



U.S. Department
of Transportation
**Federal Aviation
Administration**

Federal Aviation Administration
Western-Pacific Region Headquarters
Reply to: Northwest Mountain Region

Civil Rights Office, ACR-4
15000 Aviation Blvd
Lawndale, CA 90261

MAY 20 2015

Austin Fay
Grand Junction Regional Airport Authority
2828 Walker Field Drive.
Grand Junction, Colorado 81506

Dear Mr. Fay:

This letter is in reference to the Amended Disadvantaged Business Enterprise (DBE) fiscal year (FY) 2014 thru 2016 goal that you submitted for the **Grand Junction Regional Airport**, Grand Junction, Colorado. Based on our review, we have determined that the goal meet the standards in 49 CFR Part 26, Department of Transportation regulations.

The goal is described as follows:

FY-13-15 Amend Overall goal: 2.96 % DBE Participation
To be obtained through **0.66 % Race-Neutral** and **2.30 % Race-Conscious means**
(Covering the period October 1, 2012 through September 30, 2015)

This overall goal covers the following project/s to be advertised during **FY 13-15**:

- FY-13:** New Runway 11/29 - Overall Design; Realign County 27 1/4 Road; New Runway 11/29 - Phase 1 of Earthwork, Construct Ponds, North Perimeter Road, & Fence; Rental Car Service Facility (Phase III - V); Airport Layout Plan Updated
- FY-14:** New Runway 11/29 - Earthwork for Runway 11/29 & all Taxiways; Terminal Air Carrier Apron Design
- FY-15:** Pavement Maintenance Runway 11/29; Pavement Maintenance Taxiway A; Relocate Segmented Circle; Lighting Modifications; and Mill and Overlay Connecting Taxiways

DBE Accomplishments continue to be due annually on **December 1** for the previous fiscal year. Accomplishments can be submitted either through our new DOORS system at <http://osdbu.dot.gov/DOORS/Application/logon.aspx> or by completing the Uniform Report of DBE Awards/Commitments and Payments form and submitting via email to ricky.watson@faa.gov.

If you need a DOORS user account, please contact Ricky Watson at phone 310-725-3940. Our blank forms can be found at http://www.faa.gov/about/office_org/headquarters_offices/acr/bus_ent_program/.

If you have any questions or need assistance, please call Ricky Watson at (310) 725-3940 or email at ricky.watson@faa.gov.

Sincerely,


Ricky Watson, MBA

Northwest Mountain & Alaskan Regions DBE/ACDBE Compliance Specialist
Office of Civil Rights & DBE/ACDBE Compliance

cc: Marc Miller, DEN-ADO

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

49 CFR PART 26



GRAND JUNCTION REGIONAL AIRPORT

GRAND JUNCTION, COLORADO

Original DBE Program prepared January 2000

Revised June 4, 2011

Revised March 1, 2006

Revised August, 2012

Revised May, 2015

POLICY STATEMENT

Section 26.1, 26.23

Objectives/Policy Statement

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

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

1. To ensure nondiscrimination in the award and administration of DOT – assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT assisted contracts;

Austin Fay has been delegated as the DBE Liaison Officer. In that capacity, Mr. Fay 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 in its financial assistance agreements with the Department of Transportation.

The Airport has disseminated this policy statement to the Grand Junction Regional Airport Authority and all of the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts as part of the invitation for bid.



Interim Airport Manager

May 20, 2015
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 Airport is the recipient of Federal airport funds authorized by 49 U.S.C. 47101, *et seq.*

Section 26.5 Definitions

The Airport will use terms in this program that have the meaning defined in Section 26.5.

Section 26.7 Non-discrimination Requirements

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

Section 26.11 Record Keeping Requirements

Reporting to DOT: 26.11(b)

Since the Airport will receive an annual grant during the reporting period of \$250,000 or more for airport planning or development, we will continue to carry out this program until all funds from DOT financial assistance have been expended. We will provide to DOT updates representing significant changes in the program. We will submit an updated goal on August 1 as required, if we plan to award FAA funded contracts exceeding \$250,000 during the reporting period.

We will transmit to FAA annually on December 1, as required the Uniform Report of DBE Awards or Commitments and Payments, found in Appendix B to this part, at the intervals stated on the form.

Bidders List: 26.11(c)

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

We will collect this information through a contract clause requiring all bidders to report the names/addresses and possibly other information, of all firms who quote to them on subcontracts.

Section 26.13 Federal Financial Assistance Agreement

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

Assurance: 26.13(a)

Airport shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT assisted contract or in the administration of its DBE Program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. The Airport's DBE Program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Airport of its failure to carry out its approved program, the Department may impose sanctions as provided for under 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

We will ensure that the following clause is placed in every FAA DOT-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 DOT assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

The Airport will receive an annual grant for airport planning or development totaling \$250,000 during one or more years of the reporting period. We will continue to carry out this program until all funds from DOT financial assistance have been expended. We will provide to DOT updates representing significant changes in the program. We will submit an updated goal on August 1 as required, if we plan to award FAA funded contracts exceeding \$250,000 during the reporting period.

Section 26.23 Policy Statement

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

Section 26.25 DBE Liaison Officer (DBELO)

We have designated the following individual as our DBE Liaison Officer:

Austin Fay
Grand Junction Regional Airport Authority
2828 Walker Field Drive.
Grand Junction, CO 81506
(970) 244-9100

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the Airport complies with all provision of 49 CFR Part 26. The DBELO has direct, independent

access to the Director of Aviation concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment 2 to this program.

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

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
6. Analyzes Airport's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the governing body on DBE matters and achievement.
9. Participated with the legal counsel and project director to determine contractor compliance with good faith efforts.

Section 26.27 DBE Financial Institutions

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

The Airport consulted with Katherine Williams, CDOT Business Programs Specialist, to obtain information on financial institutions owned by DBEs. To date, the Airport is not aware of any such institutions.

Section 26.29 Prompt Payment Mechanisms

The Airport 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 30 days from the receipt of each payment the prime contractor receives from Airport. The prime contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced timeframe may occur only for good cause following written approval of the Airport. This clause applies to both DBE and non-DBE subcontractors.

Section 26.31 Directory

The Airport uses the State of Colorado DBE directory, maintained by the State. The directory lists the firm's name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE. In addition, the directory lists each type of work for which a firm is eligible to be certified by using the most specific NAICS code available to describe each type of work.

The State of Colorado revises the Directory weekly. The Directory may be found on CDOT's website at:

<https://coucp.dbesystem.com/FrontEnd/VendorSearchPublic.asp?XID=2902&TN=coucp>

Section 26.33 Over-concentration

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

Section 26.35 Business Development Programs

Airport has not established a business development program.

Section 26.37 Monitoring and Enforcement Mechanisms

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

1. We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.107.
2. We will consider similar action under our own legal authorities, including responsibility determinations in future contracts. Attachment 6 lists the regulation, provisions, and contract remedies available to us in the events of non-compliance with the DBE regulation by a participant in our procurement activities.
3. We will also implement a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award is actually performed by the DBEs. This mechanism will provide for a running tally of actual DBE attainments (e.g., payment actually made to DBE firms), including a means of comparing these attainments to commitments. The DBELO will monitor all contract work.
4. In our reports of DBE participation to DOT, we will show both commitments and attainments, as required by the DOT uniform reporting form.

Section 26.39 Fostering small business participation.

The Airport 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.

As part of this program element, the airport will include the following strategies:

- (1) Multi-year design-build contracts will require bidders on the prime contract to specify elements of the contract, or to specific subcontracts that are of a size that small businesses, including DBEs, can reasonably perform.
- (2) Strive to meet the portion of the overall goal of airport projects through race-neutral measures, ensuring that a reasonable number of prime contracts are of a size that small businesses, including DBEs, can reasonably perform.

The airport will actively implement program elements that foster small business participation.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

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

Section 26.45 Overall Goals

The Airport will establish 3-year overall goals if we anticipate awarding FAA funded prime contracts exceeding \$250,000 annually within one or more of the reporting years within the 3-year goal period. Goals will be established in accordance with the 2-step process as specified in 49 CFR Part 26.45. If the Airport does not anticipate awarding more than \$250,000 in FAA funding annually during the 3-year reporting period, we will not develop an overall goal; however the existing DBE program will remain in effect and the Airport will seek to fulfill the objectives outlined in 49 CFR Part 26.1.

The first step is to determine the relative availability of DBEs in the market area, "base figure". The second step is to adjust the "base figure" percentage from Step 1 so that it reflects as accurately as possible the DBE participation the recipient would expect in the absence of discrimination based on past participation, a disparity study and/or information about barriers to entry to past competitiveness of DBEs on projects.

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 4 to this program.

In accordance with Section 26.45(f) the Airport will submit its overall goal to DOT on August 1 as required by the goal submittal timeline. In establishing the overall goal, Airport will consult with minority, women's and general contractor groups, community organizations, and other officials or organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Airport's efforts to establish a level playing field for the participation of DBEs.

Following this consultation, we will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the Airport for 30 days following the date of the notice, and informing the public that the Airport and DOT will accept comments on the goals for 45 days from the date of the notice. Notice will be issued in general circulation media and available minority-focus media and trade publications, websites. Normally, we will issue this notice by June 1 of the reporting period of the goal. The notice will include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed.

Our overall goal submission to DOT/FAA will include a summary of information and comments received, if any, during this public participation process and our responses.

We will begin using our overall goal on October 1 of the reporting period, unless we have received other instructions from DOT. If we establish a goal on a project basis, we will begin using our goal by the time of the first solicitation for a DOT-assisted contract for the project.

Section 26.47 Failure to meet overall goals.

If the Airport awards and commitments are less than the goal for that year, we will:

- (1) Analyze the reasons for difference
- (2) Establish specific steps and milestones to fully meet the goal for the new fiscal year
- (3) Retain the analysis and corrective actions in records for three years and make it available to the FAA upon request.

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 4 to this program

Section 26.51(d-g) Contract Goals

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

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

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

We will express our contract goals as a percentage of the Federal share of a FAA DOT-assisted contract.

Section 26.53 Good Faith Efforts Procedures

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

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

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.

We 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))

Airport treats bidder/offers' compliance with good faith efforts' requirements as a matter of responsiveness.

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

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 as provided in the prime contractors commitment and
6. If the contract goal is not met, evidence of good faith efforts.

Administrative reconsideration (26.53(d))

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

Amy Jordan
Grand Junction Regional Airport Authority
2828 Walker Field Drive
Grand Junction, CO 81506
(970) 244-9100

The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. We 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 Department of Transportation.

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

The Airport 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. We will require the prime contractor to notify the DBE Liaison officer immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, we will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts. We will provide such written consent only if we agree, for reasons stated in our 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) We have 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 we have determined compels the termination of the DBE subcontractor. Provided, that good cause does not exist if the prime contractor seeks to terminate a DBE it relied upon to obtain the contract so that the prime contractor can self-perform the work for which the DBE contractor was engaged or so that the prime contractor can substitute another DBE or non-DBE contractor after contract award.

Before transmitting to us its request to terminate and/or substitute a DBE subcontractor, the prime contractor must give notice in writing to the DBE subcontractor, with a copy to us, 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 us and the contractor of the reasons, if any, why it objects to the proposed termination of its subcontract and why we should not approve the prime contractor's action. If required in a particular case as a matter of public necessity (*e.g.*, safety), we 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 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 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 (attachment 1), 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); and (6) if the contract goal is not met, evidence of good faith efforts.

Section 26.55 Counting DBE Participation

We will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55. We will not count the participation of a DBE subcontract toward a contractor's final compliance with its DBE obligations on a contract until the amount being counted has actually been paid to the DBE.

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

The Airport will use the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. We will make our certification decisions based on the facts as a whole.

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

Colorado Department of Transportation
Center for Equal Opportunity
4201 East Arkansas Avenue, Room 200
Denver, Colorado 80222
(303) 757-9303

CDOT's certification application forms and documentation requirements are found in Attachment 7 to this program.

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

The Airport is the member of a Unified Certification Program (UCP) administered by the State of Colorado. The UCP will meet all of the requirements of this section

Section 26.83 Procedures for Certification Decisions

Re-certifications 26.83(a) & (c)

The Airport will rely on the recertification procedures outlined in 49 CFR Part 26.83 (a) & (c) for the removal of DBE's eligibility as described in the CDOT Program Manual.

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

The Airport will rely on the No Change Affidavits and Notices of Change procedures outlined in 49 CFR Part 26.83 (j) for notification of any change in circumstances as described in the CDOT Program Manual.

Section 26.86 Denials of Initial Requests for Certification

The Airport will rely on the Denial of Initial Requests for Certification procedures outlined in 49 CFR Part 26.85 for denial of initial requests as described in the CDOT Program Manual.

Section 26.87 Removal of a DBE's Eligibility

The Airport will rely on the Removal of DBE's Eligibility procedures outlined in 49 CFR Part 26.87 for removal of DBE's eligibility as described in the CDOT Program Manual.

Section 26.89 Certification Appeals

Any firm or complainant may appeal our decision in a certification matter to DOT. Such appeals may be sent to:

US Department of Transportation
Departmental Office of Civil Rights
External Civil Rights Program Division (S-33)
1200 New Jersey Ave., S.E.
Washington, DC 20590
Phone: 202-366-4754
TTY: 202-366-9696
Fax: 202-366-5575

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

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

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

Monitoring Payments to DBEs

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

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

ATTACHMENTS

Attachment 1	Regulations: 49 CFR Part 26 or website link
Attachment 2	Organizational Chart
Attachment 3	Link to DBE Directory
Attachment 4	Overall Goal Calculation (Include Breakout of Estimated Race-Neutral & Race-Conscious Participation, Public Participation, and Contract Goal)
Attachment 5	Form 1 & 2 for Demonstration of Good Faith Efforts or Good Faith Effort Plan
Attachment 6	Monitoring and Enforcement Mechanisms
Attachment 7	Certification Application
Attachment 8	Copy of the State's UCP

ATTACHMENT 1

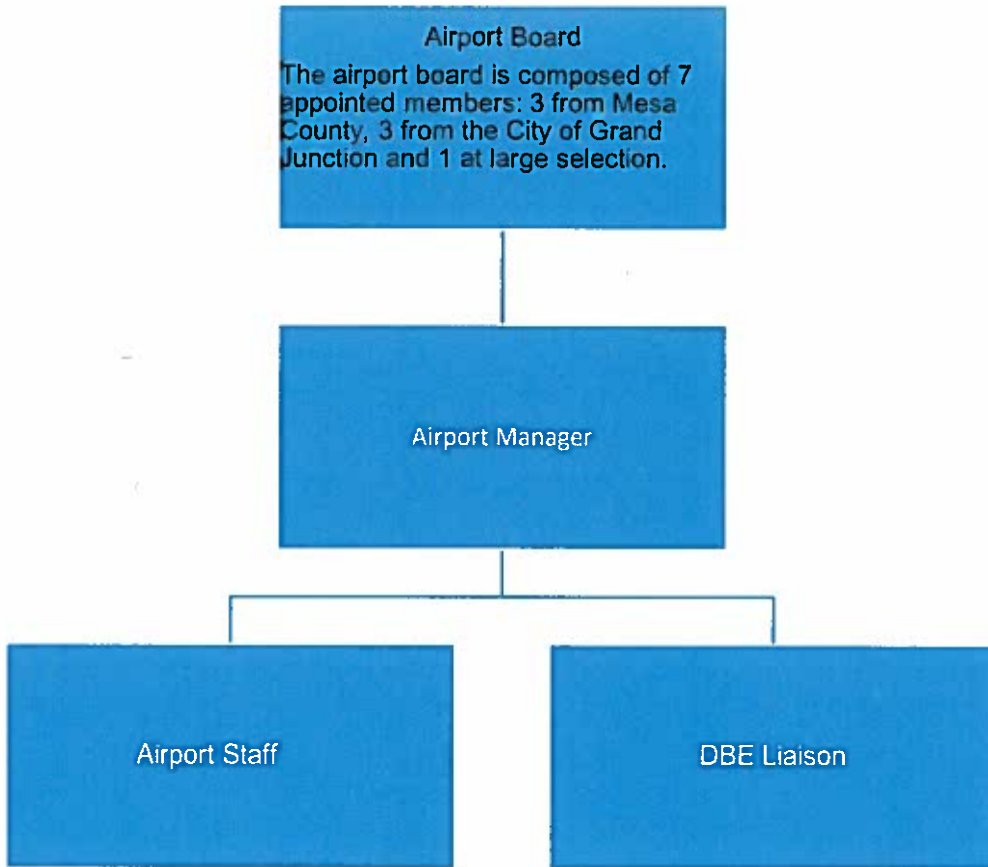
49 CFR PART 26

The Federal Register 49 CFR Part 26: Participation by Disadvantaged Business Enterprises in Department of Transportation Programs; Final Rule can be found at the following website:

http://www.access.gpo.gov/nara/cfr/waisidx_06/49cfr26_06.html

ATTACHMENT 2

Organizational Chart



ATTACHMENT 3

Link to Colorado DBE Directory

<https://coucp.dbesystem.com/FrontEnd/VendorSearchPublic.asp?XID=2902&TN=coucp>

ATTACHMENT 4

Section 26.45: Overall Goal Calculation

**GRAND JUNCTION REGIONAL AIRPORT
GRAND JUNCTION, COLORADO**

**DISADVANTAGED BUSINESS ENTERPRISE
GOALS AND METHODOLOGY**

Goal Period: **FY 2013-2015**

Overall DBE Goal: **2.96%**

The following is a summary of the method used to calculate Grand Junction Regional Airport's overall goal:

Step 1. Determination of Base Figure

The projects established for the fiscal years in this goal period are:

Project	Total Costs	Design and Construction Management Costs	Construction Costs
2013			
New Runway 11/29 - Overall Design	\$2,500,000	\$2,500,000	
Realign County 27 1/4 Road	\$3,450,000	\$527,980	\$2,933,221
New Runway 11/29 - Phase 1 of Earthwork, Construct Ponds, North Perimeter Road, & Fence	\$2,850,000	\$342,946	\$2,515,426
Rental Car Service Facility (Phase III - V)	\$4,400,000	\$392,420	\$4,007,580
Airport Layout Plan Update	\$250,000	\$250,000	
Totals	\$13,450,000	\$4,013,345	\$9,456,228
2014			
New Runway 11/29 - Earthwork for Runway 11/29 & all Taxiways	\$16,650,000	\$1,996,931	\$14,647,028
Terminal Air Carrier Apron Design	\$750,000	\$750,000	
Totals	\$17,400,000	\$2,746,931	\$14,647,028
2015			
Pavement Maintenance Runway 11/29	\$760,800	\$166,500	\$594,300
Pavement Maintenance Taxiway A	\$181,100	\$39,600	\$141,500
Relocate Segmented Circle	\$57,000	\$12,500	\$44,500
Lighting Modifications	\$21,800	\$4,800	\$17,000
Mill and Overlay Connecting Taxiways	\$1,140,000	\$251,400	\$888,600
Totals	\$2,160,700.00	\$474,800.00	\$1,685,900.00

The Grand Junction Regional Airport has identified the type of work items and the North American Industrial Code System (NAICS) classifications in the construction and professional services categories. Based on past project bids, it is expected that firms throughout the entire state of Colorado will bid on the project.

The Grand Junction Regional Airport used the Colorado Department of Transportation's Directory of Certified DBE businesses to identify the number of DBE businesses in each of the NAICS classifications in the market area.

The total number of firms (DBE and non-DBE) in the market for each NAICS code was identified by using the U.S. Census Bureau's 2010 County Business Pattern (CBP).

The Overall Base Figure was calculated by dividing the number of DBE's identified in the market area by the total number of firms in the in the market area and converting to a percentage. This figure was weighted based on the percent work in each field.

$$\text{Base Figure} = \% \text{ Work } \frac{(\# \text{ of DBE Firms})}{(\text{Total } \# \text{ of Firms})} + \% \text{ Work } \frac{(\# \text{ of DBE Firms})}{(\text{Total } \# \text{ of Firms})}$$

The base figure for fiscal years 2013 and 2014 was calculated based on the following percent of work to be done in each area:

- 50% Hwy/Street Contractors
- 15% Commercial Building Contractors
- 10% Site Preparation Contractors
- 15% Engineering
- 5% Survey
- 5% Testing

NAICS Code	Description	DBEs	Total NAICS Contractors	% DBE	% of Work	Weighted Percent
237310	Hwy/Street	14	235	6.0%	50%	3.0%
236220	Commercial Building Construction	16	836	1.9%	15%	0.3%
238910	Site Preparation Contractors	15	844	1.8%	10%	0.2%
541330	Engineering	55	2,300	2.4%	15%	0.4%
541370	Survey	0	261	0.0%	5%	0.0%
541380	Testing	2	147	1.4%	5%	0.1%
Base Figure						3.9%

Assigning numbers to each area, the step one base figure for fiscal year 2013 and 2014 codes out to 3.9%.

The base figure for fiscal year 2015 was calculated based on the following percent of work to be done in each area. For the Fiscal year 2015 projects, the Sponsor anticipates awarding the following:

Type of Work	NAIC Code	(Denominator) Number of Firms from Census Data	(Numerator) Number of Firms from DBE Directory	(Weighted Value) Estimated Cost / % of Total Cost
Highway Contractor	238910	1,077	23	\$244,230 / 11.0
Painting Contractor	238320	940	8	\$364,888 / 17.0
Electrical Contractor	238210	1,756	24	\$61,500 / 3.0
Asphalt Supply	324121	8	0	\$949,384 / 44.0
Trucking	484110	393	80	\$22,000 / 1.0
Engineering	541330	2,176	41	\$472,083 / 22.0
Construction Survey	541370	298	8	\$22,000 / 1.0
Material Testing	541380	153	18	\$22,000 / 1.0

To arrive at the base figure, these calculated values for each type of work are then weighted based upon the estimated cost of each type of work compared to the total value of the work. The following is the formula used to calculate this base goal:

$$((0.11 \times (23/1,077)) + (0.17 \times (8/940)) + (0.03 \times (24/1,756)) + (0.44 \times (0/8)) + (0.01 \times (8/298)) + (0.22 \times (41/2,176)) + (0.01 \times (8/298)) + (0.01 \times (18/153))) = 1.18\%$$

Step 2. Adjustment to Base Figure

Past Participation

Following the calculation of this base figure, the Sponsor will adjust the base figure because of disparity studies in the area, the capacity of DBE's to perform the types of work the Sponsor has available, and other factors that may affect the number of DBE's available for the project.

After calculating a base figure of the relative availability of DBEs, evidence was examined to determine what adjustment was needed to the base figure in order to arrive at the overall goal.

There have been similar projects at the Grand Junction Regional Airport. The Sponsor believes this DBE participation to be an accurate representation of what would occur at the Sponsor's airport. The most recent data is shown in the following table:

Year	DBE Goals	Accomplishment
2002	0.46%	2.98%
2003	1.30%	4.27%
2004	3.34%	3.70%
2005	4.79%	1.50%
2006	5.83%	2.88%
2007	2.85%	2.50%
2008	3.40%	0.00%
2009	2.60%	3.56%
2010	2.60%	3.55%
2012	2.60%	5.10%

Therefore the median past participation (attainment) = $(2.98\% + 3.55\%) / 2 = 3.27\%$.

The previous projects completed by the sponsor were in the areas of asphalt paving, utility relocation and electrical construction with the median accomplishment of the past years for which we have accomplishments recorded being 3.27%. Since the projects for this goal setting period are similar in type and scope with the previous projects, we will consider past participation in adjusting the goal.

To arrive at an overall goal, the Sponsor added the Step 1 base figures with the Step 2 adjustment figure and then averaged the total. The proposed overall three-year goal will be reflected as $((((3.40\% + 3.27\%) / 2) + ((3.40\% + 3.27\%) / 2) + ((1.18\% + 3.27\%) / 2))) / 3 = 2.96\%$.

The Sponsor feels this adjusted goal will accurately reflect DBE participation that can be achieved for the type of project work being awarded during this three-year period.

Process:

Disparity Study

A Disparity Study was prepared for the Colorado Department of Transportation (CDOT). The construction subcontractor firms listed as over-utilized by the Disparity Study that are included in Airport construction are pavement marking, construction traffic control, pavement repair and structures. However, the Colorado Aeronautics Division has determined the Study did not adequately address aviation projects. The Disparity Study will therefore not be utilized for adjustment to the Base Figure.

Other factors, information about barriers to entry and past competitiveness of DBE's on projects: We made contact with Katherine Williams of the Colorado Dept. of Transportation and had a discussion regarding opportunities for DBE's, barriers that affect DBE's and the level playing field. We were informed that CDOT has a Construction Development Center for assistance of DBE's. The goals of the center are to provide technical and support services to DBE's, provide access to construction plans, and increase the number of pre-qualified DBE's in the state. The Center provides tuition reimbursement as well as one on one consulting to small businesses.

The airport's design consultant also contacted DBE companies throughout Colorado to find out: if they felt DBEs got a fair share of work in Colorado, whether or not contract goals helped their businesses, what barriers they experienced, and any suggestions they might have to help DBEs. The companies that the airport's design consultant was able to get feedback from included: Clanton Engineering, Inc. (Electrical Engineers in Boulder, Colorado); Finishing Touch Janitorial Service, Inc. (Construction Cleanup in Longmont, Colorado); Love & Associates (Engineering Services in Louisville, Colorado); and Naranjo Civil Constructors, Inc. (Concrete Construction Company from Greeley, Colorado).

In response to whether or not the aforementioned DBEs felt they got a fair share of work, the overwhelming response was that there was a lot of room for improvement. Most of the DBE companies felt that the same, large DBE firms continued to get all DBE work and that it was not evenly distributed. They did feel that DBE goals opened doors for minority businesses however goals did not help spread the work around to all DBEs. A few companies felt that DBE goals actually hurt them in some cases because prime contractors only wanted to use them for the minimum amount of work to meet the contract goal therefore reducing the amount of work they got on a project. These same feelings carried over into the comments about barriers affecting DBEs. Most firms felt that they were only approached by prime contractors because of their DBE status and not because of their qualifications.

General suggestions that the DBEs contacted had included some sort of graduation practice so all the same DBEs don't continue to get all the work or some incentive to encourage prime contractors to spread the work around. They would also like to see a more streamlined process with more help from each state for getting qualified as a DBE with different agencies because the process is so time and paper consuming. The DBE firms did not have comments specifically related to Grand Junction Regional Airport; therefore the goal will not be adjusted based on this information.

Breakout of Estimated Race Neutral and Race Conscious Participation:

The Sponsor will meet the maximum feasible portion of the overall goal by using RN means of facilitating DBE participation. The Sponsor uses 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, requiring or encouraging prime contractors to subcontract portions of work that they might otherwise perform with their own forces);
2. Providing technical assistance and other services;
3. Carrying out information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate);
4. Ensuring distribution of the State DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors.

We estimate that in meeting our overall goal of 2.96% we will obtain 2.30% through race conscious measures and 0.66% through race neutral measures.

The following is a summary of the basis of the estimated breakout of race-neutral and race-conscious DBE participation:

The amount that the Sponsor has exceeded goals in the past may be considered in determining the amount of race/gender-neutral participation in the future. The Sponsor has had recent projects of similar type on which to assess the race/gender neutral participation. The Sponsor believes this DBE participation to be an accurate representation of what would occur at the Sponsor's airport.

Past participation by DBE prime contractors can be considered in determining the amount of race/gender-neutral participation in the future. Additionally, past participation by DBE subcontractors on contracts can be considered in determining the amount of race/gender-neutral participation in the future. The Sponsor has had recent projects of similar type on which to assess the race/gender neutral participation. The Sponsor believes this DBE participation to be an accurate representation of what would occur at the Sponsor's airport.

DBE participation likely to be achieved in similar state or local transportation construction projects that do not use race/gender-conscious measures can be considered in determining the amount of race/gender-neutral participation in the future. The Sponsor has used RN% data from the Canyonlands Field Airport. The Sponsor believes this DBE participation to be an accurate representation of what would occur at the Canyonlands Field Airport. The latest information available is shown in the following table.

Year	Overall Goal	Attained Goal	RN Attainment	RC Attainment
2002	0.46%	2.98%	2.52%	0.46%
2003	1.30%	4.27%	2.97%	1.30%
2004	3.34%	3.70%	0.36%	3.34%
2005	4.79%	1.50%	0.00%	1.50%
2006	5.83%	2.88%	0.00%	2.88%
2007	2.85%	2.50%	0.00%	2.50%
2008	3.40%	0.00%	0.00%	0.00%
2009	2.60%	3.56%	0.96%	2.60%
2010	2.60%	3.55%	0.95%	2.60%
2012	2.60%	5.10%	2.50%	2.60%

The median RN participation for past years = $(0.36\% + 0.95\%) / 2 = 0.66\%$. This will result in a RN Goal this year of the calculated goal of 0.66%. This will result in the RC Goal of $2.96\% - 0.66\% = 2.30\%$.

Efforts such as new and comprehensive mechanisms aimed at increasing DBE participation through race/gender-neutral means can be the basis for increasing the percentage of projected race/gender-neutral participation. The Sponsor has not implemented any new mechanisms; therefore the race/gender-neutral participation developed using this method is 0%.

Grand Junction Regional Airport has not met its overall goal through race neutral means alone in recent projects. Therefore, in order to try to increase the DBE participation, we will advertise the entire goal for this year's projects. We will record the DBE participation and will continue to monitor the accomplishments for use in future goal setting.

Additionally, the CDOT Disparity Study Update dated November 2009 indicates that all DBE's are under-represented in Federal Contracting in the state of Colorado (see attached Exhibit ES-1 and ES-2). Therefore it is believed that setting a race-conscious contract goal is required to achieve the FY 2013-2015 DBE goal. It is anticipated that non-DBE prime contractors will only obtain DBE participation if it is a stated goal and that they will meet the goal by subcontracting to a DBE firm.

In order to ensure that the DBE program will be narrowly tailored to overcome the effects of discrimination, if the Sponsor uses contract goals, the Sponsor will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see 26.51(f)) and 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 DBE goals; DBE participation on a prime contract exceeding a contract goal; and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

The Sponsor will maintain data separately on DBE achievements in those contracts with and without contract goals, respectively.

The Sponsor also intends on publishing 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 Grand Junction Regional Airport for 30 days following the date of the notice, and informing the public that the Grand Junction Regional Airport and DOT will accept comments on the goals for 45 days from date of the notice. The notice will be published in the following publication:

- Daily Sentinel

CDOT Disparity Study Exhibits ES-1 & ES-2

COLORADO DEPARTMENT OF TRANSPORTATION
Statewide Transportation Disparity Study

Table ES-1
Subcontractor Disparity Analysis
Construction
Calendar Years 2002 – 2007

Ethnicity Classifications	# of Awarded Contracts ¹	Contract Dollars ²	% of Dollars ³	% of Firms Available ⁴	Disparity Index ⁵	Disparity Impact Under/Over Utilization
OVERALL						
African Americans	80	\$8,400,812	0.40%	2.13%	18.83	* Underutilization
Native Americans	37	\$3,780,385	0.23%	0.73%	31.74	* Underutilization
Asian Americans	68	\$3,422,701	0.21%	0.40%	42.70	* Underutilization
Hispanic Americans	428	\$55,620,757	3.40%	6.50%	51.58	* Underutilization
Nonminority Women	1,152	\$118,427,304	7.24%	7.82%	91.40	Underutilization
Other MW/DVE ⁶	1	\$25,000	0.01%	4.43%	0.13	* Underutilization

Source: Colorado Department of Transportation for the period of January 1, 2002 through June 30, 2007

Note: Total dollars awarded may not equal the total due to rounding

- ¹ The number of contracts awarded to subcontractors
- ² The dollars awarded to subcontractors
- ³ The percentage of dollars from the prime contractor utilization
- ⁴ The percentage of available firms
- ⁵ The disparity index is % utilization divided by % availability multiplied by 100
- ⁶ The disparity index of less than 100 indicates underutilization or overutilization if greater than 100
- * A non-MW/DVE male
- * Significantly underutilized

Table ES-2
Sub-consultant Disparity Analysis
Consultant Services
Calendar Years 2002 – 2007

Ethnicity Classifications	# of Awarded Contracts ¹	Contract Dollars ²	% of Dollars ³	% of Firms Available ⁴	Disparity Index ⁵	Disparity Impact Under/Over Utilization
OVERALL						
African Americans	4	\$118,048	0.02%	2.52%	0.88	* Underutilization
Native Americans	18	\$421,720	0.08%	1.83%	4.40	* Underutilization
Asian Americans	300	\$7,835,884	1.48%	4.35%	33.53	* Underutilization
Hispanic Americans	110	\$2,085,850	0.40%	6.64%	6.03	* Underutilization
Nonminority Women	460	\$13,208,443	2.52%	23.23%	10.88	* Underutilization

Source: Colorado Department of Transportation for the period of January 1, 2002 through December 31, 2007

Note: Total dollars awarded may not equal the total due to rounding

- ¹ The number of contracts awarded to subcontractors
- ² The dollars awarded to subcontractors
- ³ The percentage of dollars from the prime contractor utilization
- ⁴ The percentage of available firms
- ⁵ The disparity index is % utilization divided by % availability multiplied by 100
- ⁶ The disparity index of less than 100 indicates underutilization or overutilization if greater than 100
- * Significantly underutilized

ATTACHMENT 5

Forms 1 & 2 for Demonstration of Good Faith Efforts

755 **DISADVANTAGED BUSINESS UTILIZATION COMMITMENT**

756
757
758 _____ The bidder agrees to expend at least _____% DBE utilization on this project.

759
760 _____ The bidder (if unable to meet the goal of _____ % DBE) is committed to a minimum
761 of _____% DBE utilization on this project and has submitted documentation
762 showing good faith effort.

763
764 NOTE: Failure to submit a "Good Faith Effort" at the time of the Bid opening may result in
765 the bid being considered as non-responsive.

766
767 For the purposes of this commitment, the term "Disadvantaged Business Enterprise" shall
768 mean a business:

- 769
770 a. Which is at least 51 percent owned by one or more minorities or women, or in the case
771 of a publicly owned business, at least 51 percent of the stock of which is owned by one
772 or more minorities or women; and
773
774 b. Whose management and daily business operations are controlled by one or more such
775 individuals.

776
777 "Disadvantaged Group Member" or "Disadvantaged" means a person who is a citizen or
778 lawful, permanent resident of the United States, and who is:

- 779
780 a. Black (a person having origins in any of the black racial groups of Africa);
781
782 b. Hispanic (a person of Spanish or Portuguese culture, with origins in Mexico, South or
783 Central America, or the Caribbean Islands, regardless of race);
784
785 c. Asian American (a person having origins in any of the original peoples of the Far East,
786 Southeast Africa, the Indian subcontinent, or the Pacific Islands);
787
788 d. American Indian or Alaskan Native (a person having origins in any of the original
789 peoples of North America);
790
791 e. Member of other groups, or other individuals, found to be economically and socially
792 disadvantaged by the Small Business Administration under Section 8(a) of the Small
793 Business Act, as Amended 15 U.S.C. 637 (a);
794
795 f. A female person who requests to be considered as a DBE, and who "owns" and
796 "controls" a business as defined herein.
797

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Disadvantaged Business Enterprises may be employed as contractors, subcontractors, or suppliers.

Date: _____

Company

Authorized Agent (print)

Signature of Authorized Agent

DBE PARTICIPATION FORM

The undersigned, hereby assures that s/he will ensure DBE participation for the amount(s) shown, if awarded a contract for this project in the amount of \$: _____.

Name of DBE Firm: _____	
DBE contract amount: \$ _____	Percent of total contract: _____ %
DBE Firm Address: _____ _____	
DBE contact person: Name: _____	
Phone: _____	
The DBE is a: <input type="checkbox"/> Prime Contractor <input type="checkbox"/> Subcontractor <input type="checkbox"/> Manufacturer <input type="checkbox"/> Supplier	
Category of DBE: <input type="checkbox"/> Native American <input type="checkbox"/> Hispanic <input type="checkbox"/> Asian Pacific <input type="checkbox"/> Black	
<input type="checkbox"/> Non minority Woman <input type="checkbox"/> Other	
Work to be performed by DBE: _____	
DBE certification Agency: _____	
Expiration Date: _____ (Please include a copy of the latest DBE certification)	

Name of DBE Firm: _____	
DBE contract amount: \$ _____	Percent of total contract: _____ %
DBE Firm Address: _____ _____	
DBE contact person: Name: _____	
Phone: _____	
The DBE is a: <input type="checkbox"/> Prime Contractor <input type="checkbox"/> Subcontractor <input type="checkbox"/> Manufacturer <input type="checkbox"/> Supplier	
Category of DBE: <input type="checkbox"/> Native American <input type="checkbox"/> Hispanic <input type="checkbox"/> Asian Pacific <input type="checkbox"/> Black	
<input type="checkbox"/> Non minority Woman <input type="checkbox"/> Other	
Work to be performed by DBE: _____	
DBE certification Agency: _____	
Expiration Date: _____ (Please include a copy of the latest DBE certification)	

Name of DBE Firm: _____

DBE contract amount: \$ _____ Percent of total contract: _____ %

DBE Firm Address: _____

DBE contact person: Name: _____

Phone: _____

The DBE is a: Prime Contractor Subcontractor Manufacturer Supplier

Category of DBE: Native American Hispanic Asian Pacific Black

Non minority Woman Other

Work to be performed by DBE: _____

DBE certification Agency: _____

Expiration Date: _____

(Please include a copy of the latest DBE certification)

Name of DBE Firm: _____

DBE contract amount: \$ _____ Percent of total contract: _____ %

DBE Firm Address: _____

DBE contact person: Name: _____

Phone: _____

The DBE is a: Prime Contractor Subcontractor Manufacturer Supplier

Category of DBE: Native American Hispanic Asian Pacific Black

Non minority Woman Other

Work to be performed by DBE: _____

DBE certification Agency: _____

Expiration Date: _____

(Please include a copy of the latest DBE certification)

	\$ Amount		\$ DBE Credit Participation	% DBE
DBE Prime Contractor	\$ _____		\$ _____	% _____
DBE Subcontractor	\$ _____		\$ _____	% _____
DBE Supplier *	\$ _____	x 0.60	\$ _____	% _____
DBE Manufacturer	\$ _____		\$ _____	% _____
Total Amount DBE			\$ _____	% _____
DBE Goal			\$ _____	% _____

* Only 60% credit allowed for DBE suppliers

If the total DBE participation shown is less than the DBE goal required by the specifications, you must attach documentation of your good faith efforts to achieve the goal.

The bidder agrees to certify that the disadvantaged firm(s) engaged to provide materials or services in the completion of this project:

- a. is a bona fide Disadvantaged Business Enterprise, and;
- b. has executed a binding contract to provide specific materials or services for a specific dollar amount.

The bidder will provide written notice to Owner indicating the Disadvantaged Business Enterprise(s) it intends to use in conjunction with this contract. This written notice is to be submitted with the bid proposal. Certification that the Disadvantaged Business Enterprise(s) has executed a binding contract with the bidder for materials or services should be provided to Owner. Breach of this commitment constitutes a breach of the bidder's contract if awarded.

The undersigned hereby certifies that he or she has read the terms of this commitment and is authorized to bind the bidder to this commitment.

Date: _____

Company

Authorized Agent (print)

Signature of Authorized Agent

ATTACHMENT 6

Monitoring and Enforcement Mechanisms

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

1. Breach of contract action, pursuant to the terms of the contract;
Breach of contract action, pursuant to Colorado Revised Statutes Title 4.

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

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

ATTACHMENT 7

Certification Application Forms

The Airport will use the same forms as the Unified Certification Program (UCP). The forms can be found at the following website:

<https://www.codot.gov/business/civilrights/dbe>

ATTACHMENT 8

Information on the State of Colorado UCP can be found at:

<http://www.coloradodbe.org/>

General Reporting

UNIFORM REPORT OF DBE COMMITMENTS/AWARDS AND PAYMENTS

1. DBE Goal: 1.11%
 2. DBE Goal: 1.11%
 3. DBE Goal: 1.11%
 4. DBE Goal: 1.11%
 5. DBE Goal: 1.11%
 6. DBE Goal: 1.11%
 7. DBE Goal: 1.11%
 8. DBE Goal: 1.11%
 9. DBE Goal: 1.11%
 10. DBE Goal: 1.11%

Award/Commitments this Reporting Period

A	B	C	D	E	F	G	H	I	J	K	L
Awards/Commitments Made	Total Dollars	Total Number	Total to DBEs (dollars)	Total to DBEs (percent)	Total to DBEs (contract award)	Total to DBEs (contract award)	Total to DBEs (contract award)	Total to DBEs (contract award)	Total to DBEs (contract award)	Total to DBEs (contract award)	Total to DBEs (contract award)
1. Black/Hispanic											
2. Native American											
3. Women-Owned Business Enterprise											
4. Minority-Owned Business Enterprise											
5. Veteran-Owned Business Enterprise											
6. Other											
TOTAL											

Payments Made this Period

A	B	C	D	E	F	G	H	I	J	K	L
Payments on Ongoing Contracts	Total Payments Made	Total Number of Contracts with DBEs	Total Dollars Value of Contracts (dollars)	Total Dollars Value of Contracts (percent)	Total Dollars Value of Contracts (contract award)	Total Dollars Value of Contracts (contract award)	Total Dollars Value of Contracts (contract award)	Total Dollars Value of Contracts (contract award)	Total Dollars Value of Contracts (contract award)	Total Dollars Value of Contracts (contract award)	Total Dollars Value of Contracts (contract award)
1. Black/Hispanic											
2. Native American											
3. Women-Owned Business Enterprise											
4. Minority-Owned Business Enterprise											
5. Veteran-Owned Business Enterprise											
6. Other											
TOTAL											

13. DBE Goal: 1.11%
 14. DBE Goal: 1.11%
 15. DBE Goal: 1.11%
 16. DBE Goal: 1.11%
 17. DBE Goal: 1.11%
 18. DBE Goal: 1.11%
 19. DBE Goal: 1.11%
 20. DBE Goal: 1.11%
 21. DBE Goal: 1.11%
 22. DBE Goal: 1.11%