

Valdosta-Lowndes County Airport Authority

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

for

VALDOSTA REGIONAL AIRPORT

VALDOSTA, GEORGIA

June 2016

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

Valdosta-Lowndes County Airport Authority
for the Valdosta Regional Airport, Valdosta GA

POLICY STATEMENT

Section 26.1, 26.23 Objectives/Policy Statement

The Valdosta-Lowndes County Airport Authority (hereafter 'the Airport Authority') 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 Authority has received federal financial assistance from USDOT, and as a condition of receiving this assistance, the Airport Authority has signed an assurance that they will comply with 49 CFR Part 26.

It is the policy of the Airport Authority 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.

Jim Galloway, Airport Executive Director, Valdosta-Lowndes County Airport Authority, 1750 Airport Road, Suite 1, Valdosta GA 31601, Phone: 229-333-1833, Email: jgalloway@flyvaldosta.com has been designated as the DBE Liaison Officer (DBELO). In that capacity, the Airport Executive 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 Authority in its financial assistance agreements with the US Department of Transportation.

The Airport Authority 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 Authority.*
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 Authority's policy for the Valdosta Regional Airport available to additional small, minority, and women business development agencies.*

Chair, Valdosta-Lowndes County Airport Authority

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 Valdosta-Lowndes County Airport Authority is the recipient of federal airport funds authorized by 49 U.S.C. 47101, *et seq.*

Section 26.5 Definitions

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

Section 26.7 Non-discrimination Requirements

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

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

Section 26.11 Record Keeping Requirements

Reporting to USDOT: 26.11(b)

The Airport Authority 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 FAA dbE-Connect (<https://faa.dbesystem.com/>).

Bidders List: 26.11(c)

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

Assurance: 26.13(a)

The Valdosta-Lowndes County Airport Authority 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 Authority 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 Authority 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 Airport Authority will continue to carry out this program until all funds from USDOT financial assistance have been expended. The Airport Authority 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 Authority has designated the following individual as its DBE Liaison Officer:

Jim Galloway, Airport Executive Director, Valdosta-Lowndes County Airport Authority, 1750 Airport Road, Suite 1, Valdosta GA 31601, Phone: 229-333-1833, Email: jgalloway@flyvaldosta.com

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the Airport Authority complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Airport Authority 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 annual goals.*
- 4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.*
- 5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals attainment and identifies ways to improve progress.*

6. *Analyzes the Airport Authority's progress toward attainment and identifies ways to improve progress.*
7. *Participates in pre-bid meetings.*
8. *Advises the Airport Authority on DBE matters and achievement.*
9. *Chairs the DBE Advisory Committee (when formed).*
10. *Participates in pre-bid meetings.*
11. *Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.*
12. *Plans and participates in DBE training seminars.*
13. *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 Authority 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 Authority'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 Authority will consider the services offered by these institutions and refer them as noted above.

Section 26.29 Prompt Payment Mechanisms

The Airport Authority has established, as part of its DBE Program, a contract clause to require prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 30 days from receipt of each payment made to the prime contractor.

The Airport Authority will ensure prompt and full payment of retainage from the prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed. The Airport Authority will hold retainage from prime contractors and provide for prompt and regular incremental acceptances of portions of the prime contract, pay retainage to prime contractors based on these acceptances, and require a contract clause obligating the prime contractor to pay all retainage owed to the subcontractor for satisfactory completion of the accepted work within 30 days after payment to the prime contractor.

The Airport Authority will consider a subcontractor's work is satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by the Airport Authority. When the Airport Authority has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.

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

1. Withholding from the contractor in violation ten percent (10%) of all future payments under the involved eligible project until it is determined that the contractor is in compliance.
2. Withholding from the contractor in violation all future payments under the involved eligible project until it is determined that the contractor is in compliance.
3. Refusal of all future bids or offers for any applicable contract until it is determined that the contractor is in compliance.
4. Cancellation of the current contract.

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

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than thirty (30) days from the receipt of each payment the prime contract receives from the Airport Authority. The prime contractor agrees further to return retainage payments to each subcontractor within seven (7) days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the Airport Authority. This clause applies to both DBE and non-DBE subcontracts.

Section 26.31 Directory

The primary Disadvantaged Business Enterprise Directory for the Airport Authority 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 Airport Authority has not identified that overconcentration exists in the types of work that DBEs perform.

Section 26.35 Business Development Programs

The Airport Authority has not established a business development program.

Section 26.37 Monitoring and Enforcement Mechanisms

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

1. The Airport Authority 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 Authority 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 Authority in the event of non-compliance with the DBE regulations by a participant in procurement activities.
3. The Airport Authority 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 Airport Authority will implement a monitoring and enforcement mechanism that will include written certification that the Airport Authority has reviewed contracting records and monitored work sites for this purpose. This monitoring will be conducted during routine project site visits by the Airport Authority'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 Authority 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 Authority 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.

The program element is included as Attachment 4. The Airport Authority 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 Authority does not use quotas in any way in the administration of this DBE program.

Section 26.45 Overall Goal

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

Airport Type	Region	Next Goal Due (Goal Period)
Large & Medium Hub Primary	All Regions	August 1, 2016 (2017/2018/2019)
Small Hub Primary	All Regions	August 1, 2017 (2018/2019/2020)
Non-Hub Primary	All Regions	August 1, 2015 (2016/2017/2018)
Non-Primary (GAs, Relievers and State DOTs)	Alaskan, Eastern, & Great Lakes	August 1, 2016 (2017/2018/2019)
Non-Primary (GAs, Relievers and State DOTs)	New England, Northwest Mountain, & Southern	August 1, 2017 (2018/2019/2020)
Non-Primary (GAs, Relievers and State DOTs)	Central, Southwest, and Western- Pacific	August 1, 2018 (2019/2020/2021)

The DBE goals will be established in accordance with the 2-step process as specified in 49 CFR Part 26.45. If the Airport Authority does not anticipate awarding DOT/FAA-funded prime contracts the cumulative total value of which exceeds \$250,000 during any of the years within the three-

year reporting period, the Airport Authority will not develop an overall goal; however, this DBE Program will remain in effect and the Airport Authority will seek to fulfill the objectives outlined in 49 CFR Part 26.1.

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 triennially.

In establishing the overall goal, the Airport Authority will provide for consultation and publication. This includes consultation with minority, women's and general contractor groups, community organizations, and other officials or organizations that could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Airport Authority's efforts to establish a level playing field for the participation of DBEs. The consultation will include a scheduled, direct, interactive exchange (e.g., a face-to-face meeting, video conference, teleconference) with as many interested stakeholders as possible focused on obtaining information relevant to the Airport Authority's goal setting process, and it will occur before submitting the goal methodology to the FAA for review pursuant to paragraph (f) of this section. The Airport Authority will document in the goal submission the consultation process that was utilized. Notwithstanding paragraph (f)(4) of this section, the Airport Authority will not implement the proposed goal until this requirement is fulfilled.

The Airport Authority'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 Authority will begin using the overall goal on October 1 of the required year of submission, unless it has received other instructions from USDOT. If the Airport Authority 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 Authority'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 Authority 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 Authority will establish contract goals only on those USDOT-assisted contracts that have subcontracting possibilities. The Airport Authority 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 Authority will express its contract goals as a percentage of the total share 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 Authority will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before committing to the performance of the contract by the bidder/offeror.

Information to be submitted (26.53(b))

The Airport Authority 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 Authority 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 reconsideration official: **Steve Everett, Chairman, Valdosta-Lowndes County Airport Authority, 1750 Airport Road, Valdosta, GA 31601**. The reconsideration official 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 Authority'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 Authority 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 Authority will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE,

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 Authority 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 Authority will provide such written consent only if the Airport Authority 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 Authority 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 Authority has determined compels the termination of the DBE subcontractor. Provided, that good cause does not exist if the prime contractor seeks to terminate a DBE it relied upon to obtain the contract so that the prime contractor can self-perform the work for which the DBE contractor was engaged or so that the prime contractor can substitute another DBE or non-DBE contractor after contract award.

Before transmitting its request to the Airport Authority 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 Authority, 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 Authority and the contractor of the reasons, if any, why it objects to the proposed termination of its subcontract and why the Airport Authority should not approve the prime contractor's action. If required in a particular case as a matter of public necessity (e.g., safety), the Airport Authority may provide a response period shorter than five days.

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

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

Sample Bid Specification:

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 Valdosta-Lowndes County Airport Authority 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 Airport Authority 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 Authority 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 Authority 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 and Atlanta's MARTA will conduct all DBE certifications. To be certified as a DBE, a firm must meet all certification eligibility standards. The Airport Authority will refer all certifications to either of these two agencies.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

The Airport Authority will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. Notwithstanding any contrary provisions of state or local law, the Airport Authority 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 Authority 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 Authority or USDOT. This reporting requirement also extends to any certified DBE subcontractor.

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

ATTACHMENTS

Attachment 1	Organizational Chart
Attachment 2	DBE Directory
Attachment 3	Monitoring and Enforcement Mechanisms
Attachment 4	Fostering Small Business Participation
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Attachment 1

Organizational Chart

Valdosta-Lowndes County Airport Authority

Valdosta Regional Airport

Valdosta, 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

Valdosta-Lowndes County Airport Authority – Valdosta 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 Valdosta-Lowndes County Airport Authority, they must affirmatively ensure that, in any contract entered into with the Airport Authority, DBEs will be afforded *equal* opportunity to participate in subcontracting activities. It is the policy of the Airport Authority 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 Authority to ensure nondiscrimination in the award and administration of USDOT-assisted contracts.
2. All contracts between the Airport Authority, and a Contractor shall contain an appropriate provision to the effect that failure by the Contractor to comply with the Airport Authority'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 Authority 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 Authority'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 Authority 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 Authority.
7. The Airport Authority 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 Authority 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 Authority's Disadvantaged Business Enterprise Program can be obtained from the DBE Liaison Officer, **Jim Galloway, Airport Executive Director, Valdosta-Lowndes County Airport Authority, 1750 Airport Road, Suite 1, Valdosta GA 31601, Phone: 229-333-1833, Email: jgalloway@flyvaldosta.com.**

8. The Airport Authority 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 Airport Authority will implement a monitoring and enforcement mechanism that will include written certification that the Airport Authority has reviewed contracting records and monitored work sites for this purpose. This monitoring will be conducted during routine project site visits by the Airport Authority'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 Authority 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 Authority also will consider similar action under its own legal authorities, including responsibility determinations in future contracts. In addition, the Airport Authority 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 Authority 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 Authority in the event of non-compliance by a participant.

Attachment 4

Small Business Participation Plan

Section 26.39 – Fostering Small Business Participation

A. Purpose and Objective of this Element

This element, 49 CFR Part 26.39, is included as an amendment to the DBE program plan for the Valdosta-Lowndes County Airport Authority (“the Airport Authority”), on behalf of the Valdosta Regional Airport (“the Airport”), and is herein referenced as the Small Business Participation Plan (SBPP). This new part calls for the inclusion of an element to

“structure contracting requirements to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation.”

The Airport Authority hereby sets forth its plan to implement these requirements. The Airport Authority’s SBPP is also regarded as a substantial effort toward fulfilling the overall intent of 49 CFR Part 26.51, which is to meet the maximum feasible portion of its overall goal by using race-neutral means to obtain DBE participation. Therefore, implementation of the Airport Authority’s SBPP will be based on the standard of business size, without regard to race or gender of the business owner.

This element also addresses the unnecessary and unjustified “bundling” of contract requirements which may preclude or inhibit small business participation in procurements, as either prime or subcontractors.

Further, the Airport Authority perceives the objectives of this section to be consistent with its DBE Program policy statement, which says in part:

*“- To ensure nondiscrimination in the award and administration of DOT-assisted contracts.
- To help remove barriers to the participation of DBEs in DOT assisted contracts...
- To assist the development of firms that can compete successfully in the market place outside the DBE Program.”*

B. SBPP Strategy

The Airport Authority intends to carry out the objectives of this part by employing the following strategies and supporting activities:

1. Establishment of a Race-neutral “Subcontracting Goal”

The Airport Authority proposes, where feasible, on certain prime contracts that do not have a DBE contract goal, that prime contractors will be required to provide subcontracting opportunities to qualified small business concerns (SBCs), as defined herein, without regards to race or gender of the business owner. Verified business size and subcontracting opportunities will be the basis of this subcontracting goal. The opportunities must be of a size that SBCs, including some which may also happen to be DBEs, can reasonably perform. The Airport, through the Airport

Authority's office and/or consultants, will assess the feasibility for race-neutral subcontracting goals on projects. The Airport Authority's office will assist the potential primes by reviewing the project(s), in advance of the solicitation, and by suggesting potential subcontracting opportunities in the solicitation documents. This will help to establish a reasonable race-neutral subcontracting goal.

2. Consideration of "Unbundling" of Large Contracts

The Airport Authority has given consideration to "unbundling" as a small business strategy. However, because the Airport is a general aviation facility, the Airport Authority believes that, at this time, such a strategy will not be suitable for the airport. Because of the limited number and size of contracts each year, the increased total number of bid solicitations with "unbundling" could significantly increase both administrative and project costs per bid. This will reduce the necessary "economy of scale" for small general aviation airports.

C. Definitions for this Element

1. Small Business

For purposes of this program element, which is part of the Airport Authority's approved DBE program, "small business" shall have the same definition as "small business concerns" contained in 49 CFR 26.5:

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

For additional clarification, it is useful to include here some excerpts from the SBA regulations, 13 CFR, 121.105:

(a)(1) Except for small agricultural cooperatives, a business concern eligible for assistance from SBA as a small business is a business entity organized for profit, with a place of business located in the United States, and which operates primarily within the United States or which makes a significant contribution to the U.S. economy through payment of taxes or use of American products, materials or labor...." and,

(b) A business concern may be in the legal form of an individual proprietorship, partnership, limited liability company, corporation, joint venture, association, trust or cooperative, except that where the form is a joint venture there can be no more than 49 percent participation by foreign business entities in the joint venture.

Further, it is acknowledged that the SBA rules make allowances for the dollar amounts to be adjusted from time to time.

2. Disadvantaged Business Enterprise

Disadvantaged Business Enterprise (DBE) means a for-profit small business concern (defined by SBA rules, above) that meets the standards of 49 CFR Part 26, i.e.

- *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 management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it;*
- *Has been certified as a DBE by a certifying member of the Georgia Unified Certification Program (GA UCP) in accordance with the full requirements of 49 CFR 26.*

It is understood that in the implementation of this element, all of the “small business concerns” may not necessarily be DBE firms. However, small businesses that are also owned and controlled by individuals who meet the DBE standard will certainly be encouraged to seek DBE certification. Only DBE certified firms who participate as small business concerns, pursuant to this element, will be counted towards DBE race-neutral participation on FAA-assisted contracts in this program.

D. Verification Standards and Procedures

For purposes of this small business element, the Airport Authority will require the following verification and/or certification:

1. **Georgia Unified Certification Program (GA UCP) DBE Certification** – DBE certification by a certifying member of the GA UCP 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 a certifying member of the GA UCP. It should be noted that the Airport is a non-certifying member of the GA UCP and relies on certification decisions of the Georgia Department of Transportation (GDOT). The GDOT certification staff applies the standards and procedures for DBE certification applicants contained in Subparts D and E of 49 CFR 26.61 – 26.91.
2. **Small business status** - A non-DBE certified potential small business concern may have to complete a simplified application and/or provide the following information at time of response to a solicitation or a bid submittal, as evidence of the small business status:
 - a. Evidence of SBA 8(a) or SBD Certification (as described in 13 CFR Parts 121 and 124);
 - b. A copy of the business tax returns for the most recent three-year period indicating the gross receipts; and/or
 - c. A notarized statement from a Certified Public Accountant indicating the firm’s average gross receipts for the past three years.

3. **Use of Personal Net Worth:** The Airport Authority, in addition to the standards for small business concerns described above, plans to utilize the current personal net worth standards of the DBE program (49 CFR Part 26.67), presently at \$1.32 million.

E. Supportive Services

The Airport Authority is a non-certifying member of the Georgia UCP. The Airport Authority does not conduct DBE certifications, but relies on certifications of GDOT. While the Airport Authority also does not provide direct supportive services or business development programs to DBEs or small businesses, the Airport Authority is aware of several valuable resources in the surrounding area. The Airport Authority will coordinate and make referrals to potential and qualifying small business concerns to these services. Some of the resources are listed below:

SCORE – Lake City/Suwannee Valley Branch
1389 U.S. 90 W
Suite 170
Lake City, FL 32055
Phone: 352-375-8278
<http://northcentralflorida.score.org>

Small Business Development Center
Harley Langdale, Jr. College of Business Administration
Valdosta State University
1500 North Patterson Street
Valdosta, GA 31698-0077
Phone: 229-245-3738
<http://www.valdosta.edu/sbdc>

Southern Georgia Regional Commission
327 West Savannah Avenue
Valdosta GA 31601
Phone: 229-333-5277
<http://www.sgrdc.com/LoansDept/index.htm>

Note: The Southern Georgia Regional Commission offers loan programs for small businesses in an 18-county area in southern Georgia, including Lowndes County.

Valdosta-Lowndes County Chamber of Commerce
416 N Ashley Street
Valdosta, GA 31601
Phone: 229-247-8100
<http://www.valdostachamber.com>

F. Implementation Plan and Timetable

The Airport Authority proposes to have its SBPP fully implemented within 120 days of the FAA final approval of the plan. The Airport Authority will utilize the timeframe to properly set up the program in order to maximize the potential for ultimate success. These set-up activities will include:

1. Review, in coordination with the Airport Executive Director's office and its consultants, all upcoming projects to determine which, if any, will be conducive for application of the selected SBPP strategy described in Section B, above.
2. Review, in coordination with the Airport Executive Director's office, its consultants, and with legal input, the necessary revisions and modifications to bid solicitation language, etc., prior to implementation.
3. Coordinate properly with the Georgia UCP to initiate discussions as to whether any changes/modifications are implicated in the UCP stakeholder agreement, due to verification of small business concerns.
4. Coordinate with other entities currently providing relevant supportive services and/or business development for referrals to their programs, appropriate for the small business concerns that may contact the Airport Authority to increase their competitive opportunities at the Airport.
5. The Airport Authority, during the pre-implementation period, may also seek consultation with the representative small business community.

G. Principal Responsible Person

The principal responsible person for overseeing and implementing the Airport Authority's SBPP will be the currently designated Disadvantaged Business Enterprise Liaison Officer (DBELO). The DBELO for the Airport is **Jim Galloway, Airport Executive Director**.

Attachment 5

Overall Goal Calculation

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



VALDOSTA REGIONAL AIRPORT

VALDOSTA, GEORGIA

JUNE 2016

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

Valdosta Regional Airport Valdosta GA

In fulfillment of the requirements of 49 CFR Part 26, the Valdosta-Lowndes County Airport Authority (hereafter 'the Airport Authority') has developed a proposed Overall Goal for FY 2016-FY 2018 FAA-AIP projects at the Valdosta Regional Airport. The methodology used in establishing this goal is described herein.

I. Detailed Methodology: Specific Steps

A. Amount of Goal

The Valdosta-Lowndes County Airport Authority's overall goal for FY 2016-FY 2018 is **5.5%** of the Federal financial assistance it will expend in USDOT-assisted contracts.

The Airport Authority expects to let approximately **\$2,717,000** in USDOT-assisted contracts for FY 2016-FY 2018. The Airport Authority has set a goal of expending approximately **\$149,276** with DBE during this three-year period.

B. Determination of the Market Area of the study

The 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 (see Table 1).

Table 1: Counties in the Local Market Area for Valdosta Regional Airport

County	Number of bidders	Percentage of bidders	Dollars	Percentage of dollars
Colquitt	1	20.0%	\$421,696	11.2%
Lowndes	3	60.0%	\$3,358,641	88.8%
SUBTOTAL	4	80.0%	\$3,780,337	100.0%
Others	1	20.0%	\$0	0.0%
TOTAL	5	100.0%	\$3,780,337	100.0%

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 year, a list of NAICS codes corresponding to these projects was developed and is shown below:

Table 2: Valdosta Regional Airport—FY 2016-FY 2018 Projects & Activities

FY 2016 Projects		
PROJECT	ACTIVITY	NAICS CODE
	Commercial/Industrial Building construction	236220
	Roof contracting	238160
→ Air Carrier Ramp Safety and Security Enhancement (Construction)	Electrical contracting	238210
→ Acquire Portable Safety Enhancement Device	Passenger boarding bridge; safety enhancement device	331110
	Engineering/design	541330
FY 2017 Projects		
PROJECT	ACTIVITY	NAICS CODE
	No projects anticipated exceeding \$250,000 in AIP funds	
FY 2018 Projects		
PROJECT	ACTIVITY	NAICS CODE
	Heavy construction	237310
→ Wildlife Hazard Management Plan (WHMP) Drainage Improvements (Construction)	Drainage	237990
→ Taxiway M Fillet Widening and Strengthening (Construction)	Electrical contracting	238210
	Grading	238910
→ North T-Hangar Taxilane Rehabilitation (Construction)	Engineering/design	541330
	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—Valdosta Regional Airport, by Relevant NAICS Codes—FY 2016

NAICS Codes	DBE Firms	All Firms	% of DBE Firms Available	Ratio of estimated total expended	Weighted Total Availability
236220	0	21	0.0%	0.06	0.0%
238160	0	8	0.0%	0.01	0.0%
238210	1	39	2.6%	0.03	0.1%
331110	0	0	0.0%	0.80	0.0%
541330	17	269	6.3%	0.10	0.6%
STEP 1 DBE BASE FIGURE =					0.7%

Table 3b: DBES—Valdosta Regional Airport, by Relevant NAICS Codes—FY 2018

<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>
237310	7	14	50%	0.15	7.6%
237990	0	1	0%	0.14	0.0%
238210	1	39	3%	0.04	0.1%
238910	1	12	8%	0.44	3.7%
541330	17	269	6%	0.13	0.8%
561730	4	44	9%	0.09	0.8%
STEP 1 DBE BASE FIGURE =					13.1%

SOURCES:

1. 2014 County Business Patterns, U.S. Census Bureau, April 21, 2016.
2. Georgia DOT Directory of Certified Disadvantaged Business Enterprises, June 2016.

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 FY 2016 and FY 2018 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 Tables 3a and 3b above.

The Step 1 DBE Base Figure for the Airport Authority for FY 2016 is **0.7%**.

The Step 1 DBE Base Figure for the Airport Authority for FY 2018 is **13.1%**.

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.*

Table 4: Valdosta Regional Airport DBE Accomplishments

FISCAL YEAR	GOAL	ACCOMPLISHMENT	OVER/UNDER
FY 2011	10.9%	0.0%	-10.9%
FY 2012	12.1%	12.2%	0.1%
FY 2013	14.7%	0.0%	-14.7%
FY 2015	12.2%	14.2%	2.0%
	MEDIAN	6.1%	-5.4%

Source: Holt Consulting Company, LLC

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 Governor’s Entrepreneur and Small Business Office (ESBO), the Georgia DOT Equal Opportunity Division, and Valdosta State University’s Small Business Development Center office in Valdosta GA. None of the entities had any disparity studies or data available for the Lowndes County area, and none had any data available noting disparities regarding DBEs’ access to bonding, capital, insurance, etc.

A disparity study was conducted for the Georgia Department of Transportation (GDOT) and the findings were released in July 2012. The study demonstrated that there exists disparity between the availability of minority- and women-owned firms and DBEs to perform GDOT-funded work, and the utilization of said firms. Because the study does not focus on FAA contracts, the disparity study data will not be used to make an adjustment to the base figure.

Valdosta State University’s Small Business Development Center office in Valdosta 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 Figures: Valdosta-Lowndes County Airport Authority, FY 2016-FY 2018

With the adjustment factors considered to this point, the Airport Authority will adjust the Step 1 base figure as calculated above for FY 2018. The DBE base figure for FY 2016 will not be adjusted. The projects for which the median achievement is calculated in Table 4 are not similar to the proposed projects for FY 2016. The DBE base figure for FY 2018 will be adjusted using the past participation date from Table 4. The overall DBE goal calculation for FY 2016-FY 2018 is shown below.

FY 2016: 0.7%

FY 2018: $13.1\% + 6.1\% = 19.2\% \div 2 = \underline{9.6\%}$

	DBE percentage of federal share	Federal share	DBE total	Total cost of projects	DBE goal
FY 2016	0.7%	\$959,400	\$6,716	\$1,066,000	0.6%
FY 2018	9.6%	\$1,485,000	\$142,560	\$1,651,000	8.6%
		\$2,444,400	\$149,276	\$2,717,000	
	Overall DBE goal =	5.5%			

The overall goal is derived by dividing the DBE total (\$149,276) into the total proposed costs of the projects (\$2,717,000). $\$149,276 / \$2,717,000 = \mathbf{5.5\%}$.

Resources: Valdosta-Lowndes County Airport Authority - Disadvantaged Business Enterprise Program Methodology

A. Resource Documents:

1. 2014 County Business Patterns, U.S. Census Bureau, April 2016.
2. Georgia DOT Directory of Disadvantaged Businesses, June 2016.

B. Persons, and/or Agencies Consulted with:

1. Georgia DOT Equal Opportunity Division
2. Valdosta State University Small Business Development Center – Valdosta GA

Attachment 6

Breakout of Estimated Race-Neutral
& Race-Conscious Participation

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

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

1. *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);*
2. *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 Authority estimates that, in meeting its overall goal of **5.5%** for FY 2016-FY 2018, that it will obtain the goal via race-conscious measures. 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 Authority 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 Authority will normally submit its overall goal to the FAA on August 1 of each year.

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

Following this consultation, the Airport Authority 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 at the Airport's administrative office, and informing the public that the Airport Authority would accept comments on the goals for 30 days from the date of the notice. The notice was published on the airport's website (<http://www.flyvaldosta.com/>). 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 Airport Authority'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 Authority.)*

The Airport Authority will begin using the overall goal on October 1 of each year, unless the Airport Authority 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 Authority will use contract goals to meet any portion of the overall goal that the Airport Authority 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 Authority will establish contract goals only on those USDOT-assisted contracts that have subcontracting possibilities. The Airport Authority 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 Authority will express its contract goals as a percentage of the total share of a USDOT-assisted contract.

Attachment 7

Form 1 & 2 for Demonstration of
Good Faith Efforts

VALDOSTA-LOWNDES COUNTY AIRPORT AUTHORITY

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

VALDOSTA-LOWNDES COUNTY AIRPORT AUTHORITY

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:

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 UCP 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, Title 49 of the Code of Federal Regulations, Part 26, may be found at <http://www.ecfr.gov>.