

**City of Albany**

**DISADVANTAGED BUSINESS ENTERPRISE PROGRAM**

for

**SOUTHWEST GEORGIA REGIONAL AIRPORT**

***ALBANY, GEORGIA***

August 2015

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**UNITED STATES DEPARTMENT OF TRANSPORTATION  
DBE PROGRAM – 49 CFR PART 26**

City of Albany  
for the Southwest Georgia Regional Airport, Albany GA

**POLICY STATEMENT**

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

The City of Albany (hereafter 'the City') 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 City has received federal financial assistance from USDOT, and as a condition of receiving this assistance, the City has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the City 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.

**David Hamilton, Transportation Director, City of Albany, 3905 Newton Rd, Suite 100, Albany, GA 31701, Phone: (229) 430-5175, [DHamilton@dougherty.ga.us](mailto:DHamilton@dougherty.ga.us)** has been designated as the DBE Liaison Officer (DBELO). In that capacity, the Transportation 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 City in its financial assistance agreements with the US Department of Transportation.

The City has disseminated this policy statement to the City Council and all of the components of the organization. The City 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 City.*
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 City's policy for the Southwest Georgia Regional Airport available to additional small, minority, and women business development agencies.*

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
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 City of Albany is the recipient of federal airport funds authorized by 49 U.S.C. 47101, *et seq.*

### **Section 26.5 Definitions**

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

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

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

### Assurance: 26.13(a)

*The City of Albany 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 City 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 City 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, 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 City will continue to carry out this program until all funds from USDOT financial assistance have been expended. The City 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 City has designated the following individual as its DBE Liaison Officer:

**David Hamilton, Transportation Director, City of Albany, 3905 Newton Rd, Suite 100, Albany, GA 31701, Phone: (229) 430-5175, [DHamilton@dougherty.ga.us](mailto:DHamilton@dougherty.ga.us)**

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the City complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the City Manager 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 City's progress toward attainment and identifies ways to improve progress.*
- 7. Participates in pre-bid meetings.*
- 8. Advises the City 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 City 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 City'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 City will consider the services offered by these institutions and refer them to contractors as noted above.

## **Section 26.29 Prompt Payment Mechanisms**

The City 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 City. 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 City. This clause applies to both DBE and non-DBE subcontracts.*

## **Section 26.31 Directory**

The primary Disadvantaged Business Enterprise Directory for the City 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.

GDOT revises the directory in real time, and the weblink may be found in **Attachment 2**.

### **Section 26.33            Overconcentration**

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

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

The City has not established a business development program.

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

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

1. The City 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 City 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 City in the event of non-compliance with the DBE regulations by a participant in procurement activities.
3. The City 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. *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 City will implement a monitoring and enforcement mechanism that will include written certification that the City has reviewed contracting records and monitored work sites for this purpose. This monitoring will be conducted during routine project site visits by the City's engineering consultant on a monthly basis. In addition to the engineering consultant, the DBELO will sign-off on the written certifications.*
4. The City 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 City 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 City 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 City 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 City will normally submit its overall goal to USDOT on August 1 of each year. Before establishing the overall goal each year, the City will consult with the Albany Small Business Program, the Governor's Entrepreneur and Small Business Office, and the University of Georgia's Small Business Development Center office in Albany to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the City's efforts to establish a level playing field for the participation of DBEs.

Following this consultation, the City will publish a notice of the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the airport, and informing the public that the City will accept comments on the goals for 30 days from the date of the notice. Normally, the City 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 City'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 City will begin using the overall goal on October 1 of each year, unless it has received other instructions from USDOT. If the City 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 City'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 City 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 City will establish contract goals only on those USDOT-assisted contracts that have subcontracting possibilities. The City 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 City 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 City will ensure that all information is complete and accurate and adequately documents the bidder/offeror'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 City 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 City 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): **C. Nathan Davis, City of Albany, City Attorney's Office, 201 W. Oglethorpe Avenue, Suite 355 A, Albany, GA 31701, [CNDavis@dougherty.ga.us](mailto:CNDavis@dougherty.ga.us)**. 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 City's administrative reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do so. The City 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 City 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 City 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 City will provide such written consent only if the City 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 City 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 City 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 City 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 City, 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 City and the contractor of the reasons, if any, why it objects to the proposed termination of its subcontract and why the City should not approve the prime contractor's action. If required in a particular case as a matter of public necessity (*e.g.*, safety), the City 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 City'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 City of Albany, 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/offerors, 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 City 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 City 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 City 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 City will refer all certifications to GDOT.

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

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

The City 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 City 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 City 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 City or USDOT. This reporting requirement also extends to any certified DBE subcontractor.

The City 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

Attachment 1	Organizational Chart
Attachment 2	DBE Directory
Attachment 3	Monitoring and Enforcement Mechanisms
Attachment 4	Small Business Participation Plan
Attachment 5	Overall Goal Calculation
Attachment 6	Breakout of Estimated Race-Neutral & Race-Conscious Participation
Attachment 7	Form 1 & 2 for Demonstration of Good Faith Efforts
Attachment 8	Certification Application Forms
Attachment 9	Regulations: 49 CFR Part 26

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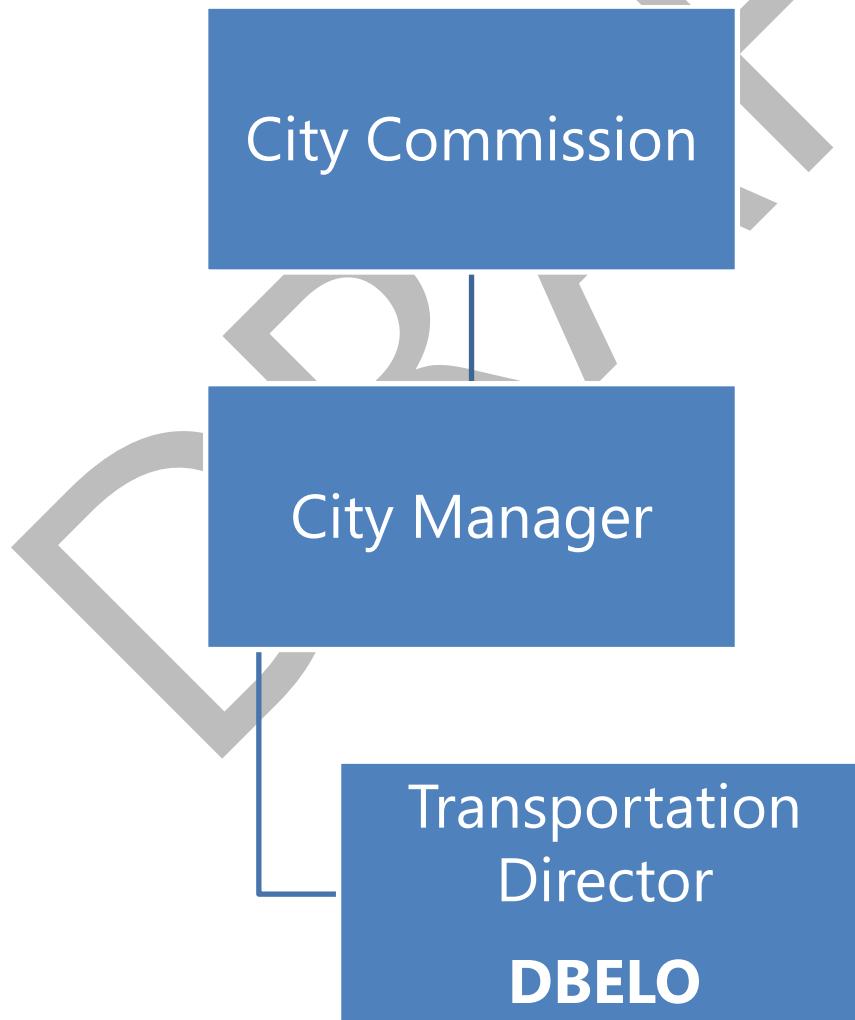
Attachment 1

# Organizational Chart

# City of Albany

## Southwest Georgia Regional Airport Albany, 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>.

Attachment 3

Monitoring and Enforcement  
Mechanisms

## City of Albany – Southwest Georgia Regional 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 City of Albany, they must affirmatively ensure that, in any contract entered into with the City, DBEs will be afforded *equal* opportunity to participate in subcontracting activities. It is the policy of the City 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 City to ensure nondiscrimination in the award and administration of USDOT-assisted contracts.
2. All contracts between the City, and a Contractor shall contain an appropriate provision to the effect that failure by the Contractor to comply with the City'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 City 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 City'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 City 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 City.
7. The City 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 City 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 City's Disadvantaged Business Enterprise Program can be obtained from the DBE Liaison Officer, **David Hamilton, Transportation Director, City of Albany, 3905 Newton Rd, Suite 100, Albany, GA 31701, Phone: (229) 430-5175, [DHamilton@dougherty.ga.us](mailto:DHamilton@dougherty.ga.us)**.

8. The City will also implement a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award is actually performed by DBE's. 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 City will implement a monitoring and enforcement mechanism that will include written certification that the City has reviewed contracting records and monitored work sites for this purpose. This monitoring will be conducted during routine project site visits by the City's engineering consultant on a monthly basis. In addition to the engineering consultant, the DBELO will sign-off on the written certifications.*
9. The City 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 City also will consider similar action under its own legal authority, including responsibility determinations in future contracts. In addition, the City 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 City 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 City in the event of non-compliance by a participant.

Attachment 4

Small Business Participation  
Plan



**SOUTHWEST GEORGIA REGIONAL AIRPORT  
CITY OF ALBANY, GEORGIA  
SMALL BUSINESS ELEMENT**

**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 Southwest Georgia Regional Airport seeks to implement a small business element into its current DBE policy in accordance with applicable law. The Southwest Georgia Regional Airport is including this element to facilitate competition by and expand opportunities for small businesses. The Southwest Georgia Regional Airport is committed to taking all reasonable steps to eliminate obstacles to small businesses that may preclude their participation in procurements as prime contractors or subcontractors. The Southwest Georgia Regional Airport will meet its objectives using a combination of the following methods and strategies:

1. Set asides: Where feasible, the Southwest Georgia Regional Airport 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 Southwest Georgia Regional Airport 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.

As a part of this determination, the Southwest Georgia Regional Airport will consult with the City of Albany's Small Business Program office to seek availability details on small businesses in the Program's database, including their known capabilities and experience. The Airport will work with the City's Small Business Program to identify eligible and qualified small businesses without regard to geographic considerations. The Small Business Program office has access to multiple databases containing information about small businesses well beyond the immediate geographic area. This set aside is in addition to the DBE contract goals which may be required pursuant to applicable law or policy. In the event that a set-aside is not established on an FAA-assisted contract, the project manager and DBELO will document why a small business set-aside is inappropriate and the factors which were considered in making that determination, including project scope and estimated availability of firms.

2. Unbundling: The Southwest Georgia Regional Airport, where feasible, may "unbundle" projects or separate large contracts into smaller contracts which may be more suitable for small business participation. The Southwest Georgia Regional Airport 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. As stated in the previous paragraph the Southwest Georgia Regional Airport will consult with the City of Albany's Small Business Program office to assist in determining the estimated availability of small businesses.

Similarly, the Southwest Georgia Regional Airport will encourage its prime contractors or prime consultants to unbundle contracts to facilitate participation by small businesses. The Southwest Georgia Regional Airport will assist prime contractors or prime consultants in identifying portions of work which may be unbundled and performed by small businesses known to be available. The Southwest Georgia Regional Airport will document the factors used to determine whether or not an FAA-assisted contract will be unbundled or bid separately.

3. **Outreach and technical assistance:** The Southwest Georgia Regional Airport sponsors and participates in outreach and training opportunities for small businesses through its DBE program. In addition to outreach activities currently performed, the Southwest Georgia Regional Airport plans to partner with the City of Albany's Small Business Program office to ensure that information about airport contracting opportunities is widely distributed to the small business community. The Southwest Georgia Regional Airport also plans to participate in outreach functions, procurement assistance and training offered by the City's Small Business Program to ensure active liaison with the small business community. Additionally, the Southwest Georgia Regional Airport advertises contracting opportunities through various outlets, including local newspapers, minority-based publications as well as on the City's website. The Southwest Georgia Regional Airport will include the City's Small Business Office on its distribution of information about upcoming contracting opportunities so that these opportunities may be publicized to all small businesses in the Program's database and promoted on the Albany Small Business web site.

As described above, the Southwest Georgia Regional Airport 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/or outreach) 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 (DBE)**

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 Southwest Georgia Regional Airport's DBE Program, small businesses which are also owned and controlled by socially disadvantaged individuals will be encouraged to seek DBE certification. Through our partnership with the City of Albany's Small Business Program, the Southwest Georgia Regional Airport plans to encourage eligible small businesses, including those already certified as a part of the Small Business Administration's 8(a) Business Development Program, to become certified as DBEs. The City's Small Business Program is planning outreach events and activities directed at DBE-eligible firms to provide assistance to them in the DBE certification process. Only DBE GDOT-certified firms will be counted towards DBE race-neutral participation on FAA-assisted contracts.

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

The Southwest Georgia Regional Airport will accept the following certifications for participation in the small business element of the Southwest Georgia Regional Airport'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 after contract award.
3. Small Business Size Determinations – Made in accordance with 13 CFR Part 121, by the City of Albany's Small Business Program office based on federal CCR registration information and other applicable documentation. Such verifications may be made after award.

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. The Southwest Georgia Regional Airport will work with the City of Albany's Small Business Program to ensure DBE-eligible firms are recruited and encouraged to apply for DBE certification.

### **D. Implementation Schedule**

The Southwest Georgia Regional Airport hereby submits its Small Business Element of the DBE Program by February 28, 2012, and will implement it within nine (9) months of the FAA's approval of this plan.

### **E. Assurances**

The Southwest Georgia Regional Airport makes the following assurances:

1. The DBE Program, including its small business element is not prohibited by state law;
2. Certified DBEs that meet the size criteria established under the DBE Program are presumptively eligible to participate in the small business element of the DBE Program;

3. There are no geographic or local preferences or limitations imposed on FAA-assisted contracts and the DBE Program is open to small businesses regardless of their location;
4. There are no limits on the number of contracts awarded to firms participating in the DBE Program;
5. Reasonable effort will be made to avoid creating barriers to the use of new, emerging, or untried businesses; and
6. Aggressive steps will be taken to encourage those minority and women owned firms participating in the small business element of the DBE Program that are eligible for DBE certification to become certified by GDOT.

DRAFT

Attachment 5

# Overall Goal Calculation

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

**SOUTHWEST GEORGIA REGIONAL AIRPORT**

**ALBANY, GEORGIA**

**AUGUST 2015**

# METHODOLOGY for Establishing the FY 2016 – FY 2018 Overall Disadvantaged Business Enterprise (DBE) Goal for:

*Southwest Georgia Regional Airport  
Albany GA  
August 2015*

In fulfillment of the requirements of 49 CFR Part 26, the City of Albany has developed a proposed Overall Goal for FY 2016-FY 2018 FAA-AIP projects at the Southwest Georgia Regional Airport. The methodology used in establishing this goal is described herein.

## I. Detailed Methodology: Specific Steps

### A. Amount of Goal

The City of Albany's ("the City") overall goal for the Southwest Georgia Regional Airport ("the Airport") for FY 2016-FY 2018 is the following: **15.1%** of the Federal financial assistance it will expend in USDOT-assisted contracts.

Given the amount of USDOT-assisted contracts that the City expects to let during this fiscal three-year period, which is **\$5,191,000**, this means that the City has set a goal of expending approximately **\$781,579** with DBEs during FY 2016-FY 2018.

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

The normal market area is derived by determining where the substantial majority of contracting dollars for AIP-funded projects were spent, and from where the majority of bidders over a given period of time have come. The market area is shown below in Table 1.

**Table 1: Counties in the Local Market Area for Southwest Georgia Regional Airport**

County	# of bidders	% of bidders	Dollars	Percent of Dollars
Dougherty	4	50.0%	\$5,874,004	87.3%
Lowndes	1	12.5%	\$0	0.0%
Oconee	1	12.5%	\$0	0.0%
Tift	1	12.5%	\$857,515	12.7%
<b>SUBTOTAL</b>	<b>7</b>	<b>87.5%</b>	<b>\$6,731,519</b>	<b>100.0%</b>
Others	1	12.5%	\$0	0.0%
<b>TOTAL</b>	<b>8</b>	<b>100.0%</b>	<b>\$6,731,519</b>	<b>100.0%</b>

Source: Holt Consulting Company, LLC

### 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: Southwest Georgia Regional Airport—FY 2016-FY 2018 Projects & Activities**

<i>FY 2016 Projects</i>		
<b>PROJECT</b>	<b>ACTIVITY</b>	<b>NAICS CODE</b>
• Runway 4/22 Crack Seal, Rejuvenate, and Re-Marking (Construction)	Heavy construction	237310
	Electrical contracting	238210
• South Apron & T-Hangar Taxiways Rehabilitate, Overlay, And Remarking – Overlay and Remarking - Phase 1 & 2 (Design)	Engineering/design	541330
	Surveying	541370
	Geotechnical	541380
	Erosion control	561730
<i>FY 2017 Projects</i>		
<b>PROJECT</b>	<b>ACTIVITY</b>	<b>NAICS CODE</b>
• South Apron & T-Hangar Taxiways Rehabilitate, Overlay, and Remarking – Phase 1 (Construction)	Heavy construction	237310
	Electrical contracting	238210
	Demolition	238910
	Engineering/design	541330
	Erosion control	561730
<i>FY 2018 Projects</i>		
<b>PROJECT</b>	<b>ACTIVITY</b>	<b>NAICS CODE</b>
• South Apron & T-Hangar Taxiways Rehabilitate, Overlay, and Remarking – Phase 2 (Construction)	Heavy construction	237310
	Electrical contracting	238210
	Demolition	238910
	Engineering/design	541330
• Environmental Assessment for Runway Improvements/Justification and Analysis	Surveying	541370
	Geotechnical	541380
• North Aircraft Apron Overlay (Design)	Environmental consulting	541620
	Erosion control	561730

SOURCE: Holt Consulting Company, LLC



**D. Determination of Relative Availability of DBEs in Market Area, Compared to all Firms**

**Table 3a: DBEs—Southwest Georgia Regional Airport, by Relevant NAICS Codes—FY 2016**

<i>Projects</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 4/22 Crack Seal, Rejuvenate, and Re-Marking (Construction)	237310	4	14	28.6%	0.62	17.8%
	238210	1	72	1.4%	0.06	0.1%
• South Apron & T-Hangar Taxiways Rehabilitate, Overlay, And Remarking – Overlay and Remarking - Phase 1 & 2 (Design)	541330	16	266	6.0%	0.20	1.2%
	541370	5	19	26.3%	0.03	0.8%
	541380	2	28	7.1%	0.03	0.2%
	561730	3	103	2.9%	0.06	0.2%
<b>STEP 1 DBE BASE FIGURE =</b>						<b>20.3%</b>

**Table 3b: DBEs—Southwest Georgia Regional Airport, by Relevant NAICS Codes—FY 2017**

<i>Projects</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>
• South Apron & T-Hangar Taxiways Rehabilitate, Overlay, and Remarking – Phase 1 (Construction)	237310	4	14	28.6%	0.61	17.5%
	238210	1	72	1.4%	0.06	0.1%
	238910	1	21	4.8%	0.11	0.5%
	541330	16	266	6.0%	0.11	0.7%
	561730	3	103	2.9%	0.11	0.3%
<b>STEP 1 DBE BASE FIGURE =</b>						<b>19.1%</b>

**Table 3c: DBEs—Southwest Georgia Regional Airport, by Relevant NAICS Codes—FY 2018**

<i>Projects</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>
• South Apron & T-Hangar Taxiways Rehabilitate, Overlay, and Remarking – Phase 2 (Construction)	237310	4	14	28.6%	0.51	14.5%
	238210	1	72	1.4%	0.07	0.1%
	238910	1	21	4.8%	0.09	0.4%
	541330	16	266	6.0%	0.18	1.1%
• Environmental Assessment for Runway Improvements/Justification and Analysis	541370	5	19	26.3%	0.01	0.2%
	541380	2	28	7.1%	0.01	0.0%
	541620	6	37	16.2%	0.04	0.6%
• North Aircraft Apron Overlay (Design)	561730	3	103	2.9%	0.10	0.3%
<b>STEP 1 DBE BASE FIGURE =</b>						<b>17.3%</b>

**SOURCES:**

1. 2013 County Business Patterns, US Census Bureau, April 23, 2015.
2. Georgia DOT UCP Directory, August 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 Figures for each fiscal were 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 the tables above.

The Step 1 DBE Base Figure for FY 2016 is **20.3%**.

The Step 1 DBE Base Figure for FY 2017 is **19.1%**.

The Step 1 DBE Base Figure for FY 2018 is **17.3%**.

## **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 were examined relative to the above consideration. Notice the annual DBE percent accomplishment indicated in Table 4 below:

**Table 4: Southwest Georgia Regional Airport Historic DBE Accomplishment Data<sup>1</sup>**

<b>Report Period</b>	<b>Approved DBE Goal</b>	<b>Total DBE Percent Achieved</b>	<b>Over- /Under- achieved</b>
<b>FY 2010</b>	12.3%	14.6%	2.3%
<b>FY 2011</b>	14.7%	15.3%	0.6%
<b>MEDIAN</b>		<b>15.0%</b>	<b>1.5%</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 University of Georgia’s Small Business Development Center office in Albany GA. None of the entities had any disparity studies or data available for the Albany area within the past five years, 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/connect/mentoring-minorities/>) 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 Georgia Small Business Development Center in Albany has consultants available to assist DBE firms in writing business plans; conforming to federal government regulations; bidding on federal, state and local contracts; finding capital, etc. The agency does not conduct disparity studies, but does provide resources to assist DBEs in obtaining a greater opportunity to participate in federally-funded contracts.

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<sup>1</sup> Data were only available for FY 2010 and FY 2011 as of this submittal.

**C. Adjustment to Step 1 DBE Base Figure: Southwest Georgia Regional Airport, FY 2016-FY 2018**

With the adjustment factors considered to this point, the City will adjust the Step 1 base figures as calculated above by adding the annual accomplishment factor derived in Table 4, above (14.9%) to the base figure for each fiscal year as noted, and averaging the total, for an adjusted overall DBE goal.

The DBE base figure for FY 2016 is 20.3%.  $20.3\% + 15.0\% = 35.3\% \div 2 = 17.7\%$ .

The DBE base figure for FY 2017 is 19.1%.  $19.1\% + 15.0\% = 34.1\% \div 2 = 17.1\%$ .

The DBE base figure for FY 2018 is 17.3%.  $17.3\% + 15.0\% = 32.3\% \div 2 = 16.2\%$ .

FISCAL YEAR	AIP PORTION	DBE BASE FIGURE	DBE PORTION	TOTAL AMOUNT	DBE GOAL
FY 2016	\$897,300	17.7%	\$158,373	\$997,000	15.9%
FY 2017	\$1,512,000	17.1%	\$257,796	\$1,680,000	15.3%
FY 2018	\$2,262,600	16.2%	\$365,410	\$2,514,000	14.5%
TOTAL			\$781,579	\$5,191,000	
OVERALL DBE GOAL = \$781,579/\$5,191,000 =					15.1%

**Resources:** Southwest Georgia Regional Airport - Disadvantaged Business Enterprise Program Methodology (FY 2016 – FY 2018)

**A. Resource Documents:**

1. 2013 County Business Patterns, U.S. Census Bureau, April 23, 2015.
2. Georgia UCP Directory, August 2015.

**B. Persons, and/or Agencies Consulted with:**

1. Georgia DOT Equal Opportunity Division
2. The Governor's Entrepreneur and Small Business Development office
3. University of Georgia Small Business Development Center – Albany GA

Attachment 6

Breakout of Estimated Race-  
Neutral & Race-Conscious  
Participation

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

The City will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. The City 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 City estimates that, in meeting its overall goal of **15.1%**, that it will obtain **1.5%** from race-neutral participation and **13.6%** through race-conscious measures. The reason for this breakout is that the projects from previous years show that the amount by which the past DBE goal was over-achieved is 1.5% (see Attachment 4, Table 4). Therefore, it is projected that 1.5% of the adjusted goal will be achieved using race-neutral means. The remainder of the goal (13.6%) is projected to be achieved using race-conscious measures.

The City 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;
- DBE participation on a prime contract exceeding a contract goal.

## **II. Process**

The City will normally submit its overall goal to the FAA on August 1 of each year.

Before establishing the overall goal this year, the City consulted with the University of Georgia Small Business Development Center office in Albany GA to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the City's efforts to establish a level playing field for the participation of DBEs.

Following this consultation, the City published 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 City would accept comments on the goals for 30 days from the date of the notice. The notice was published on the airport's website, and in the Albany Southwest Georgia newspaper. The notice included addresses (including offices) to which comments could be sent and addresses where the proposal could be reviewed. This process was used to establish the overall goal for FY 2016-FY 2018.

The City'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 City.)*

The City will begin using the overall goal on October 1 of each year, unless the City 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 City will use contract goals to meet any portion of the overall goal that the City 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 City will establish contract goals only on those USDOT-assisted contracts that have subcontracting possibilities. The City 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 City 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



**CITY OF ALBANY**

**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 \_\_\_\_\_ Title \_\_\_\_\_  
(Signature)

**CITY OF ALBANY**

**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.)

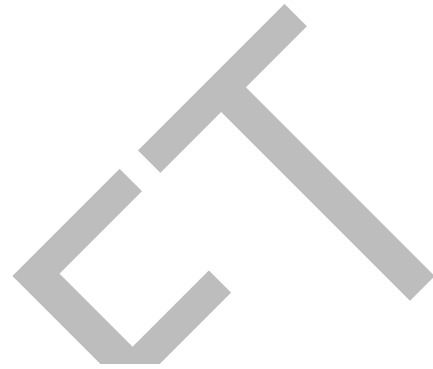
Attachment 8

Certification Application  
Forms

The DBE certification application for the State of Georgia may be found at <http://www.dot.ga.gov/PS/Business/DBE>.

Attachment 9

Regulations: 49 CFR Part 26



The federal regulations for the DBE program, 49 CFR Part 26, may be found at <http://www.ecfr.gov>.

