monitors all work and financial commitments made by DBEs.
4. We have implemented a monitoring and compliance mechanism that will include written certification that we have reviewed contracting records and monitored the worksites for this purpose. CAS contract compliance monitors conduct regular site visits of all projects with DBE commitments. Monitors complete an on-site review form that documents the findings of the visits. Monitors attend all project progress and update meetings. Monitors conduct regular desk audits of the files

and monitor and enter all information into the Contract Compliance and Monitoring System.

5. We have implemented a mechanism that provides a running tally of actual DBE attainments, including a means of comparing these attainments to commitments. In our reports of DBE participation to DOT, we show both commitments and attainments, as required by the DOT uniform reporting form. All contractors and DBEs seeking participation on a contract are required to complete a B-3 Certified Disadvantaged Business Enterprise/Airport Concession Disadvantaged Business Enterprise (DBE/ACDBE) Participation Plan (**ENCLOSURE G**) to be submitted with bids and proposals. This form outlines all DBE commitments and commercially useful functions. Contractors/Consultants are also required to complete form B-6 (**ENCLOSURE H**) for all commitments to non-certified and SBE Subcontractors/Sub-consultants and a B-8 (**ENCLOSURE I**) 2nd/3rd Tier Subcontractor/Sub-consultant Form for DBEs. These forms also document commitments and commercially useful function. After contract award, contractors and consultants must submit payments or revenue reports using B2GNow Certification and Compliance Reporting System (**ENCLOSURE J**) that outlines the payments made to the DBE subcontractors/sub-consultants compared to the commitment.

CAS will actively implement the enforcement actions detailed above.

CAS requires prime contractors to maintain records and documents of payments to subcontractors, including DBEs, for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for the CAS financial assistance agreement, whichever is longer. These records will be made available for inspection upon request by any authorized representative of CAS or DOT. This reporting requirement extends to all subcontractors, both DBE and non-DBE.

- CAS proactively reviews contract payments to subcontractors including DBEs quarterly to ensure compliance. Payment reviews will evaluate whether the actual amount paid to DBE subcontractors is equivalent to the amounts reported to CAS by the prime contractor.

Prompt Payment Complaints

Complaints by subcontractors regarding the prompt payment requirements are handled according to the following procedure:

- (1) If affected subcontractor is not comfortable contracting prime directly regarding payment or unable to resolve payment discrepancies with prime, subcontractor should contact the Senior Contract Compliance Officer to initiate complaint.

- (2) If filing a prompt payment complaint with the Contract Compliance Officer does not result in timely and meaningful action. The DBELO and CAS administration will help to ensure a resolution of prompt payment disputes.
- (3) If the subcontractor feels the DBELO is not handling the prompt payment complaint in a timely, efficient and/or effective manner, the subcontractor may contact the appropriate FAA or DOT personnel.
- (4) Pursuant to Sec. 157 of the FAA Reauthorization Act of 2018, all complaints related to prompt payment will be reported in a format acceptable to the FAA, including the nature and origin of the complaint and its resolution.

Monitoring Contracts and Work Sites

CAS reviews contracting records and engages in active monitoring of work sites to ensure that work committed to DBEs at contract award or subsequently (e.g., as the result of modification to the contract) is actually performed by the DBEs to which the work was committed. Work site monitoring is performed by the Senior Contract Compliance Officer. Contracting records are reviewed by *DBELO & compliance team*. CAS will maintain written certification that contracting records have been reviewed and work sites have been monitored for this purpose.

Section 26.39 Fostering small business participation

CAS has created a Small Business element to structure contracting requirements to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors.

The small business element is incorporated as Attachment **(ENCLOSURE E)** to this DBE Program. The program elements will be actively implemented to foster small business participation.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

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

Section 26.45 Overall Goals

CAS will establish an overall DBE goal covering a three-year federal fiscal year period if it anticipates awarding DOT-funded prime contracts the cumulative total value of which exceeds \$250,000 in DOT funds during any one or more of the reporting fiscal years

within the three-year goal period. In accordance with Section 26.45(f) CAS will submit its Overall Three-year DBE Goal to FAA by August 1st as required by the established schedule below:

Airport Type	Region	Date Due (Goal Period)	Next Goal Due (Goal Period)
Large & Medium Hub Primary	All Regions	August 1, 2019 (2020/2021/2022)	August 1, 2022 (2023/2024/2025)

The DBE goals will be established in accordance with the 2-step process as specified in 49 CFR Part 26.45. If CAS does not anticipate awarding prime contracts the cumulative total value of which exceeds \$250,000 in DOT funds during any of the years within the three-year reporting period, an overall goal will not be developed. However, this DBE Program will remain in effect and CAS will seek to fulfill the objectives outlined in 49 CFR Part 26.1.

Step 1. The first step is to determine a base figure for the relative availability of DBEs in the market area. CAS will use DBE Directories and Census Bureau Data as a method to determine our base figure. CAS understands that the exclusive use of a list of prequalified contractors or plan holders, or a bidders list that does not comply with the requirements of 49 CFR Part 26.45(c)(2), is not an acceptable alternative means of determining the availability of DBEs.

Step 2. The second step is to adjust the “base figure” percentage from Step 1 so that it reflects as accurately as possible the DBE participation the recipient would expect in the absence of discrimination based on past participation, a disparity study and/or information about barriers to entry to past competitiveness of DBEs on Contracts. CAS will examine all of the evidence available in its jurisdiction to determine what adjustment, if any, is needed. If the evidence does not suggest an adjustment is necessary, then no adjustment shall be made.

Any methodology selected will be based on demonstrable evidence of local market conditions and be designed to ultimately attain a goal that is rationally related to the relative availability of DBEs in the CAS market.

In establishing the overall goal, CAS will provide for consultation and publication. This includes consultation with minority, women’s and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the efforts by CAS to establish a level playing field for the participation of DBEs. The consultation will include a scheduled, direct, interactive exchange (e.g., a face-to-face meeting, video conference, teleconference) with as many interested stakeholders as possible focused on obtaining information relevant to the goal setting process, and it will occur before CAS is required to submit the goal methodology to the operating administration for review pursuant to §26.45(f). The goal submission will document the consultation

process in which CAS engaged. Notwithstanding paragraph (f)(4) of §26.45, the proposed goal will not be implemented until this requirement is met.

In addition to the consultation described above, CAS will publish a notice announcing the proposed overall goal before submission to the FAA on August 1st. The notice will be posted on CAS official internet web site and may be posted in other sources (e.g., minority-focused media, trade association publications). If the proposed goal changes following review by FAA, the revised goal will be posted on the official internet web site.

The public will also be informed that the proposed overall goal and its rationale are available for inspection during normal business hours at the principal office of CAS. This notice will provide that the CAS and DOT/FAA will accept comments on the goals for 30 days from the date of the notice. Notice of the comment period will include the addresses to which comments may be sent (including offices and websites) where the proposal may be reviewed. **The public comment period will not extend the August 1st deadline.**

The Overall Three-Year DBE Goal submission to DOT/FAA will include a summary of information and comments received, if any, during this public participation process and CSA responses.

CSA will begin using the overall goal on October 1 of the relevant period, unless other instructions from DOT/FAA have been received.

Project Goals

If permitted or required by the DOT/FAA Administrator, an overall goal may be expressed as a percentage of funds for a particular grant or project or group of grants and/or projects, including entire projects. Like other overall goals, a project goal may be adjusted to reflect changed circumstances, with the concurrence of the appropriate operating administration. A project goal is an overall goal, and must meet all the substantive and procedural requirements of this section pertaining to overall goals. A project goal covers the entire length of the project to which it applies. The project goal will include a projection of the DBE participation anticipated to be obtained during each fiscal year covered by the project goal. The funds for the project to which the project goal pertains are separated from the base from which the regular overall goal, applicable to contracts not part of the project covered by a project goal, is calculated.

If a goal is established on a project basis, the goal will be used by the time of the first solicitation for a DOT-assisted contract for the project.

Prior Operating Administration Concurrence

CAS understands that prior FAA concurrence with the overall goal is not required. However, if the FAA review suggests that the overall goal has not been correctly calculated or that the method employed by CAS for calculating goals is inadequate, FAA may, after consulting with CAS, adjust the overall goal or require that the goal be

adjusted by CAS. The adjusted overall goal is binding. In evaluating the adequacy or soundness of the methodology used to derive the overall goal, the U.S. DOT operating administration will be guided by the goal setting principles and best practices identified by the Department in guidance issued pursuant to §26.9.

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment **(ENCLOSURE L)** to this program.

Section 26.47 Failure to meet overall goals

CAS cannot be penalized, or treated by the Department as being in noncompliance with Part 26, because DBE participation falls short of an overall goal, unless CAS fails to administer its DBE program in good faith. CAS will maintain an approved DBE program and overall DBE goal, if applicable as well as administer our DBE program in good faith to be considered to be in compliance with this part.

CAS understands that to be considered to be in compliance with this part, an approved DBE Program and overall DBE goal, if applicable, must be maintained, and this DBE Program must be administered in good faith.

CAS understands that if the awards and commitments shown on the Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall goal applicable to that fiscal year, the following actions must be taken in order to be regarded by the Department as implementing this DBE Program in good faith:

- (1) Analyze in detail the reasons for the difference between the overall goal and the awards and commitments in that fiscal year;
- (2) Establish specific steps and milestones to correct the problems identified in the analysis to enable the goal for the new fiscal year to be fully met;
- (3) CAS will submit, within 90 days of the end of the fiscal year, the analysis and corrective actions developed under paragraphs (1) and (2) above to the FAA for approval.

Section 26.51 Means Recipients Use to Meet Overall Goals

Breakout of Estimated Race-Neutral & Race-Conscious Participation

CAS will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating race-neutral DBE participation. Race-neutral DBE participation includes any time a DBE wins a prime contract through customary competitive procurement procedures or is awarded a subcontract on a prime contract that does not carry a DBE contract goal.

Race-neutral means include, but are not limited to the following:

- (1) Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under §26.39.
- (2) Providing assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs, and other small businesses, obtain bonding and financing);
- (3) Providing technical assistance and other services;
- (4) Carrying out information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate);
- (5) Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses;
- (6) Providing services to help DBEs, and other small businesses, improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency;
- (7) Establishing a program to assist new, start-up firms, particularly in fields in which DBE participation has historically been low;
- (8) Ensuring distribution of the DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors; and
- (9) Assisting DBEs, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media.

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment **(ENCLOSURE M)** to this program.

The CAS will arrange solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under §26.39.

Contract Goals

If the approved projection under paragraph (c) of §26.51 estimates that the entire overall goal for a given year can be met through race-neutral means, contract goals will not be set during that year, unless the use of contract goals becomes necessary in order to meet the overall goal.

If our approved projection under paragraph (c) of this section estimates that we can meet our entire overall goal for a given year through race-neutral means, we will implement our program without setting contract goals during that year, unless it becomes necessary in order to meet our overall goal.

Contract goals will be established only on those DOT-assisted contracts that have subcontracting possibilities. A contract goal need not be established 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).

Contract goals will be expressed as a percentage of the total amount of a DOT-assisted contract.

Section 26.53 Good Faith Efforts Procedures in Situations where there are Contract Goals

Demonstration of good faith efforts (pre-award)

In cases where a contract goal has been established, the contract in question will only be awarded to a bidder/offeror that has made good faith efforts to meet the contract goal. The bidder/offeror can demonstrate that it has made good faith efforts by either meeting the contract goal or documenting that it has made adequate good faith efforts to do so. Examples of good faith efforts are found in Appendix A to Part 26. Contract Compliance Officers will be 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*.

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

In all solicitations for DOT-assisted contracts for which a contract goal has been established, the following information will be required of every bidder/offeror:

- (1) Award of the contract will be conditioned on meeting the requirements of this section;
- (2) All bidders or offerors will be required to submit the following information to the recipient, at the time provided in paragraph (3) of this section:

- (i) The names and addresses of DBE firms that will participate in the contract;
 - (ii) A description of the work that each DBE will perform. To count toward meeting a goal, each DBE firm must be certified in a NAICS code applicable to the kind of work the firm would perform on the contract;
 - (iii) The dollar amount of the participation of each DBE firm participating;
 - (iv) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet a contract goal; and
 - (v) Written confirmation from each listed DBE firm that it is participating in the contract in the kind and amount of work provided in the prime contractor's commitment.
 - (vi) If the contract goal is not met, evidence of good faith efforts (as elaborated in Appendix A of Part 26). The documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract
- (3) We will require that the bidder/offeror present the information required by paragraph (b)(2) of this section:
- CAS treats bidder/offers' compliance with good faith efforts requirements as a matter of responsiveness. All bidders/offerors are to submit the following information at the time of bid:
- a. Names and addresses of DBE firms that will participate in the contract;
 - b. Description of the work that each DBE will perform ;
 - c. Dollar amount of the participation of each DBE firm participating;
 - d. Written and signed documentation of commitment to use a DBE subcontractor
 - e. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors commitment and
If the contract goal is not met, evidence of good faith efforts.
- (4) Provided that, in a negotiated procurement, including a design-build procurement, the bidder/offeror may make a contractually binding commitment to meet the goal at the time of bid submission or the presentation of initial proposals but provide the information required by paragraph (2) of this section before the final selection for the contract is made by the recipient.

Administrative reconsideration

Within 5 days of being informed by CAS that it is not *responsive* because it has not documented adequate good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official:

William R. Veney
Manager of Compliance & Inclusion
5300 Riverside Drive
P.O. Box 81009
Office - 216.265.3324
wveney@clevelandairport.com

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 the reconsideration official to discuss the issue of whether the goal was met or the bidder/offeror made adequate good faith efforts to do. The bidder/offeror will be sent 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 Transportation.

Good Faith Efforts procedural requirements (post-solicitation)

The awarded contractor will be required to make available upon request a copy of all DBE subcontracts. The contractor shall ensure that all subcontracts or agreements with DBEs to supply labor or materials include all required contract provisions and mandate that the subcontractor and all lower tier subcontractors perform in accordance with the provisions of Part 26.

Prime contractors will be prohibited from terminating a DBE subcontractor listed in response to a covered solicitation (or an approved substitute DBE firm) without the prior written consent of CAS. This includes, but is not limited to, instances in which a prime contractor seeks to perform work originally designated for a DBE subcontractor with its own forces or those of an affiliate, a non-DBE firm, or another DBE firm.

Such written consent will be provided only if CAS agrees, for reasons stated in the concurrence document, that the prime contractor has good cause to terminate the DBE firm. For purposes of this paragraph, good cause includes the following circumstances:

- (1) The listed DBE subcontractor fails or refuses to execute a written contract;
- (2) The listed DBE subcontractor fails or refuses to perform the work of its subcontract in a way consistent with normal industry standards. Provided however, that good cause does not exist if the failure or refusal of the DBE subcontractor to perform its work on the subcontract results from the bad faith or discriminatory action of the prime contractor;
- (3) The listed DBE subcontractor fails or refuses to meet the prime contractor's reasonable, non-discriminatory bond requirements.

- (4) The listed DBE subcontractor becomes bankrupt, insolvent, or exhibits credit unworthiness;
- (5) The listed DBE subcontractor is ineligible to work on public works projects because of suspension and debarment proceedings pursuant to 2 CFR Parts 180, 215 and 1,200 or applicable state law;
- (6) CAS determined that the listed DBE subcontractor is not a responsible contractor;
- (7) The listed DBE subcontractor voluntarily withdraws from the project and provides CAS written notice of its withdrawal;
- (8) The listed DBE is ineligible to receive DBE credit for the type of work required;
- (9) A DBE owner dies or becomes disabled with the result that the listed DBE contractor is unable to complete its work on the contract;
- (10) Other documented good cause that CAS has determined compels the termination of the DBE subcontractor. Provided, that good cause does not exist if the prime contractor seeks to terminate a DBE it relied upon to obtain the contract so that the prime contractor can self-perform the work for which the DBE contractor was engaged or so that the prime contractor can substitute another DBE or non-DBE contractor after contract award.

Before transmitting to CAS a request to terminate and/or substitute a DBE subcontractor, the prime contractor must give notice in writing to the DBE subcontractor, with a copy to CAS, of its intent to request to terminate and/or substitute the DBE, and the reason(s) for the request.

The prime contractor must give the DBE five days to respond to the prime contractor's notice and advise CAS and the prime contractor of the reasons, if any, why the DBE objects to the proposed termination of its subcontract and why the prime contractor's action should not be approved. If required in a particular case as a matter of public necessity (e.g., safety), a response period shorter than five days may be provided.

In addition to post-award terminations, the provisions of this section apply to pre-award deletions of or substitutions for DBE firms put forward by offerors in negotiated procurements.

Each prime contract will include a provision stating:

The contractor shall utilize the specific DBEs listed in the contractor's [bid/solicitation] response to perform the work and supply the materials for which each is listed unless the contractor obtains prior written consent of CAS as provided in 49 CFR Part 26, §26.53(f). Unless such consent is provided, the contractor shall not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE.

CAS 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. These good faith efforts shall be directed at finding another DBE to perform at least the same amount of work under the contract as the DBE that was terminated, to the extent needed to meet the contract goal that was established for the

procurement. The good faith efforts shall be documented by the contractor. If CAS requests documentation from the contractor under this provision, the contractor shall submit the documentation within 7 days, which may be extended for an additional 7 days if necessary at the request of the contractor. CAS shall provide a written determination to the contractor stating whether or not good faith efforts have been demonstrated.

If the contractor fails or refuses to comply in the time specified, the contracting office/representative of CSA may 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.

[Note: The provisions of the foregoing section apply only when a contract goal is established.]

Section 26.55 Counting DBE Participation

DBE participation will be counted toward overall and contract goals as provided in §26.55. The participation of a DBE subcontractor will not be counted toward a contractor's final compliance with its DBE obligations on a contract until the amount being counted has actually been paid to the DBE.

In the case of post-award substitutions or additions, if a firm is not currently certified as a DBE in accordance with the standards of subpart D of this part at the time of the execution of the contract, the firm's participation will not be counted toward any DBE goals, except as provided for in §26.87(j).

Pursuant to Sec. 150 of the FAA Reauthorization Act of 2018, firms that exceed the business size standard in § 26.65(b) will remain eligible for DBE certification and credit on FAA-funded projects as long as they do not exceed the small business size standard, as adjusted by the United States Small Business Administration, for the NAICS code(s) in which they are certified.

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

CAS is a non-certifying member of the Ohio Unified Certification Program (UCP). Ohio UCP 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. Certifying Ohio UCP members make all certification decisions based on the facts as a whole.

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

The Ohio Unified Certification Program (ODOT)
Office of Small Business and Disadvantaged Business Enterprise
1980 W. Broad Street, MS 3270
Columbus, OH 43223
Phone: (614) 466-3957
Fax: (614) 728-2078
www.dot.sdbe@dot.ohio.gov

The Uniform Certification Application form and documentation requirements are found in Attachment **(ENCLOSURE N)** to this program

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.101 Compliance Procedures Applicable to CAS

CAS understands that if it fails to comply with any requirement of this part, CAS may be subject to formal enforcement action under §26.103 or §26.105 or appropriate program sanctions by the concerned operating administration, such as the suspension or termination of Federal funds, or refusal to approve projects, grants or contracts until deficiencies are remedied. Program sanctions may include, in the case of the FHWA program, actions provided for under 23 CFR 1.36; in the case of the FAA program, actions consistent with 49 U.S.C. 47106(d), 47111(d), and 47122; and in the case of the FTA program, any actions permitted under 49 U.S.C. chapter 53 or applicable FTA program requirements.

Section 26.109 Information, Confidentiality, Cooperation and intimidation or retaliation

Information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law will be safeguarded from disclosure to third parties.

Notwithstanding any provision of Federal or state law, information that may reasonably be construed as confidential business information will not be released to any third party without the written consent of the firm that submitted the information, including applications for DBE certification and supporting information. However, this information will be transmitted to DOT in any certification appeal proceeding under §26.89 or to any other state to which the individual's firm has applied for certification under §26.85.

All participants in the Department's DBE program (including, but not limited to, recipients, DBE firms and applicants for DBE certification, complainants and appellants, and contractors using DBE firms to meet contract goals) are required to cooperate fully and promptly with DOT and recipient compliance reviews, certification reviews,

investigations, and other requests for information. Failure to do so shall be a ground for appropriate action against the party involved (e.g., with respect to recipients, a finding of noncompliance; with respect to DBE firms, denial of certification or removal of eligibility and/or suspension and debarment; with respect to a complainant or appellant, dismissal of the complaint or appeal; with respect to a contractor which uses DBE firms to meet goals, findings of non-responsibility for future contracts and/or suspension and debarment).

CAS, contractor, or any other participant in the program will not intimidate, threaten, coerce, or discriminate against any individual or firm for the purpose of interfering with any right or privilege secured by this part or because the individual or firm has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. CAS understands that it is in noncompliance with Part 26 if it violates this prohibition.

ATTACHMENTS

Enclosure A	A-5 form Requirements Concerning Prime and Sub-Contractors
Enclosure B	Organizational Chart
Enclosure C	DBE Financial Institutions Results
Enclosure D	CAS Mentor Protégé Program
Enclosure E	Small Business Enterprise (SBE) Program
Enclosure F	DBE Monitoring and Enforcement Mechanisms
Enclosure G	B-3 Form - Certified (DBE/ACDBE) Participation Plan
Enclosure H	B-6 Form - Non-certified Contractors/Consultants Form
Enclosure I	B-8 Form - 2nd/3rd Tier Subcontractor/Sub-consultant Form for DBEs
Enclosure J	B2G Monthly Payment Compliance Report
Enclosure K	Methodology to Calculate the Overall Goal
Enclosure L	Breakout of Estimated Race-Neutral and Race-Conscious Participation
Enclosure M	Uniform Certification Application Form and Documentation Requirements

Enclosure A

A-5 form Requirements Concerning Prime and Sub-Contractors

ENCLOSURE A-5 REQUIREMENTS CONCERNING PRIME AND SUB-CONTRACTORS

Project Name: _____

In accordance with Federal Regulations 49 CFR, Part 26.11, the Office of Emerging Business Enterprise Development is required to create and maintain a bidders list on all Prime and Sub-Contractors that seek to participate on Airport Federally assisted contracts. Please complete this information in its entirety.

PRIME CONTRACTOR

(This information must be provided on the Prime bidder on this Project)

Name of Firm: _____

Federal Tax ID No: _____ **(**must provide**)**

☐ Certified ACDBE ☐ Certified DBE ☐ Non-DBE

Mailing Address: _____

City/State/Zip Code: _____

Contact: _____ Phone No. _____ Fax No. _____

Date Business Established (Month, Day and Year): _____

Gross Sales in Dollars Last FY: ☐ Less than \$500,000 ☐ \$500,000 - \$1 million
☐ \$1 million - \$2 million ☐ \$2 million - \$5 million
☐ Over \$5 million

SUB-CONTRACTOR(S)

(This information must be provided for all sub-contractor(s) proposed to work on this Project)

*****Please attach additional papers if you need more space*****

Name of Firm	Certified DBE/ACDBE		Year Firm Established	Approximate Annual Gross Sales
	Yes	No		

I certify the above information contained in this document is true and accurate as of the stated date. I understand FALSE or misleading statements may disqualify the firm from participation on Airport Federally assisted contracts.

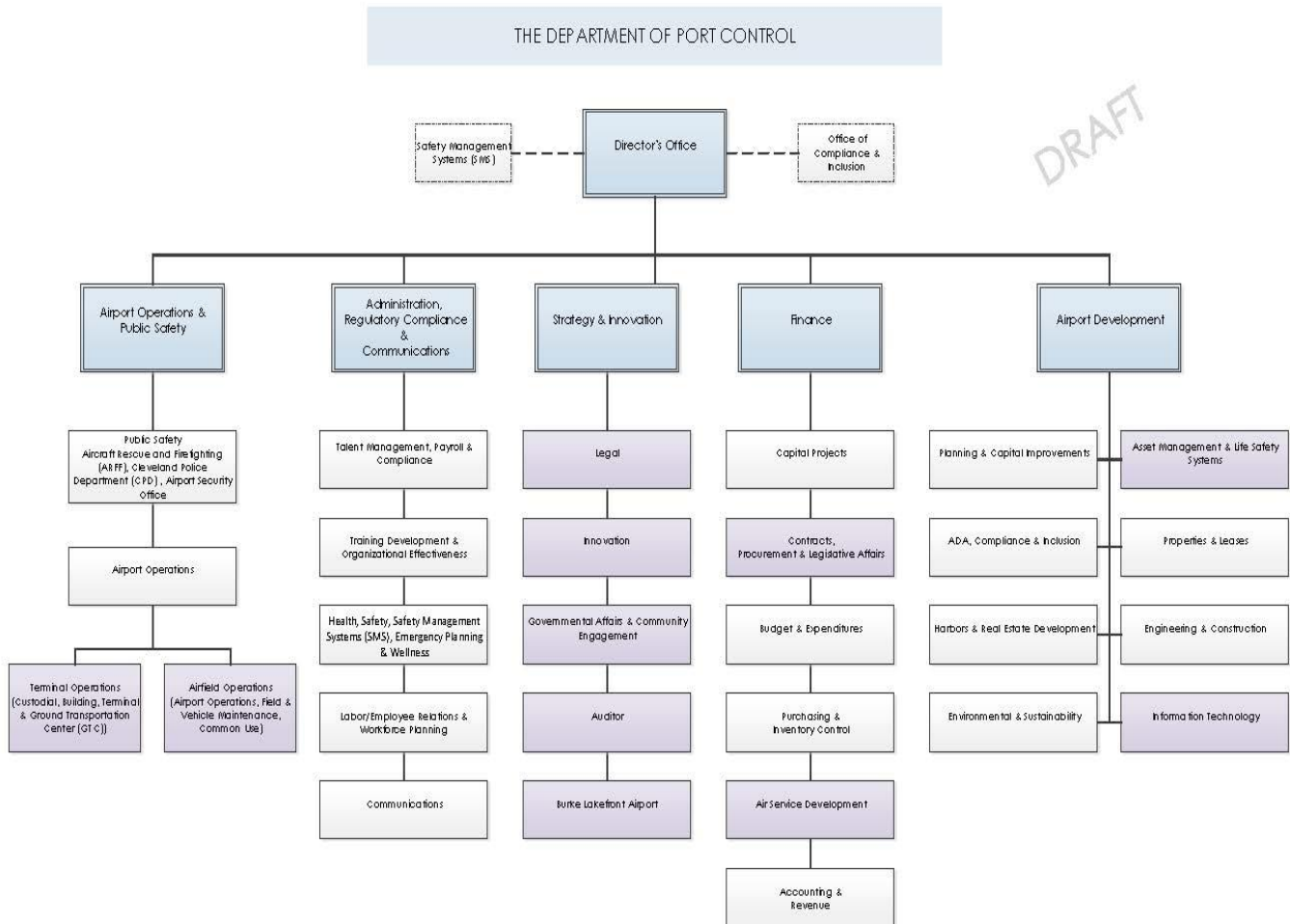
Title of Person Authorized to Sign

Signature

Date

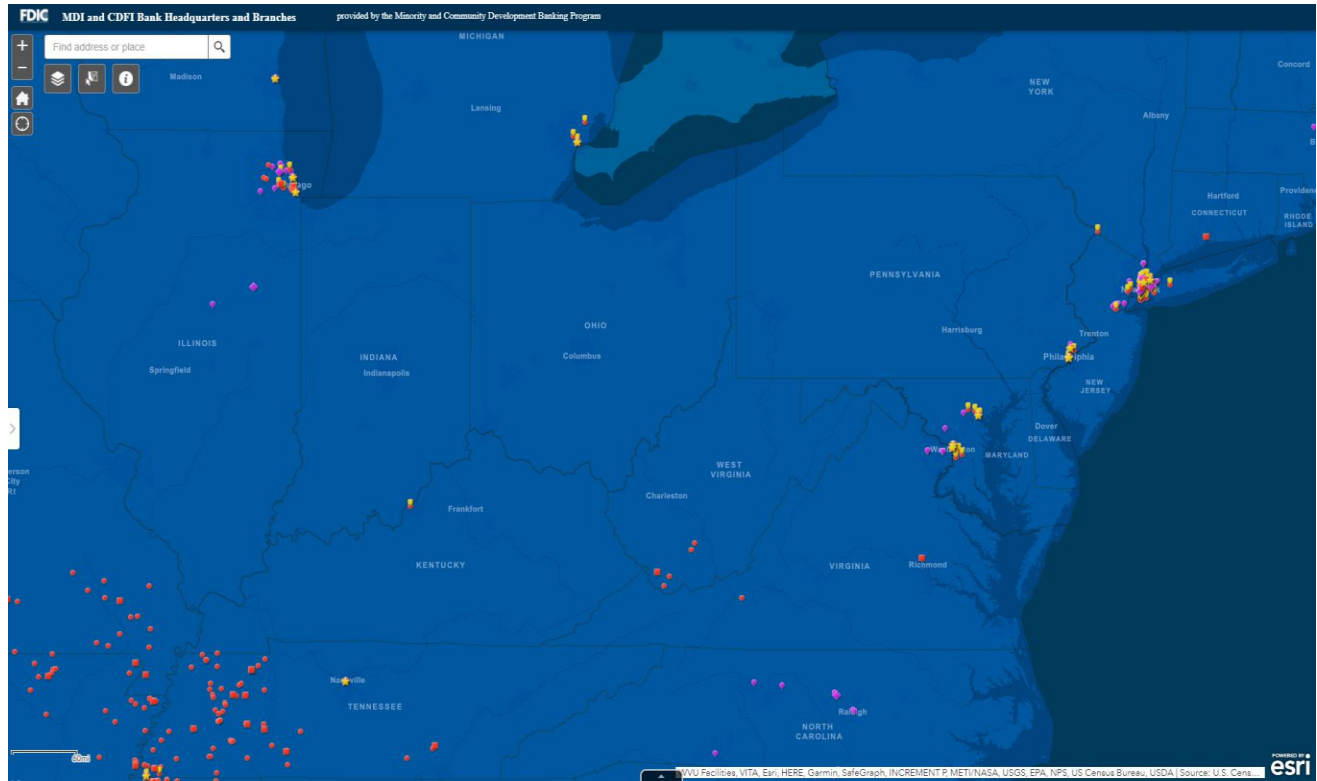
Enclosure B

Organizational Chart



Enclosure C

DBE FINANCIAL INSTITUTIONS RESULTS



FDIC Cert #	Institution Name	Address	City	State	Zip	CDFI	Contact
10843	Citizens Bank Of Chatsworth	502 E Locust St	Chatsworth	IL	60921	No	http://www.bankatcbc.com
10843	Citizens Bank Of Chatsworth	1710 E. College Ave	Normal	IL	61761	No	http://www.bankatcbc.com
18503	Cathay Bank	222 West Cermak Road	Chicago	IL	60616	No	https://www.cathaybank.com
18503	Cathay Bank	665 Pasquinelli Drive #b104	Westmont	IL	60559	No	https://www.cathaybank.com
24170	Hanmi Bank	664 Raymond Drive	Naperville	IL	60563	No	http://www.hanmi.com
24170	Hanmi Bank	6335 North Western Avenue	Chicago	IL	60659	No	http://www.hanmi.com
24170	Hanmi Bank	1700 Milwaukee Avenue	Glenview	IL	60025	No	http://www.hanmi.com
25883	First Eagle Bank	1201 West Madison Street	Chicago	IL	60607	Yes	http://www.febank.com
25883	First Eagle Bank	1040 East Lake Street	Hanover Park	IL	60133	Yes	http://www.febank.com
26610	Bank Of Hope	8504 Golf Road	Niles	IL	60714	No	http://www.bankofhope.com
26610	Bank Of Hope	83 West Golf Road	Arlington Heights	IL	60005	No	http://www.bankofhope.com
26610	Bank Of Hope	1645 Milwaukee Avenue	Glenview	IL	60025	No	http://www.bankofhope.com

26610	Bank Of Hope	5526 West Touhy Avenue	Skokie	IL	60077	No	http://www.bankofhope.com
27074	State Bank Of Texas	2615 West Devon	Chicago	IL	60659	No	http://www.statebnk.com
27074	State Bank Of Texas	10000 West O'hare Avenue	Chicago	IL	60666	No	http://www.statebnk.com
28611	Pulaski Savings Bank	3156 S Morgan St	Chicago	IL	60608	Yes	No Website Given
29399	Gn Bank	4619 S Martin L King Drive	Chicago	IL	60653	Yes	http://www.gnbank.net
33708	International Bank Of Chicago	5069 North Broadway	Chicago	IL	60640	Yes	http://www.inbk.com
33708	International Bank Of Chicago	611 Green Bay Rd	Wilmette	IL	60091	Yes	http://www.inbk.com
33708	International Bank Of Chicago	217 West Cermak Road	Chicago	IL	60616	Yes	http://www.inbk.com
33708	International Bank Of Chicago	1860 North Mannheim Road	Stone Park	IL	60165	Yes	http://www.inbk.com
33708	International Bank Of Chicago	9380 West Ballard Road	Des Plaines	IL	60016	Yes	http://www.inbk.com
34108	Pan American Bank & Trust	1440 West North Avenue	Melrose Park	IL	60160	Yes	http://WWW.PANAMERBANK.COM
34108	Pan American Bank & Trust	2801 Saint Charles Road	Bellwood	IL	60104	Yes	http://WWW.PANAMERBANK.COM
34108	Pan American Bank & Trust	2737 W Cermak Rd	Chicago	IL	60608	Yes	http://WWW.PANAMERBANK.COM
34108	Pan American Bank & Trust	190 North Smith Street	Palatine	IL	60067	Yes	http://WWW.PANAMERBANK.COM
34108	Pan American Bank & Trust	108 West Lake Street	Bloomington	IL	60108	Yes	http://WWW.PANAMERBANK.COM
34334	American Metro Bank	4878 North Broadway	Chicago	IL	60640	No	http://www.americanmetrobank.com
34334	American Metro Bank	255 W. Cermak Rd	Chicago	IL	60616	No	http://www.americanmetrobank.com
58348	Millennium Bank	2077 Miner Street	Des Plaines	IL	60016	No	http://www.milbnk.com
58816	Royal Business Bank	2323 South Wentworth Avenue	Chicago	IL	60616	Yes	http://www.royalbusinessbankusa.com
58816	Royal Business Bank	3233 S Ashland Ave.	Chicago	IL	60608	Yes	http://www.royalbusinessbankusa.com
14679	Industrial Bank	7610 Pennsylvania Avenue	Forestville	MD	20747	Yes	http://www.industrial-bank.com
14679	Industrial Bank	1900 John Hanson Lane	Oxon Hill	MD	20745	Yes	http://www.industrial-bank.com
18503	Cathay Bank	650 Hungerford Dr	Rockville	MD	20850	No	https://www.cathaybank.com
24015	The Harbor Bank Of Maryland	25 West Fayette Street	Baltimore	MD	21201	Yes	https://www.theharborbank.com
24015	The Harbor Bank Of Maryland	8530 Liberty Road	Randallstown	MD	21133	Yes	https://www.theharborbank.com
24015	The Harbor Bank Of Maryland	5000 Park Heights Avenue	Baltimore	MD	21215	Yes	https://www.theharborbank.com
24015	The Harbor Bank Of Maryland	1000 Lancaster Street Suite C	Baltimore	MD	21202	Yes	https://www.theharborbank.com
24015	The Harbor Bank Of Maryland	800 West Baltimore Street	Baltimore	MD	21201	Yes	https://www.theharborbank.com
24015	The Harbor Bank Of Maryland	855 North Wolfe Street, Suite C	Baltimore	MD	21205	Yes	https://www.theharborbank.com
24920	Woori America Bank	10035 Baltimore National Pike	Ellicott City	MD	21042	No	http://www.wooriamericabank.com

20179	First Independence Bank	7310 Woodward Ave. Suite 101	Detroit	MI	48202	Yes	http://www.firstindependence.com
20179	First Independence Bank	7020 West Seven Mile Road	Detroit	MI	48221	Yes	http://www.firstindependence.com
20179	First Independence Bank	38880 Garfield Rd	Clinton Township	MI	48038	Yes	http://www.firstindependence.com
20856	Liberty Bank And Trust Company	9108 Woodward Ave	Detroit	MI	48202	Yes	http://www.libertybank.net
24920	Woori America Bank	7300 Old York Rd	Elkins Park	PA	19027	No	http://www.wooriamericabank.com
32257	Abacus Federal Savings Bank	147-151 North 10th Street	Philadelphia	PA	19107	No	http://www.abacusbank.com
33568	United Bank Of Philadelphia	30 South 15th Street, 1st Floor	Philadelphia	PA	19102	Yes	http://www.ubphila.com
33568	United Bank Of Philadelphia	1501 N Broad St	Philadelphia	PA	19122	Yes	http://www.ubphila.com
33568	United Bank Of Philadelphia	30 South 15th Street, Suite 1200	Philadelphia	PA	19102	Yes	http://www.ubphila.com
34759	Asian Bank	1023 Race Street	Philadelphia	PA	19107	Yes	http://www.theasianbank.com
34759	Asian Bank	6509 Castor Avenue	Philadelphia	PA	19149	Yes	http://www.theasianbank.com
58196	Noah Bank	7301 Old York Rd	Elkins Park	PA	19027	Yes	http://www.noahbank.com

Enclosure D

CAS MENTOR PROTÉGÉ PROGRAM

CLEVELAND AIRPORT SYSTEM MENTOR-PROTÉGÉ PROGRAM

INTRODUCTION

The Cleveland Airport System (CAS) has designed this mentor protégé program in an effort to foster a more competitive environment for Disadvantaged Business Enterprise (DBE) firms performing on federally-assisted projects that are let by CAS.

The program's immediate objective is to strengthen the long term stability of DBE firms by fostering the resources on those critical business skills that contractors need to compete successfully in the open market. The programs goals are the following:

- Enhance DBE firm business skills
- Broaden the base of DBE firms construction activity
- Build long term stability of DBE firms

In addition to the above goals, it is the intent of the program to assist DBE firms in overcoming the following common obstacles:

- Inability to accommodate volume of work
- Inability to secure adequate financing
- Inability to secure adequate bonding

The CAS program will be administered by the Emerging Business Enterprise (EBED) Department within CAS. EBED has the current responsibility of the administration of the DBE program.

Currently, CAS/EBED outreach efforts are in the form of participating in more than forty (40) outreach events annually. Participation is either in the form of sponsor or co-sponsorship. EBED also participates in all pre-bid meetings associated with all federally-assisted projects let at CAS. CAS has included the following clause in all of its federally-assisted contracts in an effort in provide additional access and opportunity to DBE contractors:

5.5 Outreach Events.

All Contractors/Consultants must affirm their commitment to supporting and/or participating in Department-sponsored outreach events aimed at attracting and educating small, minority, and female-owned companies on business opportunities with the Department. This may include a nominal fee up to Three Hundred Dollars (\$300.00) at the Director's discretion.

The development and implementation of the CAS Mentor-Protégé Program will be another step toward providing opportunity and meeting the intended spirit of the DBE program.

DEFINITIONS

Mentor – An approved CAS contractor providing advisory and supportive services to approved CAS DBE protégé.

Protégé - An approved State of Ohio Unified Certification Program (UCP) DBE firm receiving supportive and advisory services from approved CAS mentor.

Mentor-Protégé - A three (3) year partnership involving existing businesses that agree to work together to address matters necessary to help enhance the protégé's business success.

Disadvantaged Business Enterprise (DBE) – firms 51% owned and controlled by socially and economically disadvantaged individual(s) that meet the certification requirements of the State of Ohio UCP and the Code of Federal Regulations (49 CFR part 26) and have been certified by a State of Ohio certifying agency.

PROGRAM

Involving larger and more established firms in the development of growing DBEs is crucial to the success of the Mentor Protégé Program. Upon approval of this proposal CAS will seek partnership with the Construction Employers Association (CEA) a local contractor (primarily prime contractor) membership organization dedicated to providing support, resources, education and leadership to its contractor membership.

A mentor-protégé arrangement exists when an experienced company or individual provides assistance and training to a DBE. The mentor-protégé arrangements can range from technical through management assistance to the creation of a new, jointly-owned firm or agreement. All applications for the Mentor-protégé program will be reviewed on a case-by-case basis.

The common types of assistance that a mentor may provide are:

- Business Planning
- Record Keeping
- Technical Assistance
- Capital Formation
- Financial Counseling
- Bonding
- Equipment Utilization

A mentor may provide a protégé with working capital. Monthly payments, loans and stocks are acceptable methods of assuring payment in exchange for working capital. Demand notes

are not acceptable. In no case can day-by-day control of the firm be relinquished by the DBE firm as a requirement of the loan.

Part ownership in a DBE by a non-disadvantaged entity, including a mentor, is permitted. However, any property, equipment, supplies, or other services which are sold, rented or donated to the DBE as well as any investment by non-disadvantaged individuals must be reported to CAS in the mentor-protégé development plan and must be covered by bill(s) of sale, lease agreements, etc. Any financial investment by the mentor cannot provide the mentor with control over the protégé.

The mentor-protégé relationship may include, when not in conflict with state or federal law an arrangement by mutual consent in which an independent third party, such as a bank or an accountant is designated as an agent for the DBE. Such agents may receive progress payments for work accomplished by the DBE; progress payments must be made out jointly to the agent and DBE. Agents may make payments on behalf of the DBE to material suppliers or for federal and state payroll taxes, etc.

Assistance to DBE firms can be through many methods. The examples below are approved CAS methods of allowable support but means of support are not limited to what is provided below. All other forms of support must be proposed and approved by CAS before being executed. Approved forms of support are the following:

Technical and Management Assistance – The mentor may provide guidance on project management and construction techniques, training in plan interpretation, estimating and cost accounting. However, the DBE must retain final decision-making authority.

Equipment and Personnel – The mentor may provide in limited instances skilled personnel and equipment if a written lease or rental agreement covers the equipment and the personnel are on the payroll and under direct supervision of the DBE. Generally, rental and lease agreements with the mentor will be reviewed on a cost benefit analysis based on average industry prices. Long-term continual or repetitive use by a DBE subcontractor of personnel primarily employed by the mentor will be construed as an attempt to artificially inflate DBE participation.

Bonding- The mentor may provide the protégé with assistance by bonding the entire job and either charging on a pro rata basis or not charging the DBE for the bond. The expectation is that after gaining experience through federal-assisted projects, the DBE will develop the ability to bond projects independent of the mentor.

Exclusive Arrangements – An area of special concern for CAS is exclusive agreements. Any relationship in which a contractor requires a subcontractor to have an exclusive agreement

bidding agreement may violate federal laws. During the course of the mentor-protégé relationship, the subcontractor must have the right to quote bids to other prime contractors.

Generally Unacceptable Practices – Any subcontracting arrangement contrived to artificially inflate DBE participation is not acceptable. The interjection of the DBE middlemen or passive conduits not in accord with standard industry practices or which serve no commercially useful function and; arrangements in which a DBE prime or subcontractor is acting essentially as a broker are not permitted. In addition, any formal or informal agreement that limits the disadvantaged owners control and management of the firm is unacceptable.

PROGRAM REQUIREMENTS

The following requirements must be met for participation in the CAS Mentor-Protégé Program:

1. The protégé must be certified as a DBE with the Ohio UCP prior to entering into a **Mentor-Protégé Agreement**.
2. A Mentor-Protégé Agreement must be prepared and approved by CAS.
3. The mentor and protégé must be separate entities. Compensation to the DBE should be relative to the amount of work accomplished rather than an hourly basis.
4. In general, only one Mentor-Protégé arrangement will be allowed per non-DBE Prime Company.
5. It is recommended that the protégé prepare a three (3) year development plan and update it annually. The development plan shall state the current status of the firm and goals for the next three years. The development plan shall contain, at a minimum, information on the background and experience of the owners; the number and types of personnel; the amount of capital; the number, types and values of equipment; and the amount and types of projects to be pursued. This three (3) year period may be extended to five (5) years on a case-by-case basis.
6. The protégé must prepare an annual report on the Mentor-Protégé relationship. The annual report shall contain a comparison with each category in the development plan, a summary of work accomplished, and an explanation of how the mentor assisted in the completion of work.
7. The protégé shall retain an attorney and accountant other than the mentor's attorney and accountant.
8. The Mentor-Protégé relationship shall be initially limited to three (3) years, with a possible extension to five (5) years.

9. Protégés participating in Mentor-Protégé agreements may be utilized in meeting DBE goals on CAS federally- assisted projects.
10. Mentors will be required to meet with protégés on a regular basis (at least twice per month).
11. All participants must be current on all taxes and applicable licenses.
12. All businesses must be in continuous operation for the last 24 months at the time of application to the CAS program.
13. Participants must be committed to following program rules, guidelines and processed so that incremental growth and business can be achieved.
14. The mentors will be required to assist with helping their protégé meet the following: set targets for improvements, set time table for meeting targets, assist with protégé business strategies, evaluating outcomes, assisting protégé with development plan, regular review of development or action plan and monitor key business indicators, including protégé cash flow, work in progress and recent bids.
15. All protégés must have a current business plan to be reviewed with the mentor and success in the program will be measured against the protégé business plan as well as the development plan.

DEVELOPMENT PLAN

All Mentor/Protégé relationships should be evidenced by a written development plan approved by CAS.

The following guidelines should be considered in the development of such plans:

1. The development plan should clearly set forth the objective of the parties and their respective roles.
2. The development plan should describe measurable benchmarks to be reached by the DBE at successive stages of the plan.
3. The development plan should provide that if resources of the mentor are utilized by the DBE in the performance of contracts or subcontracts for the mentor or for another contractor, the resources must be separately identified, accounted for, and compensated directly by the DBE to the mentor. If the plan provides for extensive use of the mentor's resources by the DBE, the arrangement will be closely scrutinized.

4. The development plan may also include training to be provided by the mentor to the DBE. Such training includes business planning; record keeping; technical assistance; capital formation; loan packaging, financial counseling, bonding, and equipment utilization.
5. The development plan should contain a provision that it may be terminated by mutual consent of the parties or by CAS upon its determination that:
 - a. The protégé no longer meets the eligibility standards for certification as a DBE;
 - b. Either party has failed or is unable to meet its obligations under the development plan;
 - c. The DBE is not progressing or is not likely to progress in accordance with the development plan;
 - d. The DBE has reached a satisfactory level of self-sufficiency to compete without resorting to the development plan; or
 - e. The plan or provisions thereof are contrary to the requirements of federal, state or local law or regulation, or otherwise inimical to public policy.
6. The development plan may include a provision that either party for any reason may dissolve the arrangement only with CAS approval.

MONITORING

CAS will conduct a quarterly and annual review of each mentor-protégé relationship. If CAS determines that the program requirements are not being followed, approval of the relationship will be revoked.

CAS Mentor-Protégé Program will be implemented in accordance with the guidelines set forth in 49 CFR Section 26.35(b)(2).

1. A non-DBE mentor firm cannot use its DBE Protégé to meet more than one-half of the goal set for a specific project.
2. CAS will not award DBE credit to a non-DBE mentor firm for using its own protégé firm more than every other contract performed by the DBE Protégé firm.

MEASUREMENTS

To determine if the program is successful CAS has developed a set a measurements. The measurements focus on the capacity growth of the protégé firm. The measurable objectives are the following:

- Continuous improvement in the financial strength and bonding capacity of protégé firms;
 - Working capital
 - Depreciated value of equipment owned or leased
 - Payroll
 - Material expensed
 - Overhead expended
 - Net profit
 - Available credit
- Consistent success in meeting the objectives included in each protégé’s individual development and business plans; and
- High rate of successful transition out of the program
 - Program graduation
 - Contracts with other public or private entities
 - Contracts with contractors other than CAS mentor

Protégé’s progress and performance will be measured quarterly and annually. Meetings will be held quarterly with CAS staff, the mentor and protégé to discuss the progress and mentor protégé relationship. An annual report will be drafted to document protégé performance and program success.

PROGRAM GRADUATION

A firm graduates from the program once it has attained the goals and objectives outlined in the development plan. A formal graduation will be conducted at the end of the pairing. Many variables will affect the pace with which each pair realizes its goals. If a pair has not met all of the goals, an exit strategy will be established with CAS guidance.

49 CFR MENTOR-PROTÉGÉ GUIDELINES

26.35 What role do business development and mentor-protégé programs have in the DBE program?

(a) You may or, if an operating administration directs you to, you must establish a DBE business development program (BDP) to assist firms in gaining the ability to compete successfully in the marketplace outside the DBE program. You may require a DBE firm, as a condition of receiving

assistance through the BDP, to agree to terminate its participation in the DBE program after a certain time has passed or certain objectives have been reached. See Appendix C of this part for guidance on administering BDP programs.

(b) As part of a BDP or separately, you may establish a “mentor-protégé” program, in which another DBE or non-DBE firm is the principal source of business development assistance to a DBE firm.

- (1) Only firms you have certified as DBEs before they are proposed for participation in a mentor-protégé program are eligible to participate in the mentor-protégé program.
- (2) During the course of the mentor-protégé relationship, you must:
 - (i) Not award DBE credit to a non-DBE mentor firm for using its own protégé firm for more than one half of its goal on any contract let by the recipient; and
 - (ii) Not award DBE credit to a non-DBE mentor firm for using its own protégé firm for more than every other contract performed by the protégé firm.
- (3) For purposes of making determinations of business size under this part, you must not treat protégé firms as affiliates of mentor firms, when both firms are participating under an approved mentor-protégé program. See Appendix D of this part for guidance concerning the operation of mentor-protégé programs.
- (c) Your BDPs and mentor-protégé programs must be approved by the concerned operating administration before you implement them. Once approved, they become part of your DBE program.

Appendix D to Part 26—Mentor-Protégé Program Guidelines

(A) The purpose of this program element is to further the development of DBEs, including but not limited to assisting them to move into non-traditional areas of work and/or compete in the marketplace outside the DBE program, via the provision of training and assistance from other firms. To operate a mentor-protégé program, a recipient must obtain the approval of the concerned operating administration.

(B)(1) Any mentor-protégé relationship shall be based on a written development plan, approved by the recipient, which clearly sets forth the objectives of the parties and their respective roles, the duration of the arrangement and the services and resources to be provided by the mentor to the protégé. The formal mentor-protégé agreement may set a fee schedule to cover the direct and indirect cost for such services rendered by the mentor for specific training and assistance to the protégé through the life of the agreement. Services provided by the mentor may be reimbursable under the FTA, FHWA, and FAA programs.

(2) To be eligible for reimbursement, the mentor's services provided and associated costs must be directly attributable and properly allowable to specific individual contracts. The recipient may establish a line item for the mentor to quote the portion of the fee schedule expected to be provided during the life of the contract. The amount claimed shall be verified by the recipient and paid on an incremental basis representing the time the protégé is working on the contract. The total individual contract figures accumulated over the life of the agreement shall not exceed the amount stipulated in the original mentor/protégé agreement.

(C) DBEs involved in a mentor-protégé agreement must be independent business entities which meet the requirements for certification as defined in subpart D of this part. A protégé firm must be certified *before* it begins participation in a mentor-protégé arrangement. If the recipient chooses to recognize mentor/protégé agreements, it should establish formal general program guidelines. These guidelines must be submitted to the operating administration for approval prior to the recipient executing an individual contractor/ subcontractor mentor-protégé agreement.

Enclosure E

SMALL BUSINESS ENTERPRISE (SBE) PROGRAM

CLEVELAND AIRPORT SYSTEM DISADVANTAGED BUSINESS ENTERPRISE (DBE) SMALL BUSINESS ENTERPRISE (SBE) PARTICIPATION PLAN FEBRUARY 2012

A. Objective (49 CFR PART 26.39)

Recognizing that the DBE Program goals should be met through a mixture of race conscious and race neutral method and, that by definition, DBE firms are small businesses, the Cleveland Airport System (Airport) seeks to implement a small business elements into its current DBE policy in accordance with applicable law. The Airport is including this element to facilitate competition by and expand opportunities for small businesses. The Airport is committed to taking all reasonable steps to eliminate obstacles to small businesses that may preclude their participation in procurements as prime contractors or subcontractors. The Airport will meet its objectives using a combination of the following methods and strategies:

1. Set asides: Where feasible, the Airport will establish a percentage of the total value of all prime contract and subcontract awards to be set aside for participation by small businesses on FAA-assisted contracts. A "set-aside" is the reserving of a contract or a portion of a contract exclusively for participation by small businesses. This required that the Airport and its prime contractors/consultants set aside a portion of the value of each contract for participation by small businesses. A small businesses set-aside is open to all small businesses regardless of the owner's gender, race or geographic location.
2. Unbundling: The Airport, where feasible, may "unbundle" projects or separate large contract which may be suitable for small business participation. The Airport will conduct contract review on each FAA-assisted contract to determine whether portions of the project could be unbundled or bid separately. Similarly, the Airport will encourage its prime contractors or prime consultant to unbundle contract to facilitate participation by small businesses.

B. Definitions

1. Small Business: A small business is a business that is independently owned and operated, is organized for profit, and is not dominant in its field. Depending on the industry, size standard eligibility is based on the average number of employees for the preceding twelve (12) months or on sales volume averaged over a three-year (3-year) period. Small businesses must meet the definitions specified in Section 3 of the Small Business Act and the Small Business Administration regulations (13 CFR Part 121).
2. Disadvantaged Business: A for profit small business (as defined by the Small Business Administration) – that is at least 51 percent (51%) owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent (51%) of the stock is owned by one or more such individuals; whose socially and economically disadvantaged owners do not exceed the current PNW cap of **\$1.32 million**; whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own the firm; and has been certified with the State of Ohio Unified Certification Program (UCP) in accordance with 49 CFR Part 26.

C. Certification and Verification Procedures

Firms seeking certification with the Airport must not exceed fifty percent (50%) of the NAICS Code threshold established by the SBA for their specific industry. All firms whose gross receipts exceed fifty percent (50%) of its industry NAICS threshold will not be certified as an SBE with the Airport.

The Airport will accept the following certifications for evaluation and possible certification and participation in the small business element of the Airport's DBE Program with applicable stipulations:

1. City of Cleveland, Office of Equal Opportunity Cleveland Small Business Certification (CSB) **only**.
2. Cuyahoga County Small Business Enterprise Certification
3. US SBA (8) a Certification
4. Northeast Ohio Regional Sewer District Certification
5. Northern Ohio Supplier Diversity Council

*All firms certified with the entities listed above seeking Airport small business certification must submit the most recent three (3) years business tax returns, complete sections 1, 2, 3, 4 and the Affidavit of Certification of the Ohio UCP DBE application and submit proof of certification and areas of expertise with its Airport Small Business application.

**For purposes of the small business element of the Airport's DBE Program, small businesses which are also owned and controlled by socially disadvantaged individuals will be encouraged to seek DBE certification.

***Minority and women-owned business enterprises awarded contracts under the small business enterprise set-aside will be strongly encouraged to seek DBE certification in order to be counted towards race neutral DBE participation.

D. Registry

The Airport will maintain an Airport Small Business Registry for all firms it grants SBE certification. This registry is separate from the Ohio UCP DBE Directory and maintained solely by the Airport.

E. Contracts and Goals

1. The project manager (PM) and DBELO or the Small Business Officer (SBO) will review FAA-assisted purchases and contracts to assess the small business opportunities, giving consideration to the size and scope of each purchase or contract to establish the set aside percentage. **This set-aside is in addition to the DBE contract goals which may be required pursuant to the applicable law or policy.** All Airport FAA-assisted contracts will have a minimum of a ten percent (10%) Small Business Enterprise (SBE) set-aside goal. All FAA-assisted contracts will be reviewed individually to determine if the SBE 10% set-aside goal is appropriate. The goal may be increased or decreased based on size and scope of the purchase. If it is determined after consideration of size and scope that a SBE goal of zero percent (0%) or no goal is to be assigned to a contract, the PM and/or SBO will document why a small business set aside goal is inappropriate. FAA assisted purchases and contracts valued at \$1 million or less will be SBE set-aside contracts. We will request the successful SBE contractor utilize certified DBE firms as subcontractor on the project.

2. Unbundling: The Airport, where feasible, may “unbundle” projects or separate large contract which may be suitable for small business participation. The Airport will conduct contract review on each FAA-assisted contract to determine whether portions of the project could be unbundled or bid separately. Similarly, the Airport will encourage its prime contractors or prime consultant to unbundle contract to facilitate participation by small businesses.

F. Monitoring

All FAA-assisted contracts will be monitored monthly for small business participation.

G. Enforcement

1. A firm that does not meet the eligibility criteria of the Airport’s small business program and that attempts to participate in a FAA-assisted program as a small business enterprise on the basis of false, fraudulent, or deceitful statement or representations or under circumstances indicating a serious lack of business integrity or honesty, the Airport may withhold payment, initiate suspension or debarment proceedings against that firm and recommend to The Department of Justice additional actions.
2. The Airport may refer to the Department of Justice, for prosecution under 18 U.S.C. 1001 or other applicable provisions of law, any person who makes a false or fraudulent statement in connection with participation of a small business in any FAA-assisted program or otherwise violates applicable Federal statutes.

H. Implementation Schedule

The Airport will implement the small business element within six (6) months of the FAA’s approval of the Small Business Participation Plan.

I. Assurances

The Airport makes the following assurances:

1. The DBE Program, including its small business element is not prohibited by state law;
2. Certified DBEs that meet the size criteria established under the DBE Program are presumptively eligible to participate in the small business element of the DBE Program;
3. There are no geographic or local preferences or limitations imposed on FAA-assisted contracts and the DBE Program is open to small businesses regardless of their location;
4. There are no limits on the number of contracts awarded to firms participating in the DBE Program;
5. Reasonable effort will be made to avoid creating barriers to the use of new, emerging, or untried businesses; and
6. Aggressive steps will be taken to encourage those minority and women owned firms participating in the small business element of the DBE Program that are eligible for DBE certification to become certified

SBE Application for Verification Checklist

Please submit the following documents applicable to your company. You may be requested to submit other documentation as requested upon review by the Office of Compliance and Inclusion.

Please submit the following for review:		
A.	Completed UCP Application Sections as indicated below:	
1.	Section 1: CERTIFICATION INFORMATION	
2.	Section 2: GENERAL INFORMATION	
3.	Section 3: MAJORITY OWNER INFORMATION	
4.	Section 4: CONTROL	
5.	AFFIDAVIT OF CERTIFICATION	
B.	NAICS Codes with Documentation	
C.	Copy of a one of the Certification from Approved Entity listed below:	
1.	City of Cleveland, Office of Equal Opportunity Cleveland Small Business Certification (CSB) ONLY	
2.	Cuyahoga County Small Business Enterprise Certification	
3.	US SBA 8(a) Certification	
4.	Northeast Ohio Regional Sewer District Certification	
5.	Northern Ohio Supplier Diversity Council	
D.	Most recent last 3 years of Federal Business Tax Returns	
1.	Year:	
2.	Year:	
3.	Year:	

Enclosure F

DBE MONITORING AND ENFORCEMENT MECHANISMS

Cleveland Hopkins International Airport

Specifications: Volume 1 of 1

refuses to furnish the information, the Contractor will so certify to the sponsor or the Federal Aviation Administration, as appropriate, and will set forth what efforts it has made to obtain the information.

5. **Sanctions for Noncompliance:** In the event of a Contractor's noncompliance with the non-discrimination provisions of this contract, the sponsor will impose such contract sanctions as it or the Federal Aviation Administration may determine to be appropriate, including, but not limited to:
 - a. Withholding payments to the Contractor under the contract until the Contractor complies; and/or
 - b. Cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The Contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations, and directives issued pursuant thereto. The Contractor will take action with respect to any subcontract or procurement as the sponsor or the Federal Aviation Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the Contractor may request the sponsor to enter into any litigation to protect the interests of the sponsor. In addition, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.

TITLE VI LIST OF PERTINENT NONDISCRIMINATION ACTS AND AUTHORITIES

During the performance of this contract, the Contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "Contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

- Title VI of the Civil Rights Act of 1964 (42 USC § 2000d *et seq.*, 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin);
- 49 CFR part 21 (Non-discrimination in Federally-assisted programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964);
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 USC § 4601) (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Section 504 of the Rehabilitation Act of 1973 (29 USC § 794 *et seq.*), as amended (prohibits discrimination on the basis of disability); and 49 CFR part 27;
- The Age Discrimination Act of 1975, as amended (42 USC § 6101 *et seq.*) (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982 (49 USC § 471, Section 47123), as amended (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987 (PL 100-209) (broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs

or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);

- Titles II and III of the Americans with Disabilities Act of 1990, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 USC §§ 12131 – 12189) as implemented by U.S. Department of Transportation regulations at 49 CFR parts 37 and 38;
- The Federal Aviation Administration’s Nondiscrimination statute (49 USC § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 USC 1681 ~~et seq.~~).

CLEAN AIR AND WATER POLLUTION CONTROL

This provision is required if the Agreement and lower tier contracts exceed \$150,000.

Contractor agrees to comply with all applicable standards, orders, and regulations issued pursuant to the Clean Air Act (42 USC § 740-7671q) and the Federal Water Pollution Control Act as amended (33 USC § 1251-1387). The Contractor agrees to report any violation to the Owner immediately upon discovery. The Owner assumes responsibility for notifying the Environmental Protection Agency (EPA) and the Federal Aviation Administration.

Contractor must include this requirement in all subcontracts that exceeds \$150,000.

CONTRACT WORKHOURS AND SAFETY STANDARDS ACT REQUIREMENTS

This provision applies if the Agreement exceeds \$100,000 and employs laborers, mechanics, watchmen, and guards or involves installation of equipment onsite. This includes members of survey crews and exploratory drilling operations.

1. Overtime Requirements.

No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall require or permit any such laborer or mechanic, including watchmen and guards, in any workweek in which he or she is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of forty hours in such workweek.

2. Violation; Liability for Unpaid Wages; Liquidated Damages.

In the event of any violation of the clause set forth in paragraph (1) of this clause, the Contractor and any subcontractor responsible therefor shall be liable for the unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory), for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including watchmen and guards, employed in violation of the clause set forth in paragraph (1) of this clause, in the sum of \$10 for each calendar day on which such individual was required or permitted to work in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph (1) of this clause.

3. Withholding for Unpaid Wages and Liquidated Damages.

The Federal Aviation Administration (FAA) or the Owner shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld, from any moneys payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other federally assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph (2) of this clause.

4. Subcontractors.

The Contractor or subcontractor shall insert in any subcontracts the clauses set forth in paragraphs (1) through (4) and also a clause requiring the subcontractor to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with the clauses set forth in paragraphs (1) through (4) of this clause.

DISADVANTAGED BUSINESS ENTERPRISEInformation Submitted as a matter of bidder responsiveness:

The Owner's award of this contract is conditioned upon Bidder or Offeror satisfying the good faith effort requirements of 49 CFR §26.53.

As a condition of bid responsiveness, the Bidder or Offeror must submit the following information with its proposal on the forms provided herein:

- 1) The names and addresses of Disadvantaged Business Enterprise (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 listed under (1)
- 4) Written statement from Bidder or Offeror that attests their commitment to use the DBE firm(s) listed under (1) to meet the Owner's project goal; and

- 5) If Bidder or Offeror cannot meet the advertised project DBE goal, evidence of good faith efforts undertaken by the Bidder or Offeror as described in appendix A to 49 CFR part 26.

Information submitted as a matter of bidder responsibility:

The Owner's award of this contract is conditioned upon Bidder or Offeror satisfying the good faith effort requirements of 49 CFR §26.53.

The successful Bidder or Offeror must provide written confirmation of participation from each of the DBE firms the Bidder or Offeror lists in its commitment within five days after bid opening.

- 1) The names and addresses of Disadvantaged Business Enterprise (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 listed under (1)
- 4) Written statement from Bidder or Offeror that attests their commitment to use the DBE firm(s) listed under (1) to meet the Owner's project goal; and
- 5) If Bidder or Offeror cannot meet the advertised project DBE goal, evidence of good faith efforts undertaken by the Bidder or Offeror as described in appendix A to 49 CFR part 26.

SOLICITATION LANGUAGE (RACE/GENDER NEUTRAL MEANS)

The requirements of 49 CFR part 26 apply to this contract. It is the policy of the Department of Port Control to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. The Owner encourages participation by all firms qualifying under this solicitation regardless of business size or ownership.

DISADVANTAGED BUSINESS ENTERPRISES

Contract Assurance (§ 26.13) –

The Contractor 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 Department of Transportation-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 Owner deems appropriate, which may include, but is not limited to:

- 1) Withholding monthly progress payments;
- 2) Assessing sanctions;
- 3) Liquidated damages; and/or
- 4) Disqualifying the Contractor from future bidding as non-responsible.

Prompt Payment (§26.29) – The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 10 days from the receipt of each payment the prime contractor receives from the Department of Port Control. The prime contractor

agrees further to return retainage payments to each subcontractor within 10 days after the subcontractor's 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 Department of Port Control]. This clause applies to both DBE and non-DBE subcontractors. Failure to comply with these prompt payment requirements is a breach of the Contract, which may lead to any remedies permitted under law, including, but not limited to Contractor debarment.

EQUAL OPPORTUNITY CLAUSE

This provision applies if the Agreement includes either construction work or installation of equipment onsite.

During the performance of this contract, the Contractor agrees as follows:

- (1) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff, or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.
- (2) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive considerations for employment without regard to race, color, religion, sex, or national origin.
- (3) The Contractor will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the Contractor's commitments under this section and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- (4) The Contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.
- (5) The Contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- (6) In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or

Enclosure G

B-3 FORM - CERTIFIED (DBE/ACDBE) PARTICIPATION PLAN

ENCLOSURE B-3
CERTIFIED DISADVANTAGED BUSINESS ENTERPRISE/AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE (DBE/ACDBE) PARTICIPATION PLAN

Name of Prime Contractor			
Name of Project			
Project/Contract No		Total BASE Bid/Proposal Amount	

*****All firms must provide FEDERAL TAX ID NUMBER*** and must complete and sign a B-2 and B-4A form*******

Name of CERTIFIED DBE/ACDBE	Federal Tax ID (must provide)	Address	Contact Person	Scope of Work	Percent Participation	Dollar Value of Work
1.						
2.						
3.						
4.						
5.						
6.						
7.						

Total DBE/ACDBE Dollars (%)

The undersigned will enter into formal agreement with the certified DBEs/ACDBEs listed above for work in this schedule conditioned upon the award of a contract by the Cleveland Airport System.

Signature of Prime Contractor Representative	Email	Telephone	Fax	Date
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Enclosure H

B-6 FORM - NON-CERTIFIED CONTRACTORS/CONSULTANTS FORM

ENCLOSURE B-6 NON-CERTIFIED DISADVANTAGED BUSINESS ENTERPRISE/AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE (NON CERTIFIED DBE/ACDBE) AND SMALL BUSINESS ENTERPRISE (SBE) PARTICIPATION PLAN ****Bidders MUST make a Good Faith Effort to meet the established SBE Goal****

Name of Prime Contractor			
Name of Project			
Project/Contract No		Total BASE Bid/Proposal Amount	

*****All firms must provide FEDERAL TAX ID NUMBER*** and must complete and sign a B-4B form*******

SBE	YES NO	Name of CERTIFIED DBE/ACDBE	Federal Tax ID (must provide)	Address	Contact Person	Scope of Work	Percent Participation	Dollar Value of Work (Non-Certified DBE/ACDBE)	Dollar Value of Work (SBE)
		1.							
		2.							
		3.							
		4.							
		5.							
		6.							
Total NON CERTIFIED DBE/ACDBE Dollars (%)									

The undersigned will enter into formal agreement with the subcontractors listed above for work in this schedule conditioned upon the award of a contract by the Cleveland Airport System.

Signature of Prime Contractor Representative	Email	Telephone	Fax	Date
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Enclosure I

B-8 FORM - 2ND/3RD TIER SUBCONTRACTOR/SUB-CONSULTANT FORM FOR DBES

ENCLOSURE B-8

OTHER TIER SUBCONTRACTORS/CONSULTANTS FORM

THIS FORM IS TO PROVIDE A LISTING OF OTHER TIER (i.e. 2ND, 3RD, ETC.) SUB-CONTRACTORS AND SUBCONSULTANTS PERFORMING ON THE PROJECT. ALL SUBCONTRACTOR AGREEMENTS MUST BE PROVIDED PRIOR TO RECEIVING A DBE/ACDBE NTP (NOTICE TO PROCEED). DELAY IN RECEIPT OF THIS INFORMATION CAN DIRECTLY IMPACT PROJECT SCHEDULE.

DEFINITION

OTHER TIER (i.e. 2ND, 3RD, etc.) SUB-CONTRACTORS/CONSULTANTS ARE CONTRACTORS THAT CONTRACT DIRECTLY WITH THE 1ST TIER SUBCONTRACTOR/CONSULTANTS OR ABOVE A DESIGNATED TIER SUBCONTRACTOR/CONSULTANT. Example: 2nd tier to 1st Tier; 3rd Tier to 1st Tier; 3rd Tier to 2nd Tier...

Name of Prime Contractor			
Name of Project		Total BASE Bid/Proposal Amount	

*****All firms must provide FEDERAL TAX ID NUMBER*** and must complete and sign B-2, B-4A and or B-4-B form*******

2 nd /3 rd /etc. Tier subcontractor/consultant	Agreement with 1 st Tier Subcontractor/consultant	Identify the Tier (i.e. 2 nd /3 rd /etc.)	Certified DBE/ACDBE (YES / NO)	Federal Tax ID	Address	Contact Person	Scope of Work	Dollar Value of Work
1.								
2.								
3.								
4.								
5.								
6.								
7.								
Total Tier Dollars								

The undersigned will enter into formal agreement with the subcontractors listed above for work in this schedule conditioned upon the award of a contract by the Cleveland Airport System.

Signature of Prime Contractor Representative	Email	Telephone	Fax	Date

Enclosure J

B2G MONTHLY PAYMENT COMPLIANCE REPORT

- F. In the event a contract is awarded as a result of this procurement, the DBE/ACDBE/SBE Participation Plan submitted by the successful Proposer/Bidder/Qualifier and the terms, conditions and requirements contained in this notice shall become an integral part of the contract, binding said Proposer/Bidder/Qualifier to full and faithful performance in accordance with said plan.
- G. Any award resulting from the procurement shall be and is conditioned upon the attainment of the aforesaid goals or the satisfactory showing of good faith efforts to attain said goals.
- H. All successful Proposers/Bidders/Qualifiers must submit all the required documents to project managers prior to OCI final written approval to proceed (i.e. fully executed contract, that includes Purchase Order, Certification Request, Signature page of the contract between successful Proposers/Bidders/Qualifiers with the City of Cleveland, City Ordinance, Board Control Resolution (*all proposed DBEs/ACDBEs/SBEs, Non-Certified DBEs/ACDBEs/SBEs should be listed*), all Subcontract/consultant Agreements, Post Project Summary and Project Contract Summary). Affirmative Action and/or EEO-1 forms are to be submitted to OCI bi-annually.
- I. During the performance of any resulting contract and for a period of up to three (3) years following completion of the contract work, the Airport may initiate reviews for compliance with the requirements of the Airport's DBE/ACDBE/SBE Program and the successful Proposer's/Bidder's/Qualifier's (hereafter "*Contractor*") DBE/ACDBE/SBE Participation Plan. Such reviews will require the submissions of payments or revenue reports using **B2GNow Certification and Compliance Reporting System**, which can be access at <https://cleveland.diversitycompliance.com/Default.asp> and supporting documents (i.e. invoices and cancelled checks) uploaded into the system. Such reviews also require review of monthly statements, desk audits and on-site reviews. Provisions of the Davis Bacon Prevailing Wages and weekly submissions of Certified Payroll Registers (CPR) shall follow the guidelines and requirements of 29 CFR Parts 1,3,5,6,7; United States Code: 40 3241-3144, 3146-36148, Copeland "Anti-Kickback" Act and The Contract Work Hours and Safety Standard Act.

Where a Contractor is found by the Airport to have failed to comply with the requirements of the DBE/ACDBE Program and the SBE Element or the DBE/ACDBE/SBE Participation Plan, the Contractor will be required to take corrective action. If corrective action is not promptly taken by the offending Contractor, the following sanctions may be imposed (singly, in any combination and in addition to any other remedies provided by law or equity):

1. The Airport may withhold and all further payment under the contract.
2. The Contractor may be ordered to stop work.
3. The contract may be terminated for breach.
4. Suspension or debarment proceedings may be commenced in accordance with 49 CFR Part 29.
5. The Director of Purchasing and Supplies may find the defaulting contractor non-responsible in respect to other solicitations for a stated period of time.
6. The relevant performance bond(s) may be enforced.

7. The contract payments may be reduced by an amount equal to that designated in the DBE/ACDBE/SBE plan for DBE/ACDBE/SBE participation.

Reviews for non-federally funded projects (i.e. construction project, professional services projects, requirement projects) will require the submissions of payments or revenue reports using **B2GNow Certification and Compliance Reporting System**, which can be access at <https://cleveland.diversitycompliance.com/Default.asp> and supporting documents (i.e. invoices and cancelled checks) uploaded into the system. Prevailing wages and submissions of weekly Certified Payroll Registers (CPR) to OPICC or the LCPTracker shall follow the guidelines and requirements of the Federal Davis Bacon and Related Acts and the Ohio Revised Code 4115 accordingly.

- J. Upon completion of the project (or portion of the project for partial releases of retainage) or completion of any subcontractor/sub-consultant/sub-concessionaire portion of the project, and upon receipt of all required documentation (including Lien Waivers) and deliverables, the Airport will approve release of retainage of portions thereof directly to the Contractor/Consultant. The Contractor/Consultant shall release retainage due to each subcontractor or material supplier within ten (10) days following Owner's payment to the Contractor/Consultant for work completed or material supplied.
- K. Agreements between a supplier/contractor and DBE/ACDBE/SBE in which the latter promises not to provide subcontracting quotations to other supplier/contractors are prohibited.
- L. The Contractor will keep records and documents for three (3) years following performance of this contract to indicate compliance with this notice. Such records and, or copies thereof, will be made available at reasonable times and places for inspection by any authorized representative of the Airport and will be submitted to Airport upon request with any other compliance information which such representative may require.
- M. If at any time the Department of Transportation or the Airport has reason to believe that any person or firm has willfully or knowingly provided incorrect information or made a false statement, it may refer the matter to the General Counsel of the Department of Transportation. They may initiate debarment proceedings in accordance with 41 CFR 1-1.604 and 12-1.602 and/or refer the matter to the Department of Justice under 18 U.S.C. 1001, as they deem appropriate.
- N. Proposers and Contractors agree to be bound by all the requirements, terms and conditions of this notice.
- O. Nothing in this shall be interpreted to diminish the present contract compliance review.

Enclosure K

METHODOLOGY TO CALCULATE THE OVERALL GOAL

The Cleveland Airport System
Disadvantaged Business Enterprise (DBE)
Overall Goal Calculation and Methodology
FFY 2020 – 2022

The City of Cleveland, Department of Port Control – Cleveland Airport System (CLE) Overall DBE Goal for FFY 2020 – 2022 is 15.75%. 13.87% of the overall goal is race-conscious and 1.88% is race-neutral.

The City of Cleveland, Department of Port Control anticipates it will let approximately \$54,502,500.00 in USDOT funds during FFY 2020 – 2022.

The City of Cleveland, Department of Port Control, Airport Capital Improvement Program (ACIP) 2020 – 2022:
(source of the projects is the 2019 – 2020 ACIP)

Description	FFY	Entitlement	Discretionary	Total
North Airfield – Phase VI	2020		\$14,250,000.00	\$14,250,000.00
CLE Environmental Assessment	2020		\$750,000.00	\$750,000.00
Runway 6R/24L Reconstruction Phase I (Design)	2021		\$5,302,500.00	\$5,302,500.00
Runway 6R/24L Reconstruction Phase I I	2022	\$2,000,000.00	\$30,400,000.00	\$32,400,000.00
Master Plan Update/Exhibit A	2020	\$900,000.00	\$0	\$900,000.00
Snow Removal Equipment	2021	\$900,000.00	\$0	\$900,000.00
				\$54,502,500.00

Step 1 – Methodology

The method used to calculate the relative availability was gathered from the certified ready willing and able DBE, small and minority firms available to perform a commercially useful function on federally assisted projects let by CLE. The total number of all ready, willing and able businesses available in the local market area was gathered through the Census Data (CLE Catchment Area), Ohio Unified Certification Program (UCP) database and the City of Cleveland Small Business Enterprise database. The NAICS Codes for the following areas were utilized based on the scope of work for the of the anticipated AIP funded contracts for FFY 2020 – 2022:

Highway and Street and Bridge Construction – 237310
All Other Professional, Scientific, and Technical Services – 541990
Poured Concrete Foundation and Structure Contractors – 238120
Site Preparation Contractors – 238910

Power Communication Line and Related Structures – 237130
 Landscaping – 561730
 Electrical Contractors and Other Wiring Installation – 238210
 Document Preparation Services – 561410
 Trucking Services – 484110/484121
 Surveying Services – 541360
 Flagging Services – 561990
 Ready Mix Concrete – 327320
 Solid Waste Collection – 562111
 Other Waste Collection – 562119
 Hazardous Waste Collection – 562112
 Fencing – 423310

Total Ready, Willing and Able DBEs
 ----- = Base Goal
 Total ALL Ready Willing and Able Firms

991
 ----- = 9.79%
 10,120

The availability is determined to be 9.79%. This percentage was determined by dividing the number of ready, willing and able DBE firms by the number of ALL ready, willing and able firms.

Step 2 – Adjustment

In determining the adjustment to the base figure, the Airport has utilized an adjustment factor based on past participation. The percentage of past participation is the median of participation from FFY 2014-2018. To arrive at the overall goal, steps 1 and step 2 are added and then averaged. The detailed steps to the goal determination are as follows:

Step 1: Calculation of the Median Amount of Prior DBE % Participation

Prior Years DBE % Participation

FFY 2014	38.74%
FFY 2015	17.20%
FFY 2016	22.80%
FFY 2017	21.72%
FFY 2018	11.09%

To obtain the median, the numbers are arranged from low to high. The middle number is the median.

FFY 2018	11.09%
FFY 2015	17.20%
FFY 2016	21.72%
FFY 2017	22.80%
FFY 2014	38.74%

Enclosure L

BREAKOUT OF ESTIMATED RACE-NEUTRAL AND RACE-CONSCIOUS PARTICIPATION

The median is	21.72%
Step 1 =	9.79%
Step 2 =	21.72%
9.79% + 21.72% =	31.51%
31.51%/2% =	15.75%

RACE-CONSCIOUS/RACE-NEUTRAL BREAKDOWN

The Airport's overall goal will be achieved through a combination of race conscious and race-neutral participation. Race-conscious participation is the measure or program that is focused specifically on assisting only DBEs, including women-owned DBEs. Race-neutral participation is the measure or program that is, or can be used to assist all small businesses (race and gender-neutral).

To continue to increase race-neutral participation the Airport intends to increase its outreach efforts. The steps to this determination of the race-neutral participation are the following:

Step 1: Prior Year Race-Neutral Participation

FFY 2014-2018

FFY 2014 =	1.16%
FFY 2015 =	3.57%
FFY 2016 =	1.78%
FFY 2017 =	0.00%
FFY 2018 =	2.88%

The Airport added all of the previous years of past race-neutral participation and divided by the total number of years to determine the mean past race-neutral participation. This number will be used to determine the current race-neutral participation goal. The steps to this determination are as follows:

Step 2: Calculation of % of Past Race-Neutral DBE Participation

1.16% + 3.57% + 1.78% + 0% + 2.88% =	9.39%
9.39%/5 =	1.88%

Due to Cleveland Airport System's aggressive outreach program the Airport is setting a 1.88% race-neutral goal for the period.

Step 3: Calculation of Race-Conscious Participation

15.75% - 1.88% =	13.87%
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The Airport will continue its efforts to increase race-neutral participation on its federally-funded and eligible contracts. This will be achieved through continuous community outreach events with the DBE community.

The Airport will publicly announce its overall goal on Monday, September 30, 2019. The Airport will publish its overall goal and will make the goal available for public review for 30 days. The Airport has met with many minority groups and disadvantaged business owners to discuss the issues that the minority/disadvantaged business communities encounter in the market and to discuss the availability of firms to perform on Airport projects. Specifically the Airport has met with:

1. Cleveland Regional Transit Authority Office of Business Development
2. North East Ohio Sewer District – Office of Diversity and Inclusion
3. City of Cleveland Office of Economic Opportunity
4. Council of Small Business Enterprises
5. Airport Minority Advisory Council
6. Gay, Lesbian, Transgender and Bi-sexual Chamber of Commerce (PLEXUS)
7. Various certified DBE and ACDBE firms and prime contractors
8. Greater Cleveland Partnership, Office of Economic Inclusion
9. JumpStart
10. Economic Community Development Institute

As stated above, the Airport has developed an aggressive outreach initiative in efforts to increase its race-neutral participation. Annually, the Airport hosts and participated in events focused on increasing contracting opportunities within the small business community. The annual average attendance to these events is 100-500 firms. The Airport has a set outreach event sponsorship, participation and partnership goal of 12 events annually. Since 2012 the Airport annually sponsors, participates or partners with like agencies in more than 50 events focused on the small and disadvantaged business community.

Enclosure M

UNIFORM CERTIFICATION APPLICATION FORM AND DOCUMENTATION REQUIREMENTS



OMB APPROVAL NO:
2105-0510
Expiration Date: 10/31/2021

Appendix F

UNIFORM CERTIFICATION APPLICATION **DISADVANTAGED BUSINESS ENTERPRISE (DBE) /** **AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE (ACDBE)** **49 C.F.R. Parts 23 and 26**

Roadmap for Applicants

1. Should I apply?

You may be eligible to participate in the DBE/ACDBE program if:

- The firm is a for-profit business that performs or seeks to perform transportation related work (or a concession activity) for a recipient of Federal Transit Administration, Federal Highway Administration, or Federal Aviation Administration funds.
- The firm is at least 51% owned by a socially and economically disadvantaged individual(s) who also controls it.
- The firm's disadvantaged owners are U.S. citizens or lawfully admitted permanent residents of the U.S.
- The firm meets the Small Business Administration's size standard and DBE/ACDBE size standards—
<https://www.transportation.gov/DBEsizestandards>

2. How do I apply?

First time applicants for DBE certification must complete and submit this certification application and related material to the certifying agency in your home state and participate in an on-site interview conducted by that agency. The attached document checklist can help you locate the items you need to submit to the agency with your completed application. If you fail to submit the required documents, your application may be delayed and/or denied. Firms already certified as a DBE do not have to complete this form, but may be asked by certifying agencies outside of your home state to provide a copy of your initial application form, supporting documents, and any other information you submitted to your home state to obtain certification or to any other state related to your certification.

3. Where can I send my application? Follow the application instructions at www.ohioucp.org

4. Who will contact me about my application and what are the eligibility standards? A transportation agency in your state that performs certification functions will contact you. The agency is a member of a statewide Unified Certification Program (UCP), which is required by the U.S. Department of Transportation. The UCP is a one-stop certification program that eliminates the need for your firm to obtain certification from multiple certifying agencies within your state. The UCP is responsible for certifying firms and maintaining a database of certified DBEs and ACDBEs, pursuant to the eligibility standards found in 49 C.F.R. Parts 23 and 26.

5. Where can I find more information?

U.S. DOT—<https://www.transportation.gov/civil-rights> (This site provides useful links to the rules and regulations governing the DBE/ACDBE program, questions and answers, and other pertinent information)

SBA—Small Business Size Standards matched to the North American Industry Classification System (NAICS):
<http://www.census.gov/eos/www/naics/> and <http://www.sba.gov/content/table-small-business-size-standards>

In collecting the information requested by this form, the Department of Transportation (Department) complies with the provisions of the Federal Freedom of Information and Privacy Acts (5 U.S.C. 552 and 552a). The Privacy Act provides comprehensive protections for your personal information. This includes how information is collected, used, disclosed, stored, and discarded. Your information will not be disclosed to third parties without your consent. The information collected will be used solely to determine your firm's eligibility to participate in the Department's Disadvantaged Business Enterprise Program as defined in 49 C.F.R. §26.5 and the Airport Concession Disadvantaged Business Enterprise Program as defined in 49 C.F.R. §23.3. You may review DOT's complete Privacy Act Statement in the Federal Register published on April 11, 2000 (65 FR 19477).

Under 49 C.F.R. §26.107, dated February 2, 1999 and January 28, 2011, if at any time, the Department or a recipient has reason to believe that any person or firm has willfully and knowingly provided incorrect information or made false statements, the Department may initiate suspension or debarment proceedings against the person or firm under 2 C.F.R. Parts 180 and 1200, No procurement Suspension and Department, take enforcement action under 49 C.F.R. Part 31, Program Fraud and Civil Remedies, and/or refer the matter to the Department of Justice for criminal prosecution under 18 U.S.C. 1001, which prohibits false statements in Federal programs.



INSTRUCTIONS FOR COMPLETING THE DISADVANTAGED BUSINESS ENTERPRISE (DBE) AIRPORT CONCESSIONS DISADVANTAGED BUSINESS ENTERPRISE (ACDBE) UNIFORM CERTIFICATION APPLICATION

NOTE: All participating firms must be for-profit enterprises. If your firm is not for profit, then you do NOT qualify for the DBE/ACDBE program and should not complete this application. If you require additional space for any question in this application, please attach additional sheets or copies as needed, taking care to indicate on each attached sheet/copy the section and number of this application to which it refers.

Section 1: CERTIFICATION INFORMATION

A. Basic Contact Information

- (1) Enter the contact name and title of the person completing this application and the person who will serve as your firm's contact for this application.
- (2) Enter the legal name of your firm, as indicated in your firm's Articles of Incorporation or charter.
- (3) Enter the primary phone number of your firm.
- (4) Enter a secondary phone number, if any.
- (5) Enter your firm's fax number, if any.
- (6) Enter the contact person's email address.
- (7) Enter your firm's website addresses, if any.
- (8) Enter the street address of the firm where its offices are physically located (not a P.O. Box).
- (9) Enter the mailing address of your firm, if it is different from your firm's street address.

B. Prior/Other Certifications and Applications

- (10) Check the appropriate box indicating whether your firm is currently certified in the DBE/ACDBE programs, and provide the name of the certifying agency that certified your firm. List the dates of any site visits conducted by your home state and any other states or UCP members. Also provide the names of state/UCP members that conducted the review.
- (11) Indicate whether your firm or any firms owned by the persons listed has ever been denied certification as a DBE/ACDBE, 8(a), or Small Disadvantaged Business (SDB) firm, or state and local MBE/WBE firm. Indicate if the firm has ever been decertified from one of these programs. Indicate if the application was withdrawn or whether the firm was debarred, suspended, or otherwise had its bidding privileges denied or restricted by any state or local agency, or Federal entity. If your answer is yes, identify the name of the agency, and explain fully the nature of the action in the space provided. Indicate if you have ever appealed this decision to the Department and if so, attach a copy of USDOT's final agency decision(s).

Section 2: GENERAL INFORMATION

A. Business profile:

- (1) Give a concise description of the firm's primary activities, the product(s) or services the company provides, or type of construction. If your company offers more than one product/service, list primary product or service first (attach additional sheets if necessary). This description may be used in our UCP online directory if you are certified as a DBE.

- (2) If you know the appropriate NAICS Code for the line(s) of work you identified in your business profile, enter the codes in the space provided.
- (3) State the date on which your firm was established as stated in your firm's Articles of Incorporation or charter.
- (4) State the date each person became a firm owner.
- (5) Check the appropriate box describing the manner in which you and each other owner acquired ownership of your firm. If you checked "Other," explain in the space provided.
- (6) Check the appropriate box that indicates whether your firm is "for profit." **If you checked "No," then you do NOT qualify for the DBE/ACDBE program** and should not complete this application. All participating firms must be for-profit enterprises. Provide the Federal Tax ID number as stated on your firm's Federal tax return.
- (7) Check the appropriate box that describes the type of legal business structure of your firm, as indicated in your firm's Articles of Incorporation or similar document. If you checked "Other," briefly explain in the space provided.
- (8) Indicate in the spaces provided how many employees your firm has, specifying the number of employees who work on a full-time, part-time, and seasonal basis. Attach a list of employees, their job titles, and dates of employment, to your application.
- (9) Specify the firm's gross receipts for each of the past three years, as stated in your firm's filed Federal tax returns. You must submit complete copies of the firm's Federal tax returns for each year. If there are any affiliates or subsidiaries of the applicant firm or owners, you must provide these firms' gross receipts and submit complete copies of these firm(s) Federal tax returns. Affiliation is defined in 49 C.F.R. §26.5 and 13 C.F.R. Part 121.

B. Relationships and Dealings with Other Businesses

- (1) Check the appropriate box that indicates whether your firm is co-located at any of its business locations, or whether your firm shares a telephone number(s), a post office box, any office space, a yard, warehouse, other facilities, any equipment, financing, or any office staff and/or employees with any other business, organization or entity of any kind. If you answered "Yes," then specify the name of the other firm(s) and fully explain the nature of your relationship with these other businesses by identifying the business or person with whom you have any formal, informal, written, or oral



agreement. Provide an explanation of any items shared with other firms in the space provided.

- (2) Check the appropriate box indicating whether any other firm currently has or had an ownership interest in your firm at present or at any time in the past. If you checked yes, please explain.
- (3) Check the appropriate box that indicates whether at present or at any time in the past your firm:
 - (a) ever existed under different ownership, a different type of ownership, or a different name;
 - (b) existed as a subsidiary of any other firm;
 - (c) existed as a partnership in which one or more of the partners are/were other firms;
 - (d) owned any percentage of any other firm; and
 - (e) had any subsidiaries of its own.
 - (f) served as a subcontractor with another firm constituting more than 25% of your firm's receipts.

If you answered "Yes" to any of the questions in (3)(a-f), you may be asked to explain the arrangement in detail.

Section 3: MAJORITY OWNER INFORMATION

Identify all individuals or holding companies with any ownership interest in your firm, providing the information requested below (if your firm has more than one owner, provide completed copies of this section for each owner):

A. Identify the majority owner of the firm holding 51% or more ownership interest

- (1) Enter the full name of the owner.
- (2) Enter his/her title or position within your firm.
- (3) Give his/her home phone number.
- (4) Enter his/her home (street) address.
- (5) Indicate this owner's gender.
- (6) Identify the owner's ethnic group membership. If you checked "Other," specify this owner's ethnic group/identity not otherwise listed.
- (7) Check the appropriate box to indicate whether this owner is a U.S. citizen or a lawfully admitted permanent resident. If this owner is neither a U.S. citizen nor a lawfully admitted permanent resident of the U.S., then this owner is NOT eligible for certification as a DBE owner.
- (8) Enter the number of years during which this owner has been an owner of your firm.
- (9) Indicate the percentage of the total ownership this person holds and the date acquired, including (if appropriate), the class of stock owned.
- (10) Indicate the dollar value of this owner's initial investment to acquire an ownership interest in your firm, broken down by cash, real estate, equipment, and/or other investment. Describe how you acquired your business and attach documentation substantiating this investment.

B. Additional Owner Information

- (1) Describe the familial relationship of this owner to each other owner of your firm and employees.
- (2) Indicate whether this owner performs a management or supervisory function for any other business. If you checked "Yes," state the name of the other business and this owner's function/title held in that business.

- (3) (a) Check the appropriate box that indicates whether this owner owns or works for any other firm(s) that has any relationship with your firm. If you checked "Yes," identify the name of the other business, the nature of the business relationship, and the owner's function at the firm.
 - (b) If the owner works for any other firm, non-profit organization, or is engaged in any other activity more than 10 hours per week, please identify this activity.
- (4) (a) Provide the personal net worth of the owner applying for certification in the space provided. Complete and attach the accompanying "Personal Net Worth Statement for DBE/ACDBE Program Eligibility" with your application. Note, complete this section and accompanying statement only for each owner applying for DBE qualification (i.e., for each owner claiming to be socially and economically disadvantaged).
- (b) Check the appropriate box that indicates whether any trust has been created for the benefit of the disadvantaged owner(s). If you answered "Yes," you may be asked to provide a copy of the trust instrument.
- (5) Check the appropriate box to indicate whether any of your immediate family members, managers, or employees, own, manage, or are associated with another company. Immediate family member is defined in 49 C.F.R. §26.5. If you answered "Yes," provide the name of each person, your relationship to them, the name of the company, the type of business, and whether they own or manage the company.

Section 4: CONTROL

A. Identify the firm's Officers and Board of Directors

- (1) In the space provided, state the name, title, date of appointment, ethnicity, and gender of each officer.
- (2) In the space provided, state the name, title, date of appointment, ethnicity, and gender of each individual serving on your firm's Board of Directors.
- (3) Check the appropriate box to indicate whether any of your firm's officers and/or directors listed above performs a management or supervisory function for any other business. If you answered "Yes," identify each person by name, his/her title, the name of the other business in which s/he is involved, and his/her function performed in that other business.
- (4) Check the appropriate box that indicates whether any of your firm's officers and/or directors listed above own or work for any other firm(s) that has a relationship with your firm. (e.g., ownership interest, shared office space, financial investments, equipment leases, personnel sharing, etc.) If you answered "Yes," identify the name of the firm, the individual's name, and the nature of his/her business relationship with that other firm.

B. Duties of Owners, Officers, Directors, Managers and Key Personnel

- (1), (2) Specify the roles of the majority and minority owners, directors, officers, and managers, and key personnel who are responsible for the functions listed for the firm. Submit résumés for each owner and non-owner identified below. State the name of the individual, title, race



and gender and percentage ownership if any. Circle the frequency of each person's involvement as follows: "always, frequently, seldom, or never" in each area.

Indicate whether any of the persons listed in this section perform a management or supervisory function for any other business. Identify the person, business, and their title/function. Identify if any of the persons listed above own or work for any other firm(s) that has a relationship with this firm (e.g. ownership interest, shared office space, financial investment, equipment, leases, personnel sharing, etc.) If you answered "Yes," describe the nature of his/her business relationship with that other firm.

C. Inventory: Indicate firm inventory in these categories:

(1) Equipment and Vehicles

State the make and model, and current dollar value of each piece of equipment and motor vehicle held and/or used by your firm. Indicate whether each piece is either owned or leased by your firm or owner, whether it is used as collateral, and where this item is stored.

(2) Office Space

State the street address of each office space held and/or used by your firm. Indicate whether your firm or owner owns or leases the office space and the current dollar value of that property or its lease.

(3) Storage Space

State the street address of each storage space held and/or used by your firm. Indicate whether your firm or owner owns or leases the storage space and the current dollar value of that property or its lease. Provide a signed lease agreement for each property.

D. Does your firm rely on any other firm for management functions or employee payroll?

Check the appropriate box that indicates whether your firm relies on any other firm for management functions or for employee payroll. If you answered "Yes," you may be asked to explain the nature of that reliance and the extent to which the other firm carries out such functions.

E. Financial / Banking Information

State the name, City and State of your firm's bank. Identify the persons able to sign checks on this account. Provide bank authorization and signature cards.

Bonding Information. State your firm's bonding limits both aggregate and project limits.

F. Sources, amounts, and purposes of money loaned to your firm, including the names of persons or firms guaranteeing the loan.

State the name and address of each source, the name of person securing the loan, original dollar amount and the current balance of each loan, and the purpose for which each

loan was made to your firm. Provide copies of signed loan agreements and security agreements

G. Contributions or transfers of assets to/from your firm and to/from any of its owners or another individual over the past two years:

Indicate in the spaces provided, the type of contribution or asset that was transferred, its current dollar value, the person or firm from whom it was transferred, the person or firm to whom it was transferred, the relationship between the two persons and/or firms, and the date of the transfer.

H. Current licenses/permits held by any owner or employee of your firm.

List the name of each person in your firm who holds a professional license or permit, the type of permit or license, the expiration date of the permit or license, and issuing State of the license or permit. Attach copies of licenses, license renewal forms, permits, and haul authority forms.

I. Largest contracts completed by your firm in the past three years, if any.

List the name of each owner or contractor for each contract, the name and location of the projects under each contract, the type of work performed on each contract, and the dollar value of each contract.

J. Largest active jobs on which your firm is currently working.

For each active job listed, state the name of the prime contractor and the project number, the location, the type of work performed, the project start date, the anticipated completion date, and the dollar value of the contract.

Section 5: AIRPORT CONCESSION (ACDBE) APPLICANTS

Complete the entries in this section if you are applying for ACDBE certification. Indicate in Section A if you operate a concession at the airport, and/or supply a good or service to an airport concessionaire. Indicate in Section B whether the applicant firm owns or operates any off-airport locations, providing the type of business, lease information, address/location, and annual gross receipts generated. Provide similar information in section C for any airport concession locations the firm currently owns or operates. If the applicant firm has any affiliates, provide the requested information in Section D. Indicate whether the ACDBE firm is participating in any joint ventures, and if so, include the original and any amended joint venture agreements.

AFFIDAVIT & SIGNATURE

The Affidavit of Certification must accompany your application. Carefully read the attached affidavit in its entirety. Fill in the required information for each blank space, and sign and date the affidavit in the presence of a Notary Public, who must then notarize the form.



Section 1: CERTIFICATION INFORMATION

A. Basic Contact Information

I am applying for certification as ☐ DBE ☐ ACDBE

(1) Contact person and Title: _____ (2) Legal name of firm: _____

(3) Phone #: (____) _____ - _____ (4) Other Phone #: (____) _____ - _____ (5) Fax #: (____) _____ - _____

(6) E-mail: _____ (7) Firm Websites: _____

(8) Street address of firm (No P.O. Box): _____ City: _____ County/Parish: _____ State: _____ Zip: _____

(9) Mailing address of firm (if different): _____ City: _____ County/Parish: _____ State: _____ Zip: _____

B. Prior/Other Certifications and Applications

(10) Is your firm currently certified for any of the following U.S. DOT programs?

☐ DBE ☐ ACDBE Names of certifying agencies: _____

⊗ If you are certified in your home state as a DBE/ACDBE, you do not have to complete this application for other states. Ask your state UCP about the interstate certification process.

List the dates of any site visits conducted by your home state and any other states or UCP members:

Date ____/____/____ State/UCP Member: _____ Date ____/____/____ State/UCP Member: _____

(11) Indicate whether the firm or any persons listed in this application have ever been:

- (a) Denied certification or decertified as a DBE, ACDBE, 8(a), SDB, MBE/WBE firm? ☐ Yes ☐ No
- (b) Withdrawn an application for these programs, or debarred or suspended or otherwise had bidding privileges denied or restricted by any state or local agency, or Federal entity? ☐ Yes ☐ No

If yes, explain the nature of the action. (If you appealed the decision to DOT or another agency, attach a copy of the decision, _____)

Section 2: GENERAL INFORMATION

A. Business Profile: (1) Give a concise description of the firm's primary activities and the product(s) or service(s) it provides. If your company offers more than one product/service, list the primary product or service first. Please use additional paper if necessary. This description may be used in our database and the UCP online directory if you are certified as a DBE or ACDBE.

(2) Applicable NAICS Codes for this line of work include: _____

(3) This firm was established on ____/____/____ (4) I/We have owned this firm since: ____/____/____



(5) Method of acquisition (Check all that apply):

- ☐ Started new business
 ☐ Bought existing business
 ☐ Inherited business
 ☐ Gifted
☐ Merger or consolidation
 ☐ Other (explain) _____

(6) Is your firm "for profit"? ☐ Yes
 Federal Tax ID# _____

No → STOP! If your firm is NOT for-profit, then you do NOT qualify for this program and should not fill out this application.

(7) Type of Legal Business Structure: (check all that apply):

- ☐ Sole Proprietorship
☐ Limited Liability Partnership
☐ Partnership ☐ Corporation
☐ Limited Liability Company ☐ Other, Describe _____

(8) Number of employees: Full-time _____ Part-time _____ Seasonal _____ Total _____
 (Provide a list of employees, their job titles, and dates of employment, to your application).

(9) Specify the firm's gross receipts for the last 3 years. (Submit complete copies of the firm's Federal tax returns for each year. If there are affiliates or subsidiaries of the applicant firm or owners, you must submit complete copies of these firms' Federal tax returns).

Year _____	Gross Receipts of Applicant Firm \$ _____	Gross Receipts of Affiliate Firms \$ _____
Year _____	Gross Receipts of Applicant Firm \$ _____	Gross Receipts of Affiliate Firms \$ _____
Year _____	Gross Receipts of Applicant Firm \$ _____	Gross Receipts of Affiliate Firms \$ _____

B. Relationships and Dealings with Other Businesses

(1) Is your firm co-located at any of its business locations, or does it share a telephone number, P.O. Box, office or storage space, yard, warehouse, facilities, equipment, inventory, financing, office staff, and/or employees with any other business, organization, or entity? ☐ Yes ☐ No

If Yes, explain the nature of your relationship with these other businesses by identifying the business or person with whom you have any formal, informal, written, or oral agreement. Also detail the items shared

(2) Has any other firm had an ownership interest in your firm at present or at any time in the past?

☐ Yes ☐ No If Yes, explain _____

(3) At present, or at any time in the past, has your firm:

- (a) Ever existed under different ownership, a different type of ownership, or a different name? ☐ Yes ☐ No
 (b) Existed as a subsidiary of any other firm? ☐ Yes ☐ No
 (c) Existed as a partnership in which one or more of the partners are/were other firms? ☐ Yes ☐ No
 (d) Owned any percentage of any other firm? ☐ Yes ☐ No
 (e) Had any subsidiaries? ☐ Yes ☐ No
 (f) Served as a subcontractor with another firm constituting more than 25% of your firm's receipts? ☐ Yes ☐ No
 (If you answered "Yes" to any of the questions in (2) and/or (3)(a)-(f), you may be asked to provide further details and explain whether the arrangement continues).



Section 3: MAJORITY OWNER INFORMATION

A. Identify the majority owner of the firm holding 51% or more ownership interest.

(1) Full Name: _____ (2) Title: _____ (3) Home Phone #: _____
 () _____ - _____
 (4) Home Address (Street and Number): _____ City: _____ State: _____ Zip: _____
 _____ - _____

(5) Gender: ☐ Male ☐ Female

(6) Ethnic group membership (Check all that apply):

- ☐ Black
☐ Hispanic
☐ Asian Pacific
☐ Native American
☐ Subcontinent Asian
☐ Other (specify) _____

(7) U.S. Citizenship: ☐ U.S. Citizen
☐ Lawfully Admitted Permanent Resident

(8) Number of years as owner: _____
 (9) Percentage owned: _____ %
 Class of stock owned: _____ Date acquired _____

(10) Initial investment to acquire ownership interest in firm:	Type	Dollar Value
	Cash	\$ _____
	Real Estate	\$ _____
	Equipment	\$ _____
	Other	\$ _____

Describe how you acquired your business:

- ☐ Started business myself.
☐ It was a gift from: _____
☐ I bought it from: _____
☐ I inherited it from: _____
☐ Other _____

(Attach documentation substantiating your investment)

B. Additional Owner Information

(1) Describe familial relationship to other owners and employees:

(2) Does this owner perform a management or supervisory function for any other business? ☐ Yes ☐ No
 If Yes, identify: Name of Business: _____ Function/Title: _____

(3)(a) Does this owner own or work for any other firm(s) that has a relationship with this firm? (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.) ☐ Yes ☐ No
 Identify the name of the business, and the nature of the relationship, and the owner's function at the firm: _____

(b) Does this owner work for any other firm, non-profit organization, or engage in any other activity more than 10 hours per week? If yes, identify this activity: _____

(4)(a) What is the personal net worth of this disadvantaged owner applying for certification? \$ _____

(b) Has any trust been created for the benefit of this disadvantaged owner(s)? ☐ Yes ☐ No
 (If Yes, you may be asked to provide a copy of the trust instrument).

(5) Do any of your immediate family members, managers, or employees own, manage, or are associated with another company? ☐ Yes ☐ No If Yes, provide their name, relationship, company, type of business, and indicate whether they own or manage the company: (Please attach extra sheets, if needed): _____



Section 3: OWNER INFORMATION, Cont'd.

A. Identify all individuals, firms, or holding companies that hold LESS THAN 51% ownership interest in the firm (Attach separate sheets for each additional owner)

(1) Full Name: _____ (2) Title: _____ (3) Home Phone #: _____
(4) Home Address (Street and Number): _____ City: _____ State: _____ Zip: _____

(5) Gender: ☐ Male ☐ Female

(6) Ethnic group membership (Check all that apply)

- ☐ Black
☐ Hispanic
☐ Asian Pacific
☐ Native American
☐ Subcontinent Asian
☐ Other (specify) _____

(7) U.S. Citizenship:

- ☐ U.S. Citizen
☐ Lawfully Admitted Permanent Resident

(8) Number of years as owner: _____

(9) Percentage owned: _____%

Class of stock owned: _____ Date acquired _____

(10) Initial investment

to acquire ownership	Type	Dollar Value
interest in firm:	Cash	\$ _____
	Real Estate	\$ _____
	Equipment	\$ _____
	Other	\$ _____

Describe how you acquired your business:

- ☐ Started business myself.
☐ It was a gift from: _____
☐ I bought it from: _____
☐ I inherited it from: _____
☐ Other _____

(Attach documentation substantiating your investment)

B. Additional Owner Information

(1) Describe familial relationship to other owners and employees:

(2) Does this owner perform a management or supervisory function for any other business? ☐ Yes ☐ No

If Yes, identify: Name of Business: _____ Function/Title: _____

(3)(a) Does this owner own or work for any other firm(s) that has a relationship with this firm? (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.) ☐ Yes ☐ No

Identify the name of the business, and the nature of the relationship, and the owner's function at the firm:

(b) Does this owner work for any other firm, non-profit organization, or is engaged in any other activity more than 10 hours per week? If yes, identify this activity: _____

(4)(a) What is the personal net worth of this disadvantaged owner applying for certification? \$ _____

(b) Has any trust been created for the benefit of this disadvantaged owner(s)? ☐ Yes ☐ No

(If Yes, you may be asked to provide a copy of the trust instrument).

(5) Do any of your immediate family members, managers, or employees own, manage, or are associated with another company? ☐ Yes ☐ No If Yes, provide their name, relationship, company, type of business, and indicate whether they own or manage: (Please attach extra sheets, if needed): _____

Section 4: CONTROL



A. Identify your firm's Officers and Board of Directors (If additional space is required, attach a separate sheet):

	Name	Title	Date Appointed	Ethnicity	Gender
(1) Officers of the Company	(a)				
	(b)				
	(c)				
	(d)				
(2) Board of Directors	(a)				
	(b)				
	(c)				
	(d)				

(3) Do any of the persons listed above perform a management or supervisory function for any other business?

☐ Yes ☐ No If Yes, identify for each:

Person: _____ Title: _____
 Business: _____ Function: _____

Person: _____ Title: _____
 Business: _____ Function: _____

(4) Do any of the persons listed in section A above own or work for any other firm(s) that has a relationship with this firm? (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.)

☐ Yes ☐ No

If Yes, identify for each:

Firm Name: _____ Person: _____
 Nature of Business Relationship: _____

B. Duties of Owners, Officers, Directors, Managers, and Key Personnel

1. Complete for all Owners who are responsible for the following functions of the firm (Attach separate sheets as needed).

A = Always F = Frequently	S = Seldom N = Never	Majority Owner (51% or more)				Minority Owner (49% or less)			
		Name: _____	Title: _____	Percent Owned: _____		Name: _____	Title: _____	Percent Owned: _____	
Sets policy for company direction/scope of operations		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Bidding and estimating		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Major purchasing decisions		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Marketing and sales		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Supervises field operations		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Attend bid opening and lettings		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Perform office management (billing, accounts receivable/payable, etc.)		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Hires and fires management staff		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Hire and fire field staff or crew		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Designates profits spending or investment		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Obligates business by contract/credit		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Purchase equipment		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Signs business checks		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>



2. Complete for all Officers, Directors, Managers, and Key Personnel who are responsible for the following functions of the firm. (Attach separate sheets as needed).

A= Always S = Seldom F = Frequently N = Never	Officer/Director/Manager/Key Personnel				Officer/Director/Manager/ Key Personnel			
	Name: _____ Title: _____ Race and Gender: _____ Percent Owned: _____				Name: _____ Title: _____ Race and Gender: _____ Percent Owned: _____			
Sets policy for company direction/scope of operations	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Bidding and estimating	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Major purchasing decisions	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Marketing and sales	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Supervises field operations	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Attend bid opening and lettings	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Perform office management (billing, accounts receivable/payable, etc.)	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Hires and fires management staff	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Hire and fire field staff or crew	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Designates profits spending or investment	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Obligates business by contract/credit	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Purchase equipment	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Signs business checks	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>

Do any of the persons listed in B1 or B2 perform a management or supervisory function for any other business? If Yes, identify the person, the business, and their title/function: _____

Do any of the persons listed above own or work for any other firm(s) that has a relationship with this firm? (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.) If Yes, describe the nature of the business relationship: _____

C. Inventory: Indicate your firm's inventory in the following categories (Please attach additional sheets if needed):=

1. Equipment and Vehicles

Make and Model	Current Value	Owned or Leased by Firm or Owner?	Used as collateral?	Where is item stored?
1. _____				
2. _____				
3. _____				
4. _____				
5. _____				
6. _____				
7. _____				
8. _____				
9. _____				

2. Office Space

Street Address Owned or Leased by Firm or Owner? Current Value of Property or Lease



3. Storage Space *(Provide signed lease agreements for the properties listed)*

Street Address

Owned or Leased by
Firm or Owner?

Current Value of Property or Lease

D. Does your firm rely on any other firm for management functions or employee payroll? ☐ Yes ☐ No

E. Financial/Banking Information *(Provide bank authorization and signature cards)*

Name of bank: _____ City and State: _____

The following individuals are able to sign checks on this account: _____

Name of bank: _____ City and State: _____

The following individuals are able to sign checks on this account: _____

Bonding Information: If you have bonding capacity, identify the firm's bonding aggregate and project limits:

Aggregate limit \$ _____ Project limit \$ _____

F. Identify all sources, amounts, and purposes of money loaned to your firm including from financial institutions. Identify whether you the owner and any other person or firm loaned money to the applicant DBE/ACDBE. Include the names of any persons or firms guaranteeing the loan, if other than the listed owner.
(Provide copies of signed loan agreements and security agreements).

Name of Source	Address of Source	Name of Person Guaranteeing the Loan	Original Amount	Current Balance	Purpose of Loan
1. _____					
2. _____					
3. _____					

G. List all contributions or transfers of assets to/from your firm and to/from any of its owners or another individual over the past two years *(Attach additional sheets if needed):*

Contribution/Asset	Dollar Value	From Whom Transferred	To Whom Transferred	Relationship	Date of Transfer
1. _____					
2. _____					
3. _____					

H. List current licenses/permits held by any owner and/or employee of your firm
(e.g. contractor, engineer, architect, etc.)(Attach additional sheets if needed):

Name of License/Permit Holder	Type of License/Permit	Expiration Date	State
1. _____			
2. _____			
3. _____			



I. List the three largest contracts completed by your firm in the past three years, if any:

Name of Owner/Contractor	Name/Location of Project	Type of Work Performed	Dollar Value of Contract
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____

J. List the three largest active jobs on which your firm is currently working:

Name of Prime Contractor and Project Number	Location of Project	Type of Work	Project Start Date	Anticipated Completion Date	Dollar Value of Contract
1. _____	_____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____	_____

Additional Information:



SECTION 5 - AIRPORT CONCESSION
(ACDBE APPLICANTS ONLY)

A. I am applying for ACDBE certification to: *(check all that apply)*

☐ Operate a concession at an airport ☐ Supply a good or service to an airport concessionaire

B. Does the applicant firm own/operate any off-airport locations? ☐ Yes ☐ No *If Yes, identify the following*

Type of Business (e.g., F&B, News & Gift, Retail, Duty Free, Advertising, etc.)	Lease Term (years)	Lease Start Date	Address / Location	Annual Gross Receipts Generated

C. Does the applicant firm currently own/operate any airport concession locations? ☐ Yes ☐ No *If Yes, supply the following information:*

Airport Name	Concession Type (e.g., F&B, News & Gift, Retail, Duty Free, Advertising, etc.)	Number of Leases	Number of Locations	Annual Gross Receipts Generated	Lease Type (e.g. Direct Lease, Subcontract Management Agreement, etc. enter all that apply to the leases listed)

D. Does the applicant firm have any affiliates? ☐ Yes ☐ No *If Yes, provide the following information concerning any locations owned/operated by affiliate firms.*

Airport Name	Concession Type (e.g., F&B, News & Gift, Retail, Duty Free, Advertising, etc.)	Number of Leases	Number of Locations	Annual Gross Receipts Generated	Lease Type (e.g. Direct Lease, Subcontract Management Agreement, etc. enter all that apply to the leases listed)

E. Is the ACDBE applicant firm a participant in any joint ventures? ☐ Yes ☐ No *If Yes, attach all original and any amended Joint Venture Agreements and any amendments to the agreements.*



AFFIDAVIT OF CERTIFICATION

This form must be signed and notarized for each owner upon which disadvantaged status is relied.

A MATERIAL OR FALSE STATEMENT OR OMISSION MADE IN CONNECTION WITH THIS APPLICATION IS SUFFICIENT CAUSE FOR DENIAL OF CERTIFICATION, REVOCATION OF A PRIOR APPROVAL, INITIATION OF SUSPENSION OR DEBARMENT PROCEEDINGS, AND MAY SUBJECT THE PERSON AND/OR ENTITY MAKING THE FALSE STATEMENT TO ANY AND ALL CIVIL AND CRIMINAL PENALTIES AVAILABLE PURSUANT TO APPLICABLE FEDERAL AND STATE LAW.

I _____ (full name printed),
swear or affirm under penalty of law that I am
_____ (title) of the applicant firm
_____ and that I
have read and understood all of the questions in this
application and that all of the foregoing information and
statements submitted in this application and its attachments
and supporting documents are true and correct to the best of
my knowledge, and that all responses to the questions are full
and complete, omitting no material information. The responses
include all material information necessary to fully and
accurately identify and explain the operations, capabilities and
pertinent history of the named firm as well as the ownership,
control, and affiliations thereof.

I recognize that the information submitted in this application is
for the purpose of inducing certification approval by a
government agency. I understand that a government agency
may, by means it deems appropriate, determine the accuracy
and truth of the statements in the application, and I authorize
such agency to contact any entity named in the application, and
the named firm's bonding companies, banking institutions,
credit agencies, contractors, clients, and other certifying
agencies for the purpose of verifying the information supplied
and determining the named firm's eligibility.

I agree to submit to government audit, examination and review
of books, records, documents and files, in whatever form they
exist, of the named firm and its affiliates, inspection of its
places(s) of business and equipment, and to permit interviews
of its principals, agents, and employees. I understand that
refusal to permit such inquiries shall be grounds for denial of
certification.

If awarded a contract, subcontract, concession lease or
sublease, I agree to promptly and directly provide the prime
contractor, if any, and the Department, recipient agency, or
federal funding agency on an ongoing basis, current, complete
and accurate information regarding (1) work performed on the
project; (2) payments; and (3) proposed changes, if any, to the
foregoing arrangements.

I agree to provide written notice to the recipient agency or
Unified Certification Program of any material change in the
information contained in the original application within 30
calendar days of such change (e.g., ownership changes,
address/telephone number, personal net worth exceeding \$1.32
million, etc.).

I acknowledge and agree that any misrepresentations in this
application or in records pertaining to a contract or subcontract
which may be awarded; denial or revocation of certification;
suspension and debarment; and for initiating action under
federal and/or state law concerning false statement, fraud or
other applicable offenses.

I certify that I am a socially and economically disadvantaged
individual who is an owner of the above-referenced firm seeking
certification as a Disadvantaged Business Enterprise or Airport
Concession Disadvantaged Business Enterprise. In support of my
application, I certify that I am a member of one or more of the
following groups, and that I have held myself out as a member of
the group(s): (Check all that apply):

☐ Female ☐ Black American ☐ Hispanic American
☐ Native American ☐ Asian-Pacific American
☐ Subcontinent Asian American ☐ Other (specify) _____

I certify that I am socially disadvantaged because I have been
subjected to racial or ethnic prejudice or cultural bias, or have
suffered the effects of discrimination, because of my identity
as a member of one or more of the groups identified above,
without regard to my individual qualities.

I further certify that my personal net worth does not exceed
\$1.32 million, and that I am economically disadvantaged
because my ability to compete in the free enterprise system has
been impaired due to diminished capital and credit
opportunities as compared to others in the same or similar line
of business who are not socially and economically
disadvantaged.

I declare under penalty of perjury that the information
provided in this application and supporting documents is true
and correct.

Signature _____ (DBE/ACDBE Applicant) _____ (Date)

NOTARY CERTIFICATE



UNIFORM CERTIFICATION APPLICATION SUPPORTING DOCUMENTS CHECKLIST

In order to complete your application for DBE or ACDBE certification, you must attach copies of all of the following REQUIRED documents. A failure to supply any information requested by the UCP may result in your firm denied DBE/ACDBE certification.

Required Documents for All Applicants

- ☐ Résumés (that include places of employment with corresponding dates), for all owners, officers, and key personnel of the applicant firm
- ☐ Personal Net Worth Statement for each socially and economically disadvantaged owners who the applicant firm relies upon to satisfy the Regulation's 51% ownership requirement.
- ☐ Personal Federal tax returns for the past 3 years, if applicable, for each disadvantaged owner
- ☐ Federal tax returns (and requests for extensions) filed by the firm and its affiliates with related schedules, for the past 3 years.
- ☐ Documented proof of contributions used to acquire ownership for each owner (e.g., both sides of cancelled checks)
- ☐ Signed loan and security agreements, and bonding forms
- ☐ List of equipment and/or vehicles owned and leased including VIN numbers, copy of titles, proof of ownership, insurance cards for each vehicle.
- ☐ Title(s), registration certificate(s), and U.S. DOT numbers for each truck owned or operated by your firm
- ☐ Licenses, license renewal forms, permits, and haul authority forms
- ☐ Descriptions of all real estate (including office/storage space, etc.) owned/leased by your firm and documented proof of ownership/signed leases
- ☐ Documented proof of any transfers of assets to/from your firm and/or to/from any of its owners over the past 2 years
- ☐ DBE/ACDBE and SBA 8(a), SDB, MBE/WBE certifications, denials, and/or decertification's, if applicable; and any U.S. DOT appeal decisions on these actions.
- ☐ Bank authorization and signatory cards
- ☐ Schedule of salaries (or other remuneration) paid to all officers, managers, owners, and/or directors of the firm
- ☐ List of all employees, job titles, and dates of employment.
- ☐ Proof of warehouse/storage facility ownership or lease arrangements

Partnership or Joint Venture

- ☐ Original and any amended Partnership or Joint Venture Agreements

Corporation or LLC

- ☐ Official Articles of Incorporation (signed by the state official)
- ☐ Both sides of all corporate stock certificates and your firm's stock transfer ledger
- ☐ Shareholders' Agreement(s)
- ☐ Minutes of all stockholders and board of director's meetings

- ☐ Corporate by-laws and any amendments
- ☐ Corporate bank resolution and bank signature cards
- ☐ Official Certificate of Formation and Operating Agreement with any amendments (for LLCs)

Optional Documents to Be Provided on Request

The certifying agency to which you are applying may require the submission of the following documents. If requested to provide these document, you must supply them with your application or at the on-site visit.

- ☐ Proof of citizenship
- ☐ Insurance agreements for each truck owned or operated by your firm
- ☐ Audited financial statements (if available)
- ☐ Trust agreements held by any owner claiming disadvantaged status
- ☐ Year-end balance sheets and income statements for the past 3 years (or life of firm, if less than three years)

Suppliers

- ☐ List of product lines carried and list of distribution equipment owned and/or leased