

**Columbus Airport Commission**

**DISADVANTAGED BUSINESS ENTERPRISE PROGRAM**

for



**COLUMBUS AIRPORT**

***COLUMBUS, GEORGIA***

November 2015

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**UNITED STATES DEPARTMENT OF TRANSPORTATION**  
**DBE PROGRAM – 49 CFR PART 26**  
Columbus Airport Commission for the Columbus Airport, Columbus GA

**POLICY STATEMENT**

**Section 26.1, 26.23      Objectives/Policy Statement**

The Columbus Airport Commission (hereafter 'the Airport Commission') has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (USDOT) 49 CFR Part 26. The Airport Commission has received Federal financial assistance from USDOT, and as a condition of receiving this assistance, the Airport Commission has signed an assurance that they will comply with 49 CFR Part 26.

It is the policy of the Airport Commission to ensure that DBEs, as defined in 49 CFR Part 26, have an equal opportunity to receive and participate in USDOT-assisted contracts. It is also the policy:

1. To ensure nondiscrimination in the award and administration of USDOT – assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for USDOT-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 USDOT assisted contracts;
6. To promote the use of DBEs in all types of federally-assisted contracts and procurement activities conducted by recipients
7. To assist the development of firms that can compete successfully in the market place outside the DBE Program.
8. To provide appropriate flexibility to recipients of federal financial assistance in establishing and providing opportunities for DBEs.

**Mr. Richard Howell, Airport Director, Columbus Airport, 3250 W. Britt David Road, Columbus GA 31909, 706-324-2449, [rhowell@flycolumbusga.com](mailto:rhowell@flycolumbusga.com)** has been designated as the DBE Liaison Officer (DBELO). In that capacity, the Airport Director 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 Airport Commission in its financial assistance agreements with the US Department of Transportation.

The Airport Commission has disseminated this policy statement to its board members, and will distribute this statement to DBE and non-DBE business communities that perform work for the Airport on USDOT-assisted contracts in the following manner:

1. *This policy statement will be prepared as a handout, and made available at pre-bid conferences, and/or outreach meetings conducted by the Airport Commission.*
2. *Copies of the policy statement will be mailed to all of the agencies/organizations consulted during the development of the DBE goal methodology. This will make the Airport Commission's policy for the Columbus Airport available to additional small, minority, and women business development agencies.*

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Chair, Columbus Airport Commission

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Date

## **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 Columbus Airport Commission is the recipient of federal airport funds authorized by 49 U.S.C. 47101, *et seq.*

### **Section 26.5            Definitions**

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

### **Section 26.7            Non-discrimination Requirements**

The Airport Commission 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 Airport Commission 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 USDOT: 26.11(b)**

The Airport Commission will report DBE participation to USDOT as follows:

The Airport will submit annually the *Uniform Reports of DBE Awards or Commitments and Payments*, as modified for use by FAA recipients, via the FAA dbE-Connect system (<https://faa.dbesystem.com/>).

#### **Bidders List: 26.11(c)**

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

The Airport Commission will collect this information in the following ways:

- a. *Include a contract clause requiring prime bidders to report the names/addresses, and possibly other information, of all firms who quote to them on subcontracts.*
- b. *Include a notice in all solicitations, and otherwise widely disseminated, request to firms quoting on subcontracts to report the approved information directly to the Airport Commission's DBELO for inclusion in the bidder's list.*
- c. *Request the above information from all potential bidders who contact the Airport seeking bid information, and/or who attend pre-bid meetings, conferences, etc., at the Airports.*

## **Section 26.13            Federal Financial Assistance Agreement**

The Airport Commission has signed the following assurances, applicable to all USDOT-assisted contracts and their administration:

### Assurance: 26.13(a)

*The Columbus Airport Commission shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any USDOT-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 USDOT assisted contracts. The recipient's DBE Program, as required by 49 CFR Part 26 and as approved by USDOT, 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 Airport Commission of its failure to carry out its approved program, the Department may impose sanction 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.).*

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

### Contract Assurance: 26.13b

The Airport Commission will ensure that the following clause is placed in every USDOT-assisted contract and subcontract:

*The contractor, sub-recipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of USDOT 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**

The Airport Commission will continue to carry out this program until all funds from USDOT financial assistance have been expended. The Airport Commission will provide to USDOT updates representing significant changes in the program.

### **Section 26.23 Policy Statement**

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

### **Section 26.25 DBE Liaison Officer (DBELO)**

The Airport Commission has designated the following individual as its DBE Liaison Officer:

**Mr. Richard Howell, Airport Director, Columbus Airport, 3250 W. Britt David Road, Columbus GA 31909, 706-324-2449, [rhowell@flycolumbusga.com](mailto:rhowell@flycolumbusga.com)**

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the Airport Commission complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Airport Commission Chairman concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment 1 to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO, along with his staff, will administer the program. The duties and responsibilities include the following:

- 1. Gathers and reports statistical data and other information as required by USDOT.*
- 2. Reviews third party contracts and purchase requisitions for compliance with this program.*
- 3. Works with all departments to set overall triennial goals.*
- 4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.*
- 5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract-specific goals attainment) and identifies ways to improve progress.*
- 6. Analyzes the Airport Commission's progress toward attainment and identifies ways to improve progress.*

7. *Participates in pre-bid meetings.*
8. *Advises the Airport Commission on DBE matters and achievement.*
9. *Chairs the DBE Advisory Committee (when formed).*
10. *Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.*
11. *Plans and participates in DBE training seminars.*
12. *Provides outreach to DBEs and community organizations to advise them of opportunities.*

## **Section 26.27 DBE Financial Institutions**

It is the policy of the Airport Commission 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 USDOT-assisted contracts to make use of these institutions.

In developing this DBE program, the Airport Commission's efforts did not identify any such institutions within its service area. If any such institutions are established in the Airport's service area, the Airport Commission will consider the services offered by these institutions and refer them as noted above.

## **Section 26.29 Prompt Payment Mechanisms**

The Airport Commission will include the following clause in each USDOT-assisted prime contract:

*The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than fourteen (14) days from the receipt of each payment the prime contract receives from the Airport Commission. The prime contractor agrees further to return retainage payments to each subcontractor within fourteen (14) days after the subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the Airport Commission. This clause applies to both DBE and non-DBE subcontracts.*

## **Section 26.31 Directory**

The primary Disadvantaged Business Enterprise Directory for the Airport Commission comes from the Georgia Department of Transportation (GDOT) and contains listings of certified minority- and women-owned construction firms and material suppliers from throughout the State of Georgia.

The GDOT maintains active lists of certified disadvantaged businesses located throughout the state. Therefore, all of the firms listed in the directory have been certified by this state and in accordance with USDOT criteria. It should be noted also that these listings and certifications are periodically updated with some firms being added, while others are removed. Also, the State of

Georgia Governor's Entrepreneur and Small Business Office, which maintains a list of small businesses, may be consulted to identify potential DBE firms.

These directories should enable prime contractors for projects at the Airport to proceed more easily in their attempts to comply with overall goals regarding Disadvantaged Business Enterprises.

The Airport Commission will refer potential bidders to the GDOT directory that is available online at <http://www.dot.ga.gov/doingbusiness/dbePrograms/Pages/default.aspx>. Sample pages can be found in Attachment 2 to this program.

### **Section 26.33            Overconcentration**

The Airport Commission has not identified that overconcentration exists in the types of work that DBEs perform.

### **Section 26.35            Business Development Programs**

The Airport Commission has not established a business development program.

### **Section 26.37            Monitoring and Enforcement Mechanisms**

The Airport Commission will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26:

1. The Airport Commission will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that USDOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the USDOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.
2. The Airport Commission will consider similar action under its own legal authorities, including responsibility determinations in future contracts. Attachment 3 lists the regulations, provisions, and contract remedies available to the Airport Commission in the event of non-compliance with the DBE regulations by a participant in procurement activities.
3. The Airport Commission will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished by the following means:
  - a. *Reviewing bid package documentation thoroughly, obtaining clarification, if necessary.*
  - b. *Reviewing monthly reports regarding employment as well as DBE participation to ensure adherence to plan as represented in bid documents and as stipulated in this program.*
  - c. *Monitoring progress of payments to DBEs through monthly reports from prime contractors.*



- d. Monitoring progress of DBEs work through on-site visits and communication with DBEs. The Airport Commission will implement a monitoring and enforcement mechanism that will include written certification that the Airport Commission has reviewed contracting records and monitored work sites for this purpose. This monitoring will be conducted during routine project site visits by the Airport Commission's engineering consultant on a monthly basis. In addition to the engineering consultant, the DBELO will sign off on the written certifications.*
4. The Airport Commission will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

#### **Section 26.39                      Fostering Small Business Participation**

The Airport Commission has created an 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.

This element has been submitted to the FAA, and has been approved. The program element is included as Attachment 4. The Airport Commission will actively implement the program elements to foster small business participation. Doing so is a requirement of good faith implementation of the DBE program.

### **SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING**

#### **Section 26.43                      Set-asides or Quotas**

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

#### **Section 26.45                      Overall Goals**

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 5 to this program. This section of the program will be updated annually.

In accordance with Section 26.45(f) the Airport Commission will normally submit its overall goal to USDOT on August 1 of each year. Before establishing the overall goal each year, the Airport Commission will consult with the Georgia Entrepreneur and Small Business Development office, and the Columbus State University Small Business Development Center office in Columbus GA to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Airport Commission's efforts to establish a level playing field for the participation of DBEs.

Following this consultation, the Airport Commission will publish a notice of the proposed overall goal. The notice will inform the public that the proposed goal and its rationale are available for inspection during normal business hours at the airport, and comments from the public will be accepted, for 30 days following the date of the notice. Normally, the Airport Commission will issue this notice by June 1 of each year. The notice must include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed.

The Airport Commission's overall goal submission to USDOT will include a summary of information and comments received during this public participation process and responses, if any comments are received.

The Airport Commission will begin using the overall goal on October 1 of each year, unless it has received other instructions from USDOT. If the Airport Commission establishes a goal on a project basis, it will begin using the goal by the time of the first solicitation for a USDOT-assisted contract for the project.

#### **Section 26.47            Goal Setting and Accountability**

If the awards and commitments shown on the Airport Commission's Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall applicable to that fiscal year, the Airport will:

1. Analyze in detail the reason for the difference between the overall goal and the actual awards/commitments;
2. Establish specific steps and milestones to correct the problems identified in the analysis; and
3. Maintain a copy of the plan on file for at least three (3) years.

#### **Section 26.49            Transit Vehicle Manufacturers Goals**

N/A

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

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment 6 to this program. This section of the program will be updated annually when the goal calculation is updated.

#### **Section 26.51(d-g)    Contract Goals**

The Airport Commission will use contract goals to meet any portion of the overall goal it does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any

portion of the overall goal that is not projected to be met through the use of race-neutral means.

The Airport Commission will establish contract goals only on those USDOT-assisted contracts that have subcontracting possibilities. The Airport Commission needs 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 Airport Commission will express its contract goals as a percentage of the total amount of a USDOT-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 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 Airport Commission will ensure that all information is complete and accurate and adequately documents the bidder/offer's good faith efforts before we commit to the performance of the contract by the bidder/offeror.

### Information to be submitted (26.53(b))

The Airport Commission treats bidders'/offerors' compliance with good faith efforts' requirements as a matter of responsiveness. This means that the information required for the bid is to be submitted at time of the bid opening.

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

1. *The names and addresses of DBE firms that will participate in the contract;*
2. *A description of the work that each DBE will perform;*
3. *The dollar amount of the participation of each DBE firm participating;*
4. *Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;*
5. *Written and signed confirmation from the DBE that it is participating in the contract in the kind and amount of work as provided in the prime contractors commitment and*

6. *If the contract goal is not met, evidence of good faith efforts. 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.*

This information will be collected using the forms found in Attachment 7.

#### Administrative reconsideration (26.53(d))

Within ten (10) days of being informed by the Airport Commission that it is not responsive because it has not documented sufficient good faith efforts, a bidder may request administrative reconsideration. Bidders should make this request in writing to the following administrative reconsideration official (ARO): **Ms. Sherry Goodrum, Chairwoman, Columbus Airport Commission, 3250 W. Britt David Road, Columbus GA 31909**. The ARO will not have played any role in the original determination that the bidder 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 Airport Commission's administrative reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do so. The Airport Commission will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the US Department of Transportation.

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

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

In this situation, the Airport Commission will require the prime contractor to obtain prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts. The Airport Commission will provide such written consent only if the Airport Commission agrees, for reasons stated in a 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 Airport Commission has determined that the listed DBE subcontractor is not a responsible contractor;
- (7) The listed DBE subcontractor voluntarily withdraws from the project and provides to us 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 Airport Commission 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 the Airport Commission 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 Airport Commission, 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 Airport Commission and the contractor of the reasons, if any, why it objects to the proposed termination of its subcontract and why the Airport Commission should not approve the prime contractor's action. If required in a particular case as a matter of public necessity (*e.g.*, safety), the Airport Commission 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.

If the contractor fails or refuses to comply in the time specified, the Airport Commission'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:

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 Columbus Airport Commission, as owner of the airport, 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/offers, including those who qualify as a DBE. A DBE contract goal of \_\_\_\_ percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26, to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror will be required to submit the following information:

- (1) the names and addresses of DBE firms that will participate in the contract;
- (2) a description of the work that each DBE firm will perform;
- (3) the dollar amount of the participation of each DBE firm participating;
- (4) written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal;
- (5) written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4);
- (6) if the contract goal is not met, evidence of good faith efforts.

### **Section 26.55                      Counting DBE Participation**

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

### **SUBPART D – CERTIFICATION STANDARDS**

#### **Section 26.61 – 26.73                      Certification Process**

The Airport Commission will refer all matters pertaining to certification to the Georgia Department of Transportation's Equal Opportunity Division in accordance with the State's UCP program. The Equal Opportunity Division will use the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in USDOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. The Equal Opportunity Division will 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:

**Georgia Department of Transportation**  
**Equal Opportunity Division**  
**600 West Peachtree Street, N.W.**  
**7th Floor**  
**Atlanta, Georgia 30308**  
**(404) 631-1972** (<http://www.dot.ga.gov/PS/Business/DBE>).

The certification application forms and documentation requirements are found in Attachment 8 to this program.

## **SUBPART E – CERTIFICATION PROCEDURES**

### **Section 26.81            Unified Certification Programs**

The Airport Commission is a member of the Unified Certification Program (UCP) administered by the Georgia Department of Transportation (GDOT)'s Equal Opportunity Division. The UCP will meet all of the requirements of this section. Georgia's UCP program uses the certification standards of Subpart D of Part 26 and the certification procedures of Subpart E of Part 26 to determine the eligibility of firms to participate as DBEs in USDOT/FAA-assisted contracts. Under the GDOT UCP Program, only GDOT will conduct all DBE certifications. To be certified as a DBE, a firm must meet all certification eligibility standards. The Airport Commission will refer all certifications to GDOT.

## **SUBPART F – COMPLIANCE AND ENFORCEMENT**

### **Section 26.109           Information, Confidentiality, Cooperation**

The Airport Commission will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. Notwithstanding any contrary provisions of state or local law, the Airport Commission will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than USDOT) without the written consent of the submitter.

#### **Monitoring Payments to DBEs**

The Airport Commission will require prime contractors to maintain records and documents of payments to DBEs for three (3) years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of the Airport Commission or USDOT. This reporting requirement also extends to any certified DBE subcontractor.

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

## **ATTACHMENTS**

|              |   |
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| Attachment 1 | Organizational Chart  |
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| Attachment 7 | Form 1 & 2 for Demonstration of Good Faith Efforts                |
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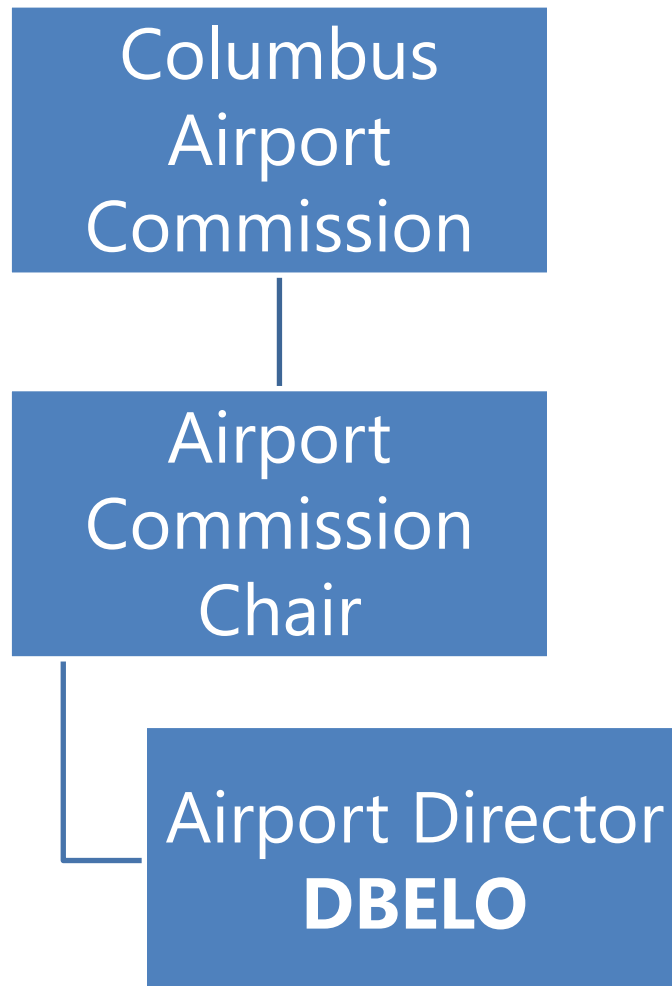
Attachment 1

# Organizational Chart

# Columbus Airport Commission

Columbus Airport  
Columbus, Georgia

## Organizational Chart



Attachment 2

# DBE Directory

The DBE Directory for the State of  
Georgia may be found at  
[http://www.dot.ga.gov/PS/Business/DBE.](http://www.dot.ga.gov/PS/Business/DBE)

Attachment 3

# Monitoring and Enforcement Mechanisms

## **Columbus Airport Commission – Columbus Airport**

1. All participants are hereby notified that pursuant to Title 49 Code of Federal Regulations, United States Department of Transportation, Part 26 and the Disadvantaged Business Enterprise Participation Program for the Columbus Airport Commission, they must affirmatively ensure that, in any contract entered into with the Airport Commission, DBEs will be afforded *equal* opportunity to participate in subcontracting activities. It is the policy of the Airport Commission to ensure that DBEs, as defined in Part 26, have an equal opportunity to receive and participate in USDOT-assisted contracts. It is further the policy of the Airport Commission to ensure nondiscrimination in the award and administration of USDOT-assisted contracts.
2. All contracts between the Airport Commission, and a Contractor shall contain an appropriate provision to the effect that failure by the Contractor to comply with the Airport Commission's DBE Program shall constitute a breach of contract, exposing the Contractor to a potential termination of the contract or other appropriate remedy, including withholding of funds, until such time as the contractor complies with all the DBE requirements of this program. Under authority granted by Georgia law, the Airport Commission may impose liquidated damages, contract suspension, or even contract termination.
3. All documentation submitted at time of bid, as well as additional data provided by the successful bidder, is considered part of the contract documents. Any alterations, substitutions, deletions, etc., to data provided at time of submission of bid must have prior approval of the Airport Commission's DBE Liaison Officer.
4. Should a DBE firm not certified by the Georgia Department of Transportation be proposed by a potential contractor as a part of his/her DBE plan efforts, review and certification procedures consistent with 49 CFR Part 26 must be conducted prior to award of any contract.
5. In contracts with DBE contract goals, bids submitted which do not meet the DBE contract goals, and which do not show that a meaningful good faith effort was made to achieve the stated goals, will be considered non responsive bids, and bidders will be notified of the deficiency and given opportunity to appeal to the Administrative Reconsideration Official (49 CFR 26.53). The bidder will not be eligible for award of the contract until the appeal procedures are complete. The Administrative Reconsideration Official will make the determination on the sufficiency of the good faith efforts.
6. The Airport Commission reserves the right to reject any or all bids, or to re-advertise for bids. Award, if made, will be to the lowest responsive and qualified bidder. A bid will not be considered responsive unless the bidder complies with Title 49 Code of the Federal Regulations, Part 26, and the Disadvantaged Business Enterprise Program of the Airport Commission.
7. The Airport Commission shall require contractors to make good faith efforts to replace a DBE subcontractor that is terminated, or fails to complete its work on the contract for any

reason, with another DBE subcontractor. If a DBE subcontractor is terminated, or fails to complete its work on the contract for any reason, the Contractor must notify the Airport immediately. 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 established contract goal. The Airport Commission shall approve all substitutions prior to contract award and during contract performance in order to ensure that the substitute firms are eligible DBEs.

Additional information on the Airport Commission's Disadvantaged Business Enterprise Program can be obtained from the DBE Liaison Officer, **Mr. Richard Howell, Airport Director, Columbus Airport, 3250 W. Britt David Road, Columbus GA 31909, 706-324-2449, [rhowell@flycolumbusga.com](mailto:rhowell@flycolumbusga.com)**.

8. The Airport Commission will also implement a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award is actually performed by DBEs. This mechanism will provide for a running tally of actual DBE attainments (e.g., payments actually made to DBE firms), including a means of comparing these attainments to commitments. These mechanisms will include, but not be limited to, the following:
  - a. *Review bid package documentation thoroughly, obtaining clarification, if necessary.*
  - b. *Review monthly reports regarding employment as well as DBE participation to ensure adherence to plan as represented in bid documents and as stipulated in this program.*
  - c. *Monitor progress of payments to DBEs through monthly reports from prime contractors.*
  - d. *Monitor progress of DBEs work through on-site visits and communication with DBEs. The Airport Commission will implement a monitoring and enforcement mechanism that will include written certification that the Airport Commission has reviewed contracting records and monitored work sites for this purpose. This monitoring will be conducted during routine project site visits by the Airport Commission's engineering consultant on a monthly basis. In addition to the engineering consultant, the DBELO will sign off on the written certifications.*
9. The Airport Commission will bring to the attention of the US Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that USDOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the USDOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.
10. The Airport Commission also will consider similar action under its own legal authority, including responsibility determinations in future contracts. In addition, the Airport Commission will apply legal and contract remedies under state and local law. This includes, for example, applying liquidated damages, withholding payments, etc.
11. In its reports of DBE participation to the USDOT, the Airport Commission will show both commitments and attainments, as required by the USDOT reporting form.

**Attachment 9** contains a copy of 49 CFR Part 26, which describes federal regulations, provisions, and contract remedies available to the Airport Commission in the event of non-compliance by a participant.

Attachment 4

# Small Business Element Plan





Columbus Airport Commission  
Mark Oropeza, Director  
3250 West Britt David Road  
Columbus, Georgia 31909-5399  
706.324.2449 Fax: 706.324.1016  
flycolumbusga.com

**March 20, 2012**

Mr. Gene E. Roth  
Office of Civil Rights (ASO-9)  
Federal Aviation Administration  
1701 Columbia Ave.  
College Park, GA 30337

**Re: SBE Plan**

Dear Gene:

Enclosed is our proposed SBE Plan as required by USDOT. Please let me know if you need anything further.

Thanks in advance.

Sincerely,

Mark Oropeza  
Airport Director

## **SMALL BUSINESS PARTICIPATION**

### **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 methods and, that by definition, DBE firms are small businesses, the Columbus Airport Commission seeks to implement a small business element into its current DBE policy in accordance with applicable law. The Columbus Airport Commission is including this element to facilitate competition by and expand opportunities for small businesses. The Columbus Airport Commission 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 Columbus Airport Commission will meet its objectives using a combination of the following methods and strategies:

1. Set asides: Where economically and practically feasible, the Columbus Airport Commission may 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 requires that the Columbus Airport Commission and its prime contractors/ consultants set aside a portion of the value of each contract for participation by small businesses. A small business set-aside is open to all small businesses regardless of the owner's gender, race or geographic location. The project manager and 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 set aside percentage. This determination will be made based on the estimated availability of small businesses able to provide the requisite scopes of work regardless of DBE status. This set aside is in addition to the DBE contract goals which may be required pursuant to applicable law or policy. The Columbus Airport Commission will document the factors used to determine whether or not an FAA-assisted contract will utilize a set aside provision in its FAA assisted contracts.
2. Unbundling: The Columbus Airport Commission, where feasible, may "unbundle" projects or separate large contracts into smaller contracts which may be more suitable for small business participation. The Columbus Airport Commission will conduct contract reviews on each FAA-assisted contract to determine whether portions of the project could be "unbundled" or bid separately. This determination will be made based on the estimated availability of small businesses able to provide specific scopes of work and will consider any economic or administrative burdens which may be associated with unbundling. Similarly, the Columbus Airport Commission will encourage its prime contractors or prime consultants to unbundle contracts to facilitate participation by small businesses. The Columbus Airport Commission will assist prime contractors or prime consultants in identifying portions of work which may be unbundled and performed by small businesses. The Columbus Airport Commission will document the factors used to determine whether or not an FAA-assisted contract will be unbundled or bid separately.
3. Additionally, the Columbus Airport Commission advertises contracting opportunities through various outlets, including local newspapers, minority-based publications and trade publications.

As described above, the Columbus Airport Commission will utilize a variety of methods to facilitate small business participation. In each FAA-assisted contract, the DBELO will document the method in which the small business element will be implemented (i.e. set-aside, unbundling) and the process by which those methods were considered.

## **B. Definitions**

### **1. Small Business:**

Small businesses must meet the definitions specified in Section 3 of the Small Business Act and the Small Business Administration regulations implementing it (13 CFR Part 121). 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 months or on sales volume averaged over a three-year period.

### **2. Disadvantaged Business Enterprise:**

A for-profit small business (as defined by the Small Business Administration) —

- 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;
- Whose socially and economically disadvantaged owners do not exceed the personal net worth (PNW) does not exceed the described in 49 CFR Part 26. The current PNW cap is \$1.32 million.
- Whose average annual gross receipts, as defined by SBA regulations over the firm's previous three fiscal years is less than \$22.41 million
- Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it; and
- Has been certified as a DBE by the Georgia Department of Transportation (GDOT) in accordance with 49 CFR 26.

For the purposes of the small business element of the Columbus Airport Commission's DBE Program, small businesses which are also owned and controlled by socially disadvantaged individuals will be encouraged to seek DBE certification. Only DBE certified firms will be counted towards DBE race-neutral participation on FAA-assisted contracts.

## **C. Certification and Verification Procedures**

The Columbus Airport Commission will accept the following certifications for participation in the small business element of the Columbus Airport Commission's DBE Program with applicable stipulations:

1. GDOT DBE Certification – DBE Certification by the GDOT which stipulates that a firm has been determined to meet all the requirements in accordance with 49 CFR Part 26. All certification determinations are evidenced by a letter of DBE certification issued by GDOT.
2. SBA 8(a) Business Development Certification (as described in 13 CFR Parts 121 and 124) - will require submittal of three years of business tax returns.

Special Note: Minority and women-owned business enterprises which are 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. Implementation Schedule**

The Columbus Airport Commission will implement it within 9 months of the FAA's approval of this element.

**E. Assurances**

The Columbus Airport Commission 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.

## Attachment 5

# Overall Goal Calculation

**FY 2016 – FY 2018  
DISADVANTAGED BUSINESS ENTERPRISE PROGRAM METHODOLOGY  
FOR**



**COLUMBUS AIRPORT**

**COLUMBUS, GEORGIA**

**NOVEMBER 2015**

**METHODOLOGY for Establishing the FY 2016-FY 2018 Overall Disadvantaged Business  
Enterprise (DBE) Goal for:  
Columbus Airport, Columbus, GA (49 CFR Part 26)**

In fulfillment of the requirements of 49 CFR Part 26, the Columbus Airport Commission has developed a proposed Overall Goal for FY 2012 FAA-AIP projects at the Columbus Airport.

**I. Detailed Methodology: Specific Steps**

**A. Amount of Goal**

The Columbus Airport Commission's overall DBE goal for FY 2016-FY 2018 for the Columbus Airport is **9.5%** of the federal financial assistance it will expend in DOT-assisted contracts.

Given the amount of DOT-assisted contracts the Airport Commission expects to let during this fiscal year for the airport, which is **\$11,620,851**, the Airport Commission has set an overall goal of expending approximately **\$1,107,405** with DBEs during this fiscal three-year period.

**B. Determination of the Market Area of the study**

Based on discussions with the consulting engineer, and reviewing previous projects, the normal market area for the Columbus Airport is shown below in Table 1. The market area is based upon where the majority of dollars were expended for construction projects at the airport, and from where the majority of bidders came who bid on the previous projects at the airport.

**Table 1: Counties in the Local Market Area for Columbus Airport**

| Counties from<br>where Bidders<br>came | Percentage<br>of Bidders | Percentage of<br>contracting<br>dollars |
|--|--------------------------|---|
| Cobb GA                                | 20.0%                    | 25.5%                                   |
| Muscogee GA                            | 40.0%                    | 65.0%                                   |
| Tift GA                                | 20.0%                    | 9.5%                                    |
| <b>SUBTOTAL</b>                        | <b>80.0%</b>             | <b>100.0%</b>                           |
| Others                                 | 20.0%                    | 0.0%                                    |
| <b>TOTAL</b>                           | <b>100%</b>              | <b>100%</b>                             |

As the airport's engineering consultant is based in Duval County, Florida, Duval County is also included as part of the market area for professional services.

### C. Determination of relevant NAICS codes

Based on information provided by the consulting engineer concerning the proposed projects for this fiscal period, a list of NAICS codes corresponding to these projects was developed and is shown below:

**Table 2: Columbus Airport—FY 2016-FY 2018 Projects & Activities**

| <i><b>FY 2016 Projects</b></i>              |                                   |                          |
|---|-----------------------------------|--------------------------|
| <i><b>PROJECT</b></i>                       | <i><b>ACTIVITY</b></i>            | <i><b>NAICS CODE</b></i> |
| • Terminal Assessment Study                 | Heavy Construction                | 237310                   |
| • Design Perimeter Security Road            | Excavation                        | 238910                   |
| • Design/Construct RSA Runway 6/24          | Engineering/administration/design | 541330                   |
| • Design/Construct Seal Coat Runway 6/24    | Seeding/mulching                  | 561730                   |
| • Design Runway Obstruction Removal Project |                                   |                          |
| <i><b>FY 2017 Projects</b></i>              |                                   |                          |
| <i><b>PROJECT</b></i>                       | <i><b>ACTIVITY</b></i>            | <i><b>NAICS CODE</b></i> |
| • Construction - Runway Obstruction Removal | Heavy Construction                | 237310                   |
| • Construction of Perimeter Security Road   | Excavation                        | 238910                   |
| • Design of Terminal Rehabilitation         | Engineering/administration/design | 541330                   |
|   | Seeding/mulching                  | 561730                   |
| <i><b>FY 2018 Projects</b></i>              |                                   |                          |
| <i><b>PROJECT</b></i>                       | <i><b>ACTIVITY</b></i>            | <i><b>NAICS CODE</b></i> |
|   | Paving                            | 237310                   |
|   | Concrete                          | 238110                   |
|   | Steel                             | 238130                   |
|   | Masonry                           | 238140                   |
|   | Glazing                           | 238150                   |
|   | Roofing                           | 238160                   |
| • Construction Terminal Rehabilitation      | Electrical                        | 238210                   |
| • Design of General Aviation Taxiway        | Plumbing/sprinkler                | 238220                   |
| Relocation                                  | Drywall/finishes                  | 238310                   |
|   | Painting/wall covering            | 238320                   |
|   | Doors/hardware                    | 238350                   |
|   | Demolition                        | 238910                   |
|   | Design                            | 541330                   |
|   | Grassing/erosion control          | 561730                   |

SOURCE: RS&H Inc.



**D. Determination of Relative Availability of DBEs in Market Area, compared to all firms**

**Table 3a: DBEs—Columbus Airport, by Relevant NAICS Codes—FY 2016**

| <i>Project</i>                           | <i>NAICS Codes</i> | <i>DBE Firms</i> | <i>All Firms</i> | <i>% of DBE Firms Available</i> | <i>Ratio of estimated total expended</i> | <i>Weighted Total Availability</i> |
|--|--------------------|------------------|------------------|---------------------------------|--|------------------------------------|
| • Terminal Assessment Study              | 237310             | 7                | 33               | 21.2%                           | 0.27                                     | 5.7%                               |
| • Design Perimeter Sec Road              | 238910             | 5                | 60               | 8.3%                            | 0.14                                     | 1.2%                               |
| • Design/Construct RSA Rwy 6/24          | 541330             | 32               | 226              | 14.2%                           | 0.54                                     | 7.7%                               |
| • Design/Construct Seal Coat Rwy 6/24    | 561730             | 8                | 301              | 2.7%                            | 0.04                                     | 0.1%                               |
| • Design Rwy Obstruction Removal Project |                    |                  |                  |                                 |  |                                    |
| <b>STEP 1 DBE BASE FIGURE =</b>          |                    |                  |                  |                                 |  | <b>14.7%</b>                       |

**SOURCES:**

1. 2013 County Business Patterns, US Census Bureau, April 2015.
2. Florida UCP DBE Directory, November 2015.
3. Georgia DOT UCP Directory, November 2015.

**Table 3b: DBEs—Columbus Airport, by Relevant NAICS Codes—FY 2017**

| <i>Project</i>                            | <i>NAICS Codes</i> | <i>DBE Firms</i> | <i>All Firms</i> | <i>% of DBE Firms Available</i> | <i>Ratio of estimated total expended</i> | <i>Weighted Total Availability</i> |
|---|--------------------|------------------|------------------|---------------------------------|--|------------------------------------|
| □ Runway Obstruction Removal              | 237310             | 7                | 33               | 21.2%                           | 0.35                                     | 7.3%                               |
| □ Construction of Perimeter Security Road | 238910             | 5                | 60               | 8.3%                            | 0.48                                     | 4.0%                               |
| □ Design of Terminal Rehabilitation       | 541330             | 32               | 226              | 14.2%                           | 0.11                                     | 1.6%                               |
|   | 561730             | 8                | 301              | 2.7%                            | 0.06                                     | 0.2%                               |
| <b>STEP 1 DBE BASE FIGURE =</b>           |                    |                  |                  |                                 |  | <b>13.1%</b>                       |

**SOURCES:**

1. 2013 County Business Patterns, US Census Bureau, April 2015.
2. Florida UCP DBE Directory, November 2015.
3. Georgia DOT UCP Directory, November 2015.

**Table 3c: DBEs—Columbus Airport, by Relevant NAICS Codes—FY 2018**

| Projects  | NAICS Code   | DBEs | all firms |
|---|--------------|------|-----------|
| <ul style="list-style-type: none"> <li>• <b>Construction - Terminal Rehabilitation</b></li> <li>• <b>Design of General Aviation Taxiway Relocation</b></li> </ul> | 237310       | 7    | 33        |
|   | 238110       | 7    | 49        |
|   | 238130       | 2    | 20        |
|   | 238140       | 3    | 64        |
|   | 238150       | 0    | 17        |
|   | 238160       | 1    | 46        |
|   | 238210       | 5    | 220       |
|   | 238220       | 1    | 218       |
|   | 238310       | 2    | 55        |
|   | 238320       | 4    | 89        |
|   | 238350       | 2    | 86        |
|   | 238910       | 5    | 60        |
|   | 541330       | 32   | 226       |
|   | 561730       | 8    | 301       |
|   | <b>TOTAL</b> | 79   | 1484      |
| <b>Step 1 DBE Base Figure = 79/1484 = 5.3%</b>  |              |      |           |

**SOURCES:**

1. 2013 County Business Patterns, US Census Bureau, April 2015.
2. Florida UCP DBE Directory, November 2015.
3. Georgia DOT UCP Directory, November 2015.

**NOTE:** The County Business Patterns data were used as the source to determine the denominator, or the number of all firms in the market area. The DBE directories listed above were used to determine the numerator, or the number of DBE firms in the market area.

**E. Determination of the DBE Base Figure**

The Step 1 DBE Base Figure for FY 2016 and FY 2017 was derived by using a weighting process by which the percentage of dollars spent on various activities (represented by NAICS codes) were multiplied by the percentage of relevant DBE firms to all relevant firms as indicated in Table 3a and 3b above.

The Step 1 DBE Base Figure for FY 2018 was derived by dividing the number of relevant DBE firms into the number of all relevant firms as indicated in Table 3c above.

The Step 1 DBE Base Figure for FY 2016 is **14.6%**.

The Step 1 DBE Base Figure for FY 2017 is **13.1%**.

The Step 1 DBE Base Figure for FY 2018 is **5.3%**.

## II. Adjustments to the DBE Base Figure

After the DBE Base Figure has been developed, the regulations (49 CFR Part 26) require that:

“...additional evidence in the sponsor’s jurisdiction be considered to determine what adjustment, if any, is needed to the base figure in order to arrive at your overall goal” (26:45(d)).

### A. Adjustment Factors to Consider

The regulations further state that there are several types of evidence that must be considered when adjusting the base figure. These include:

*“(i) The current capacity of DBEs to perform work in your USDOT-assisted contracting program, as measured by the volume of work DBEs have performed in recent years.*

The historical overall DBE goals accomplished at the Airport in recent years, for which data were available, were examined relative to the above consideration.

**Table 4: Columbus Airport Historic DBE Accomplishment Data**

| Report Period  | Approved DBE Goal | Total DBE Percent Achieved | Over/Under-achieved |
|----------------|-------------------|----------------------------|---------------------|
| <b>FY 2010</b> | 10.54%            | 11.69%                     | 1.15%               |
| <b>FY 2011</b> | 5.70%             | 4.27%                      | -1.43%              |
| <b>MEDIAN</b>  |                   | <b>11.25%</b>              | <b>-1.43%</b>       |

### B. Consultations

In accordance with 49 CFR Part 26.45, consultations were held with various agencies to gather

*“(ii) Evidence from disparity studies conducted anywhere within your jurisdiction, to the extent it is not already accounted for in your base figure...*

*(iii) Data on employment, self-employment, education, training and union apprenticeship programs to the extent you can relate it to the opportunities for DBEs to perform in your program” (26:45, d.)*

There are no local disparity studies or similar documents that can be utilized to adjust the Step 1 DBE base figure. Several agencies were contacted, including the Georgia Entrepreneur and Small Business Development office (ESBD), the Georgia DOT Equal Opportunity Division, and the Columbus State University’s Small Business Development

Center office in Columbus GA. None of the entities had any disparity studies or data available for the Columbus area, and none had any data available noting disparities regarding DBEs' access to bonding, capital, insurance, etc.

There are a number of programs available to DBEs. ESBD (<http://www.georgia.org/small-business/>) has resources available for DBEs, including certification information, legislation involving small businesses, and contact information for small and minority business coordinators throughout the state of Georgia.

The Columbus State University's Small Business Development Center office in Columbus GA has consultants available to assist DBE firms in: writing business plans; conforming to federal government regulations; bidding on federal, state and local contracts; find capital, etc. The agency does not conduct disparity studies, but does provide resources to assist DBEs in obtaining a greater opportunity to participate in federal contracts.

### **C. Adjustment to Step 1 DBE Base Figure: Columbus Airport, FY 2016-FY 2018**

With the adjustment factors considered to this point, the Airport Commission will adjust the Step 1 base figure for each fiscal year by averaging the median of the total DBE percent for each fiscal year with the historic median DBE participation noted in Table 4 (11.25%).

**Table 5: Calculation for Adjusted DBE base figure**

| <b>FISCAL YEAR</b> | <b>DBE BASE<br/>FIGURE</b> | <b>MEDIAN DBE<br/>PARTICIPATION</b> | <b>SUM</b> | <b>ADJUSTED<br/>DBE BASE<br/>FIGURE</b> |
|--------------------|----------------------------|-------------------------------------|------------|---|
| <b>FY 2016</b>     | 14.6%                      | 11.25%                              | 25.85%     | <b>12.9%</b>                            |
| <b>FY 2017</b>     | 13.1%                      | 11.25%                              | 24.35%     | <b>12.2%</b>                            |
| <b>FY 2018</b>     | 5.3%                       | 11.25%                              | 16.55%     | <b>8.3%</b>                             |

The adjusted DBE base figure for each fiscal year was multiplied by the federal dollar amount to calculate the amount of dollars projected to be expended with DBEs. The DBE dollar amount was then divided into the projected total cost of the project to determine the overall DBE goal (see Table 6 below).

**Table 6: OVERALL DBE GOAL CALCULATION**

| <b>FISCAL YEAR</b>                                   | <b>AIP PORTION</b> | <b>DBE BASE FIGURE</b> | <b>DBE PORTION</b> | <b>TOTAL AMOUNT</b> | <b>DBE GOAL</b> |
|--|--------------------|------------------------|--------------------|---------------------|-----------------|
| <b>FY 2016</b>                                       | \$1,868,266        | 12.90%                 | \$241,006          | \$2,075,851         | <b>11.6%</b>    |
| <b>FY 2017</b>                                       | \$3,933,000        | 12.20%                 | \$479,826          | \$4,370,000         | <b>11.0%</b>    |
| <b>FY 2018</b>                                       | \$4,657,500        | 8.30%                  | \$386,573          | \$5,175,000         | <b>7.5%</b>     |
| <b>TOTAL</b>   |                    |                        | <b>\$1,107,405</b> | <b>\$11,620,851</b> |                 |
| <b>OVERALL DBE GOAL = \$1,107,405/\$11,620,851 =</b> |                    |                        |                    |                     | <b>9.5%</b>     |

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**Resources: Columbus Airport Commission - Disadvantaged Business Enterprise Program Methodology (FY 2016 – FY 2018)**

**A. Resource Documents:**

1. 2013 County Business Patterns, US Census Bureau, April 2015.
2. Florida UCP DBE Directory, November 2015.
3. Georgia DOT UCP Directory, November 2015.

Attachment 6

Breakout of Estimated Race-  
Neutral & Race-Conscious  
Participation

## **I. Breakout of Estimated Race-Conscious/Race-Neutral Participation**

The Airport Commission will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. The Airport Commission will use a combination of the following race-neutral means to increase DBE participation:

*Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE, and other small businesses participation (e.g., unbundling large contracts to make them more accessible to small businesses, encouraging prime contractors to subcontract portions of work that they might otherwise perform with their own forces);*

*Disseminating information communications 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).*

The Airport Commission estimates that, in meeting its overall goal of **9.5%**, that it will obtain **0.0%** from race-neutral participation and **9.5%** through race-conscious measures. The reason for this projected split is that the Airport, per Table 4 in Attachment 5, overall has not met its DBE goal in the past. Therefore, the goal is projected to be met via race-conscious measures for this fiscal three-year period.

The Airport Commission will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (26.51(f)) and it will track and report race-neutral and race-conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following:

- DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures;
- DBE participation through a subcontract on a prime contract that does not carry a DBE goal; and
- DBE participation on a prime contract exceeding a contract goal.

## **II. Process**

The Airport Commission will normally submit its overall goal to the FAA on August 1, in accordance with the FAA's schedule for non-hub primary airports.

Before establishing the overall goal for this three-year period, the Airport Commission consulted with the Columbus State University Small Business Development Center office in Columbus GA to obtain information concerning the availability of disadvantaged and non-

disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Airport Commission's efforts to establish a level playing field for the participation of DBEs.

Following this consultation, the Airport Commission posted a notice of the proposed overall goal, informing the public that the proposed goal and its rationale were available for inspection during normal business hours, and informing the public that the Airport Commission would accept comments on the goals for 30 days from the date of the notice. The notice was posted on the airport's website, per the requirements of 49 CFR Part 26.45(g)(1)(ii). The notice included the address to which comments could be sent and where the proposal could be reviewed. This process was used to establish the overall goal for FY 2016-FY 2018.

The Airport Commission's overall goal submission to the FAA will include a summary of information and comments received during this public participation process and its responses. *(Note: No comments have yet been received for the FY 2016-FY 2018 DBE Goal for the Airport Commission.)*

The Airport Commission will begin using the overall goal on October 1 of each year, unless the Airport Commission has received other instructions from USDOT/FAA (or, if the goal is established on a project basis) by the time of the first solicitation for a USDOT/FAA-assisted contract for the projects.

### **III. Contract Goals**

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

The Airport Commission will establish contract goals only on those USDOT-assisted contracts that have subcontracting possibilities. The Airport Commission does not need to 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 Airport Commission will express its contract goals as a percentage of the total amount of a USDOT-assisted contract.



Attachment 7

Form 1 & 2 for  
Demonstration of Good Faith  
Efforts

## **COLUMBUS AIRPORT COMMISSION**

### **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 has submitted documentation demonstrating good faith efforts.

Name of bidder/offeror's firm: \_\_\_\_\_

State Registration No. \_\_\_\_\_

By \_\_\_\_\_  
(Signature) Title

# COLUMBUS AIRPORT COMMISSION

## 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.

By \_\_\_\_\_  
(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 8

Certification Application  
Forms

Attachment 9

Regulations: 49 CFR Part 26

The federal regulations, Title 49  
Code of Federal Regulations  
Part 26, may be found at  
[www.ecfr.gov](http://www.ecfr.gov).