ATTACHMENT A

SAN DIEGO COUNTY REGIONAL AIRPORT AUTHORITY

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

DBE PROGRAM PLAN

REVISED, May 23, 2017
San Diego County Regional Airport Authority
Disadvantaged Business Enterprise Program
POLICY STATEMENT

Section 26.1, 26.23 Objectives

The San Diego County Regional Airport Authority (Authority) has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 Code of Federal Regulations (CFR) Part 26. The Authority has received Federal financial assistance from the DOT, and as a condition of receiving this assistance, the Authority has signed an assurance that it will comply with 49 CFR Part 26.

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

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

Regina Brown, Small Business Development Manager has been delegated as the Authority’s DBE Liaison Officer. In that capacity, the Small Business Development Manager 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 Authority in its financial assistance agreements with the DOT.

The Authority has disseminated this policy statement to the Authority’s Board of Directors and all the components of the Authority’s organization. In addition, the Authority has posted this statement on its website to make it available to DBE and non-DBE business communities that perform work for the Authority on DOT-assisted contracts.

President & Chief Executive Officer: [Signature] Date: 8/16/17
SUBPART A – GENERAL REQUIREMENTS

Section 26.1 Objectives

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

Section 26.3 Applicability

The Authority is the recipient of federal airport funds authorized by 49 U.S.C. 47101, et seq.

Section 26.5 Definitions

The Authority will use the terms in this program that have the meaning defined in Section 26. 5.

Section 26.7 Non-discrimination Requirements

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

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

Section 26.11 Record Keeping Requirements

Reporting to DOT: 26.11

The Authority will report DBE participation to DOT as follows:

The Authority will transmit to FAA annually on December 1, the “Uniform Report of DBE Awards or Commitments and Payments” form, found in 49 CFR Part 26, Appendix B. The Authority will also report the DBE contractor firm information either on the FAA DBE Contractor’s Form or other similar format. The Authority will use the revised Uniform Report of DBE Awards or Commitments and Payments for reporting FY 2016 reports due December 1, 2016.

Bidders List: 26.11(c)

The Authority will create and maintain a bidders list. The purpose of the list is to provide accurate data about the universe of DBE and non-DBE contractors and subcontractors who seek to work on the Authority’s DOT-assisted contracts for use in helping to set the Authority’s overall goals. The bidders list will include the name, address, telephone, facsimile number, e-mail Address, DBE and non-DBE status, age of
firm/number of years in business, and annual gross receipts of firms.

The Authority will collect this information at the time of bid by requiring all prime bidders to furnish the information on their subcontractors with their bids. Prime bidders also will be surveyed post-award to obtain the information on those subcontractors that were not listed in the prime bidders’ bids. The purpose of this requirement is to allow use of the bidder’s list approach to assist in the calculation of the Authority’s overall DBE goal.

What records do recipients keep and report: 26.11 (d) & (e)

As a certifying agency, the Authority will maintain records documenting a firm’s compliance with the requirements of this part. At a minimum, the Authority will keep a complete application package for each certified firm and all affidavits of no-change, change notices, and on-site reviews. The Authority understands that these records must be retained in accordance with applicable record retention requirements of our financial assistance agreement. Other certification or compliance related records must be retained for a minimum of three (3) years unless otherwise provided by applicable record retention requirements of our financial assistance agreement, whichever is longer.

The California Unified Certification Program (“CUCP”), established pursuant to § 26.81, will report to the Department of Transportation’s Office of Civil Rights, by January 1, 2017, and each year thereafter, the percentage and location in the State of certified DBE firms in the UCP Directory controlled by the following:

1. Women;
2. Socially and economically disadvantaged individuals (other than women); and
3. Individuals who are women and are otherwise socially and economically disadvantaged individuals.

Section 26.13 Federal Financial Assistance Agreement

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

Assurance: 26.13(b) – For all DOT-assisted contracts, the Authority shall ensure that the following clause is included in each contract signed with a contractor and each subcontract the prime contractor signs with a subcontractor:

The [Recipient] 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 [Recipient] 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 [Recipient’s] DBE program, as required by 49 CFR part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the [Recipient] 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: 26.13b – For all DOT-assisted contracts, the Authority will ensure that the following clause is included in each contract the Authority 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 Authority 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

The Authority 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. The Authority is not eligible to receive DOT financial assistance unless DOT has approved the Authority’s DBE program and the Authority is in compliance with it and this part. The Authority will continue to carry out its program until all funds from DOT financial assistance have been expended. The Authority does not have to submit regular updates of its program, as long as the Authority remains in compliance. However, the Authority will submit significant changes in the program for 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 Authority has designated the following individual as its DBE Liaison Officer:

Regina Brown
Manager, Small Business Development
San Diego County Regional Airport Authority
P.O. Box 82776
San Diego, CA 92138-2776
619-400-2567
619-400-2566
RBrown@san.org
In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the Authority complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the chief executive officer concerning DBE program matters. An organization chart displaying the DBELO’s position in the organization is found in Attachment C to this program.

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

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
6. Analyzes the Authority progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the CEO/governing body on DBE matters and achievement.
9. Chairs the DBE Advisory Committee.
10. Determine contractor compliance with good faith efforts.
11. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
12. Plans and participates in DBE training seminars.
14. Provides outreach to DBEs and community organizations to advise them of opportunities.
15. Maintains the agency’s updated directory on certified DBEs.

Section 26.27 DBE Financial Institutions

It is the policy of the Authority to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community and to make reasonable efforts to give equal opportunity to these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions.

Section 26.29 Prompt Payment Mechanisms

The Authority has established, as part of its DBE Program, a contract clause to require prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 30 days from receipt of each payment made by the Authority to the prime contractor.
The Authority will contractually require prompt and full payment of retainage from the prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed. Subject to applicable law, the Authority will:

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 30 days after payment to the prime contractor.

The Authority will consider a subcontractor's work satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by the Authority. When Authority 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.

The Authority will provide appropriate means to enforce the requirements of this section. These means include:

1. Addressing appropriate penalties for failure to comply; and
2. Any delay or postponement of payment among the parties may take place only for good cause, with the Authority's prior written approval.

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

"Pursuant to 49 CFR Part 26, Section 26.29 and in conformance with the limits set forth by the California Public Contract Code, the Contractor shall pay each subcontractor under this prime contract for satisfactory performance of their subcontract work no later than thirty (30) days after receipt of each progress payment. Within thirty (30) days of satisfactory completion of all work required of the subcontractor, the Contractor shall release retainage payments withheld from subcontractors. Any delay or postponement of payment among parties may take place only for good cause, with the Authority's prior written approval. The Contractor shall pay to the subcontractor a penalty of two (2%) percent of the amount due per month for every month that payment is not made. In any action for the collection of funds wrongfully withheld, the prevailing party shall be entitled to attorneys’ fees and costs. The Contractor will not be paid by the Authority for work performed by a subcontractor unless and until the Contractor ensures that the subcontractors are promptly paid for the work they have performed by signing the affidavit required by 1C-9.2(C)."

The Authority has also established, as part of its DBE program, the following mechanisms to ensure prompt payment:

1. Contractual language specifying that the decision to award the contract, or re-
advertise, will be conditioned upon satisfaction of demonstrated performance of good faith efforts and the respondent being responsive.

2. Contractual language also requiring contractors to sign the Assurance of DBE Participation form as required by the Federal Supplemental Contract Clauses and Requirements for Construction Contracts, which requires bidders to comply with 49 CFR Part 26. Failure to meet these requirements may be considered grounds for rejecting the bid.

3. DBE participation verification and prompt payment process:
   a. Prior to award of a contract, a prime contractor must submit a Letter of Intent to DBE sub participants listed in their response. The Letter of Intent must identify the scope of work and the estimated dollar value of the subcontract. The Letter of Intent must be on the prime contractor's letterhead, signed and countersigned by the DBE.
   b. After award, a prime contractor is required to submit to the Authority monthly Verification of Payment to Subcontractors reports indicating how much each subcontractor has been paid for the month and to-date. The Authority will compare these reports to bid commitments and will follow up with the prime contractor in writing regarding any discrepancies. The Authority will also follow-up with subcontractors to insure prompt receipt of payment as specified in the agreement.
   c. Contractual language also requires bidders to make good faith efforts to replace any DBE unable to perform with another DBE. The Authority must approve substitutions after bid opening. Approval is subject to verification of the inability of a DBE to perform.

Monitoring Payments to DBEs

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

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

Section 26.31 DBE Directory

The Authority uses the State of California's DBE directory, maintained by California Unified Certification Program (CUCP). The CUCP Directory lists the firm's name, address, phone number, and the type of work the firm has been certified to perform as a DBE. In addition, the directory lists each type of work for which a firm is eligible to be certified by using the most specific NAICS code available to describe each type of work. The CUCP revises the directory annually. The CUCP directory also provides a vehicle for bidders, and proposers to obtain information regarding DBEs.
The CUCP Directory may be accessed through the California DOT's website at http://www.dot.ca.gov/hq/bep/find_certified.htm.

Section 26.33 Over-concentration

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

Section 26.35 Business Development Programs

In order to assist DBE firms in gaining the ability to compete successfully in the marketplace outside the DBE program, the Authority offers small businesses a Bonding & Contract financing program. The objective of the program is to assist San Diego small and emerging contractors in obtaining or increasing bonding and financing capacity for Authority construction projects, thereby increasing the bidding pool for the Authority construction projects. The Authority accomplishes this objective by providing small business counseling, group workshops, and technical assistance. The program is open to all experienced and licensed small businesses (small is defined as businesses meeting the size standards established by the U.S. Small Business Administration) with headquarters in San Diego interested in participating. Information about the program element can be found on the Authority's website.

Section 26.39 Fostering small business participation.

The Authority 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 Authority's small business element is as follows:

1. Unbundling: The Authority, where feasible, may "unbundle" projects or separate large contracts into smaller contracts to make the contracting opportunity more suitable for small business participation. The Authority will conduct a contract review of each FAA- assisted contract to determine whether portions of the project could be "unbundled" or bid separately to facilitate participation by small businesses. Similarly, the Authority will encourage its prime contractors and prime consultants to unbundle contracts to facilitate participation by small businesses.

2. Small Business Goals: Where feasible, the Authority will establish a percentage goal of the total value of a contract for small business participation where the prime contractor must meet or exceed the goal or provide evidence of a good faith effort to meet the small business participation goal on FAA-assisted contracts. A small business goal is open to all small businesses regardless of the owner's gender, race or geographic location. The project manager and Disadvantaged Business Enterprise Liaison Officer (DBELO) 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 small business percentage goal. In the event that a small business participation goal is not established on an FAA-assisted contract, the project manager and DBELO will document why a small business goal is not in the best interest of the Authority.

The Authority will only accept small business participation from those firms that have had their small business status verified, by a means approved by the Authority which is consistent with the Small Business Administration size standards. The Authority will actively implement the program elements to foster small business participation; doing so is a requirement of good faith implementation of its DBE program.

**SUBPART C - GOALS, GOOD FAITH EFFORTS, AND COUNTING**

**Section 26.43 Set-asides or Quotas**

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

**Section 26.45 Overall Goals**

The Authority will establish an overall DBE goal covering a three-year Federal Fiscal Year period if the Authority anticipates awarding DOT/FAA funded prime contracts the cumulative total value of which exceeds $250,000 during any one or more of the reporting fiscal years within the three-year goal period. In accordance with Section 26.45(f) the Authority will submit its Overall Three-year DBE Goal to FAA by August 1st as required by the established schedule below.

<table>
<thead>
<tr>
<th>Airport Type</th>
<th>Region</th>
<th>Date Due (Goal Period)</th>
<th>Next Goal Due (Goal Period)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-Primary (GAs, Relievers and State DOTs)</td>
<td>Central, Southwest, and Western-Pacific</td>
<td>August 1, 2015 (2016/2017/2018)</td>
<td>August 1, 2018 (2019/2020/2021)</td>
</tr>
</tbody>
</table>

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

(c) Step 1. The first step is to determine the relative availability of DBEs in the market area, "base figure". The Authority will use all contractors (primes and subcontractors) that bid on projects with similar scopes of work, as a method to
determine the Authority's base figure. 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.

If the Authority uses a bidders list, it will do the following: determine the number of DBEs that have bid or quoted (successful and unsuccessful) on DOT-assisted prime contracts or subcontracts in the past three years, determine the number of all businesses that have bid or proposed (successful and unsuccessful) on prime or subcontracts in the same time period, divide the number of DBE bidders and proposers by the number of all businesses to derive a base figure for the relative availability of DBEs in the market. When using this approach, the Authority will establish a mechanism (documented in our goal submission) to directly capture data on DBE and non-DBE prime and subcontractors that submitted bids or quotes on our DOT-assisted contracts.

Any methodology the Authority chooses 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 our market. The Authority 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 paragraph (c)(2) of this section (above), is not an acceptable alternative means of determining the availability of DBEs.

(d) Step 2. Once the Authority has calculated a base figure, the Authority will examine all of the evidence available in our jurisdiction to determine what adjustment, if any, is needed to the base figure to arrive at our overall goal. If the evidence does not suggest an adjustment is necessary, then no adjustment shall be made.

26.45 (g) (1) In establishing the overall goal, the Authority 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 Authority’s efforts 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 Authority’s goal setting process, and it will occur before the Authority is required to submit its goal methodology to the operating administration for review pursuant to paragraph (f) of this section. The Authority will document in its goal submission the consultation process that it engaged in. Notwithstanding paragraph (f)(4) of this section, the Authority will not implement its proposed goal until it has complied with this requirement.

The Authority's 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 our responses.
The Authority will begin using our overall goal on October 1 of the reporting period, unless we have received other instructions from DOT.

Section 26.45 (e) Project Goals

If permitted or required by the FAA Administrator the Authority will express its overall goals 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 should 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 your regular overall goal, applicable to contracts not part of the project covered by a project goal, is calculated.

If the Authority establishes a goal on a project basis, it will begin using that goal by the time of the first solicitation for a DOT-assisted contract for the project.

Section 26.45(f) Prior Operating Administration Concurrent

The Authority understands that it is not required to obtain prior operating administration concurrence with its overall goal. However, if the operating administration’s review suggests that the Authority’s overall goal has not been correctly calculated or that the Authority’s method for calculating goals is inadequate, the operating administration may, after consulting with the Authority, adjust the Authority’s overall goal or require that the Authority do so. The DOT/FAA adjusted overall goal shall replace the initial overall goal. 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 D to this program.

Section 26.47 Failure to meet overall goals

The Authority will maintain an approved DBE Program and overall DBE goal, if applicable as well as administer its DBE Program in good faith to be considered to be in compliance with this part.

If the Authority awards and commitments shown on its 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 Authority will do the following in order to be regarded by the Department as implementing its DBE Program in good faith:
1. Analyze in detail the reasons for the difference between the overall goal and our awards and commitments in that fiscal year;
2. Establish specific steps and milestones to correct the problems the Authority has identified in its analysis and to enable it to meet fully its goal for the new fiscal year;
3. The Authority will submit, within 90 days of the end of the fiscal year, the analysis and corrective actions developed under paragraphs (c) (1) and (2) of this section to the FAA for approval.

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

(a) The Authority 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 of this part.
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 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 its 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.

Section 26.51(c-g) Contract Goals
The Authority 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.

If the Authority's approved projection estimates that the Authority can meet its entire overall goal for a given year through race-neutral means, the Authority will implement its program without setting contract goals during that year, unless it becomes necessary in order meet its overall goal.

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

The Authority will express our contract goals as a percentage of the total amount of a DOT-assisted contract.

Section 26.53 Good Faith Efforts Procedures

Demonstration of good faith efforts (26.53(a) & (c))

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

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

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

Information to be submitted (26.53(b))

In Authority solicitations for DOT/FAA-assisted contracts for which a contract goal has been established, the Authority will require the following:

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 Authority, at the time provided in paragraph (b)(3) of this section:
   a. The names and addresses of DBE firms that will participate in the contract;
   b. 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;
c. The dollar amount of the participation of each DBE firm participating;

d. Written documentation of the bidder/offoror’s commitment to use a DBE subcontractor whose participation it submits to meet a contract goal; and

e. 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.

f. If the contract goal is not met, evidence of good faith efforts must be submitted (see Appendix A of this part). 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; and

g. The Authority will require that the bidder/offoror present the information required by paragraph (b)(2) of this section:

Under sealed bid procedures, as a matter of responsiveness, or with initial proposals, under contract negotiation procedures

Provided that, in a negotiated procurement, including a design-build procurement, the bidder/offoror 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 (b)(2) of this section before the final selection for the contract is made by the recipient.

Administrative reconsideration (26.53(d))

Within 7 business days of being informed by Authority that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offoror may request administrative reconsideration. Bidder/offorors should make this request in writing to the DBELO: Regina Brown, PO BOX 82776, 619-400-2567, rbrown@san.org. The reconsideration official will not have played any role in the original determination that the bidder/offoror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offoror 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/offoror will have the opportunity to meet in person with our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. The Authority will send the bidder/offoror 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 procedures in situations when there are contract goals (26.53(f)(g))

For all DOT-assisted contracts, the Authority will include in each prime contract a provision stating:

The contractor shall utilize the specific DBEs listed to perform the work and supply
the materials for which each is listed unless the contractor obtains the Authority's written consent as provided in this paragraph 26.53(f); and that, unless the Authority's consent is provided under this paragraph 26.53(f), the contractor shall not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE.

The Authority will require the contractor that is awarded the contract to make available upon request a copy of all DBE subcontracts. The subcontractor shall ensure that all subcontracts or an agreement with DBEs to supply labor or materials require that the subcontract and all lower tier subcontractors be performed in accordance with this part's provisions.

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

The Authority will require that a prime contractor not terminate a DBE subcontractor listed in response to paragraph (b)(2) of this section (or an approved substitute DBE firm) without prior written consent. This includes, but 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 with another DBE firm.

The Authority will provide such written consent only if the Authority agrees, for reasons stated in its 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. The Authority determines that the listed DBE subcontractor is not a responsible contractor;
7. The listed DBE subcontractor voluntarily withdraws from the project and provides to the Authority 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 the Authority 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 its 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 the Small Business Development Department, of its intent to request to terminate and/or substitute, and the reason for the request.

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

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.

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

For all DOT-assisted contracts, the Authority will include in each prime contract the contract clause required by § 26.13(b) stating that failure by the contractor to carry out the requirements of this part is a material breach of the contract and may result in the termination of the contract or such other remedies set forth in that section that the Authority deems appropriate if the prime contractor fails to comply with the requirements of this section.

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

Sample Bid Specification for DOT-Assisted Contracts:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of
Transportation, apply to this contract. It is the policy of the [Recipient] to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offereors, including those who qualify as a DBE. A DBE contract goal of __ percent [as determined in the goal calculation Attachment ___] has been established for this contract. The bidder/offeree shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (attachment 1), to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeree will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that each DBE firm will perform. 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; (3) the dollar amount of the participation of each DBE firm participating; (4) Written documentation of the bidder/offeree's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; and (5) 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; (6) if the contract goal is not met, evidence of good faith efforts.

Section 26.55 Counting DBE Participation

The Authority will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55. The Authority will not count the participation of a DBE subcontract 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.

If the 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 Authority will not count the firm's participation toward any DBE goals, except as provided for in 26.87(j).

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

The Authority 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. The Authority will make its certification decisions based on the facts as a whole.

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

Regina Brown
Manager, Small Business Development
San Diego County Regional Airport Authority
The Authority's certification application forms and documentation requirements are found in Attachment H to this program. [The Uniform Certification Form contained in the Final Rule, 49 CFR Part 26, dated 10/02/2014, should be used in this attachment.]

Section 26.83 Procedures for Certification Decisions

The Authority will ensure that only firms certified as eligible DBEs under this section participate as DBEs in its program. The Authority will take the required steps outlined in 26.83(c) in determining whether a DBE firm meets the standards of subpart D of this part.

The firms that the Authority has certified or reviewed and found eligible under part 26, will have their eligibility reviewed every 5 years as required by the California UCP Agreement and approved by the U.S. DOT. Part 26 states that you may conduct such reviews more often than every three years, but you are not required to conduct them at any specific intervals. These reviews will include the following components: A review of the personal net worth of presumed disadvantaged business owners, verification of no change, review of gross receipts of the firm and all affiliates and a site visit.

Once the Authority has certified a DBE, it shall remain certified until and unless the Authority has removed its certification, in whole or in part, through the procedures of § 26.87 of this part, except as provided in § 26.67(b)(1) of this part.

The Authority will not require DBEs to reapply for certification or undergo a recertification process. However, the Authority may conduct a certification review of a certified DBE firm, including a new onsite review, if appropriate in light of changed circumstances (e.g., of the kind requiring notice under paragraph (i) of this section or relating to suspension of certification under § 26.88), a complaint, or other information concerning the firm's eligibility. If information comes to the Authority's attention that leads to questions regarding the firm's eligibility, the Authority may conduct an on-site review on an unannounced basis, at the firm's offices and job sites.

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

The UCP requires all DBEs owners to inform the Authority, in a written affidavit, of any change in its circumstances affecting its ability to meet size, disadvantaged status, ownership or control criteria of 49 CFR Part 26 or of any material changes in the information provided with Authority's application for certification.

The UCP also requires all DBE owners the Authority has certified to submit every year, on the anniversary date of their certification, a “no change” affidavit meeting the requirements of 26.83(i). The text of the affidavit has been developed by the UCP and is in compliance with section 26.83.

The UCP requires DBEs to submit with this affidavit, documentation of the firm's size and gross receipts (e.g., submission of federal tax returns).
The UCP regularly notifies all currently certified DBE firms of these obligations at the time of certification and prior to the firm’s anniversary date. This notification informs DBEs that to submit the “no change” affidavit, their owners must swear or affirm that they meet all regulatory requirements of Part 26, including personal net worth. Likewise, if a firm’s owner knows or should know that he or she, or the firm, fails to meet a Part 26 eligibility requirement (e.g. personal net worth), the obligation to submit a notice of change applies.

Section 26.85 Interstate Certification

When a firm currently certified in its home state (“State A”) applies to another State (“State B”) for DBE certification, State B may, at its discretion, accept State A’s certification and certify the firm, without further procedures. The Authority will follow the procedures defined in Section 26.85.

Section 26.86 Denials of Initial Requests for Certification

If the Authority denies a firm’s application or decertifies it, it may not reapply until twelve (12) months have passed from the Authority’s action. The time period for reapplication begins on the date the written explanation of the reasons of the denial or decertification was received by the firm. An applicant’s appeal of the Authority’s decision to the Department pursuant to § 26.89 does not extend this period.

Section 26.87 Removal of a DBE’s Eligibility

In the event the Authority proposes to remove a DBE’s certification, the Authority will follow procedures consistent with 26.87 and procedures adopted by the California UCP. To ensure separation of functions in a de-certification, the UCP have determined a hearing officer will be named to serve as the decision-maker in de-certification proceedings on a case-by-case basis. The UCP have established an administrative “firewall” to ensure that the appointed hearing officer will not have participated in any way in the de-certification proceeding against the firm (including the decision to initiate such a proceeding).

Section 26.88 Summary Suspension of Certification.

The Authority shall follow the procedures consistent with 26.88 regarding suspending a DBE’s certification.

The Authority shall immediately suspend a DBE’s certification without adhering to the requirements in § 26.87(d) when an individual owner whose ownership and control of the firm are necessary to the firm’s certification dies or is incarcerated.

The Authority will immediately suspend a DBE’s certification without adhering to the requirements in §26.87(d) when there is adequate evidence to believe that there has been a material change in circumstances that may affect the eligibility of the DBE firm to remain certified, or when the DBE fails to notify the recipient or UCP in writing of any material change in circumstances as required by § 26.83(i) or fails to timely file an affidavit of no change under § 26.83(j).

When a firm is suspended pursuant to 26.88 (a) or (b), the Authority will immediately notify the DBE of the suspension by certified mail, return receipt requested, to the last known
address of the owner(s) of the DBE. Suspension is a temporary status of ineligibility pending an expedited show cause hearing/proceeding under § 26.87 to determine whether the DBE is eligible to participate in the program and consequently should be removed. The suspension takes effect when the DBE receives, or is deemed to have received, the Notice of Suspension.

While suspended, the DBE may not be considered to meet a contract goal on a new contract, and any work it does on a contract received during the suspension shall not be counted toward a recipient's overall goal. The DBE may continue to perform under an existing contract executed before the DBE received a Notice of Suspension and may be counted toward the contract goal during the period of suspension as long as the DBE is performing a commercially useful function under the existing contract.

Following receipt of the Notice of Suspension, if the DBE believes it is no longer eligible, it may voluntarily withdraw from the program, in which case no further action is required. If the DBE believes that its eligibility should be reinstated, it must provide to the Authority information demonstrating that the firm is eligible notwithstanding its changed circumstances. Within 30 days of receiving this information, the Authority will either lift the suspension and reinstate the firm's certification or commence a decertification action under § 26.87. If the Authority commence a decertification proceeding, the suspension remains in effect during the proceeding. The decision to immediately suspend a DBE under paragraph 26.88 (a) or (b) is not appealable to the U.S. DOT.

The failure by the Authority to either lift the suspension and reinstate the firm or commence a decertification proceeding, as required by paragraph (g) of this section, is appealable to the U.S. DOT under § 26.89 of this part, as a constructive decertification.

Section 26.89 Certification Appeals

Any firm or complainant may appeal the Authority's decision in a certification matter to U.S. DOT. A firm that wants to file an appeal, must send a letter to the U.S. DOT 90 days of the date of the Authority's final decision, including information and setting forth a full and specific statement as to why the decision is erroneous, what significant fact that the Authority failed to consider, or what provisions of this Part the Authority did not properly apply. The U.S. DOT may accept an appeal filed later than 90 days after the date of the decision if the U.S. DOT determines that there was good cause for the late filing of the appeal or in the interest of justice.

Such appeals may be sent to:

U.S. Department of Transportation
Departmental Office of Civil Rights
1200 New Jersey Ave., S.E.
Washington, DC 20590-0001

The U.S. DOT makes its decision based solely on the entire administrative record as supplemented by the appeal. The U.S. DOT does not make a de novo review of the matter and does not conduct a hearing. The U.S. DOT may also supplement the administrative record by adding relevant information made available by the DOT Office of Inspector General; Federal, State, or local law enforcement authorities; officials of a DOT
operating administration or other appropriate DOT office; a recipient; or a firm or other private party.

The UCP will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for our DOT-assisted contracting (e.g., certify a firm if DOT has determined that our denial of its application was erroneous).

**SUBPART F – COMPLIANCE AND ENFORCEMENT**

**Section 26.109 Information, Confidentiality, Cooperation and intimidation or retaliation**

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

Consistent with Federal and state law, the Authority will not release any information that may reasonably be construed as confidential business information to any third party without the written consent of the firm that submitted the information. This includes applications for DBE certification and supporting information. However, the Authority will transmit this information to US DOT in any certification appeal proceeding under § 26.89 of this part or to any other state to which the individual’s firm has applied for certification under § 26.85 of this part.

All participants in the Authority’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 US 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 the Authority, 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).

The Authority, 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. If the Authority violates this prohibition, it will be in noncompliance with this part.
Attachments

Attachment A  Regulations: 49 CFR Part 26 or website link
Attachment B  Organizational Chart
Attachment C  Bidder's List Collection Form
Attachment D  DBE Directory or link to DBE Directory
Attachment E  Overall Goal Calculations
Attachment F  Demonstration of Good Faith Efforts (Forms 1 & 2)
Attachment G  DBE Monitoring and Enforcement Mechanisms
Attachment H  DBE Certification Application Form
Attachment I  State's UCP Agreement
ATTACHMENT A

Regulations: 49 CFR Part 26, or link to website

http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr26_main_02.tpl
**ATTACHMENT C**

**BIDDERS LIST FORM**

The San Diego County Regional Airport Authority (SDCAA) is required per 49 CFR 28.11(c) to create and maintain a comprehensive Bidders List. The Bidders List Form will be used to determine the relative availability of Disadvantaged Business Enterprises (DBE) and non-DBEs, and will assist in establishing the agency's overall DBE goal. Each Bidders List is a compilation of bidders, proposers, subcontractors, manufacturers, and suppliers of materials and services who have submitted bids or proposals during the advertising period of a specific acquisition. Please provide the following mandatory data:

### Part A: Business Data

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<td>1. Business Name:</td>
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<td>2. Business Address:</td>
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<tr>
<td>3. County Business is located in:</td>
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<tr>
<td>4. Name of Contact Person:</td>
<td></td>
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<td>5. Phone: (   )</td>
<td>6. Fax: (   )</td>
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<td>7. Email Address:</td>
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8. Is this business certified as a Disadvantaged Business Enterprise?  
   a. ☐ Yes  b. ☐ No

9. Business Annual Gross Receipts:  
   a. ☐ Less than $500,000  b. ☐ $500,000 to $1,000,000  c. ☐ $1,000,000 to $2,000,000  
   d. ☐ $2,000,000 to $5,000,000  e. ☐ Over $5,000,000

### Part B: Project and Work Descriptions

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<td>11. RFB or RFP #:</td>
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<td>12. Project Name:</td>
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13. Provide brief description of scope of work, services, and/or materials to be performed/furnished:

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14. Will you subcontract any of your work?  
   a. ☐ Yes  b. ☐ No  
   (*If "Yes," the subcontractor(s) must complete an individual Bidders List Form also.)

### Part C: Signature

(shall be completed by Prime, Subcontractors, Manufacturers, and Suppliers)

The undersigned declares that the information set forth on this page is current, complete and accurate.

Authorized Signature: ___________________________ Date: ___________________________  
Printed Name: ___________________________ Title: ___________________________

---

**SMALL BUSINESS DEVELOPMENT DEPARTMENT**  
**1**  
**BIDDERS LIST FORM**  
**REVISION DATE: 09.30.17**

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26
ATTACHMENT D

California DBE Directory or web link to DBE directory

http://californiaucp.org/
ATTACHMENT E

Section 26.45: Overall DBE Three-Year Goal Methodology

HTTP://SAN.ORG/PORTALS/0/DOWNLOADS/SMALL%20BUSINESS%20DEVELOPMENT/PROPOSED%20DBE%20GOAL%20METHODOLOGY%202017-2019%20REV%20060116.DOCX.PDF
ATTACHMENT F

Demonstration of Good Faith Efforts - Forms 1 & 2

[Forms 1 and 2 should be provided as part of the solicitation documents]

FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner (please check the appropriate space):

_____ The bidder/offeror is committed to a minimum of ____% DBE utilization on this contract.

_____ The bidder/offeror (if unable to meet the DBE goal of ____%) is committed to a minimum of ____% DBE utilization on this contract and should submit documentation demonstrating good faith efforts.

Name of bidder/offeror’s firm: ____________________________________________

State Registration No. ________________________________________________

By ____________________________  ____________________________
(Signature)  Title
FORM 2: LETTER OF INTENT

Name of bidder/offeror's firm: ________________________________

Address: __________________________________________________

City: ___________________________ State: _______ Zip: _______

Name of DBE firm: __________________________________________

Address: __________________________________________________

City: ___________________________ State: _______ Zip: _______

Telephone: _______________________

Description of work to be performed by DBE firm:

---------------------------------------------------------------------------------
---------------------------------------------------------------------------------
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The bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The estimated dollar value of this work is $ ____________.

Affirmation

The above-named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above and that the firm is DBE certified to perform the specific trades.

By __________________________________ Date: ____________________________
(Signature)

________________________________________
(Title)

If the bidder/offeror does not receive award of the prime contract, any and all representations in this Letter of Intent and Affirmation shall be null and void.

Submit this page for each DBE subcontractor.
ATTACHMENT G

DBE Monitoring and Enforcement Mechanisms

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

1. Breach of contract action, pursuant to the terms of the contract;
2. Enforcement action pursuant to 49 CFR Part 31;
3. Suspension or debarment proceedings pursuant to 49 CFR Part 26.103, Public Contract Code 7100-7203, and all other available enforcement to the DBE requirements.

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

1. Suspension or debarment proceedings pursuant to 49 CFR Part 26
2. Enforcement action pursuant to 49 CFR Part 31
3. Prosecution pursuant to 18 USC 1001.
ATTACHMENT H

DBE Certification Application Form

http://www.dot.ca.gov/hq/bep/business_forms.htm
ATTACHMENT I

California Unified Certification Program Agreement

See attached