

BALDWIN COUNTY

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

Baldwin County Airport

Milledgeville, Georgia

December 2015

Prepared by



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UNITED STATES DEPARTMENT OF TRANSPORTATION

DBE PROGRAM – 49 CFR PART 26

Baldwin County
for the Baldwin County Airport, Milledgeville GA

POLICY STATEMENT

Section 26.1, 26.23 Objectives/Policy Statement

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

It is the policy of the County 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.

Ralph McMullen, County Manager, 121 N Wilkinson Street, Suite 314, Milledgeville, GA 31061; Phone: 478-445-4791; email address: RMcMullen@baldwincountyga.com has been designated as the DBE Liaison Officer (DBELO). In that capacity, the County Manager is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the County in its financial assistance agreements with the US Department of Transportation.

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

Chair, Baldwin County Board of Commissioners

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

Baldwin County is the recipient of federal airport funds authorized by 49 U.S.C. 47101, *et seq.*

Section 26.5 Definitions

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

Section 26.7 Non-discrimination Requirements

The County 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 County 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 County 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 County 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 bidders list will include the name, address, DBE or non-DBE status, age, and annual gross receipts of firms.

The County 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 County's DBELO for inclusion in the bidders 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 Airport.*

Section 26.13 Federal Financial Assistance Agreement

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

Assurance: 26.13(a)

Baldwin County 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 County of its failure to carry out its approved program, the Department may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

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

Contract Assurance: 26.13b

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

The contractor, sub-recipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of USDOT assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:

- (1) *Withholding monthly progress payments;*

- (2) *Assessing sanctions;*
- (3) *Liquidated damages; and/or*
- (4) *Disqualifying the contractor from future bidding as non-responsible.*

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

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

Ralph McMullen, County Manager
Baldwin County
121 N Wilkinson Street, Suite 314
Milledgeville, GA 31061
Phone: 478-445-4791
RMcMullen@baldwincountyga.com

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the County complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Chairman of the Board of Commissioners 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 County's progress toward attainment and identifies ways to improve progress.*

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

Section 26.27 DBE Financial Institutions

It is the policy of the County 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 County'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 County will consider the services offered by these institutions and refer them as noted above.

Section 26.29 Prompt Payment Mechanisms

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

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

Section 26.31 Directory

The primary Disadvantaged Business Enterprise Directory for the County 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.

GDOT maintains active lists of certified disadvantaged businesses located throughout the state. Therefore, all of the firms listed in the directory have been certified by this state and in accordance with USDOT criteria. It should be noted also that these listings and certifications are periodically updated with some firms being added, while others are removed. Also, the State of Georgia Governor's Entrepreneur and Small Business Office, which maintains a list of small businesses, may be consulted to identify potential DBE firms.

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

The County will refer potential bidders to the GDOT directory that is available online. The link for the directory can be found in Attachment 2 to this program.

Section 26.33 Overconcentration

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

Section 26.35 Business Development Programs

The County has not established a business development program.

Section 26.37 Monitoring and Enforcement Mechanisms

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

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

consultant on a monthly basis. In addition to the engineering consultant, the DBELO will sign off on the written certifications.

4. The County 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 County has created an element to structure contracting requirements to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors.

This element has been submitted to the FAA, but has not yet been approved. The program element is included as Attachment 4. The City will actively implement the program elements to foster small business participation. Doing so is a requirement of good faith implementation of the DBE program.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

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

Section 26.45 Overall Goal

The County will establish a three-year overall goal if it anticipates awarding FAA-funded prime contracts exceeding \$250,000 annually within one or more of the reporting years within the three-year goal period. Goals will be established in accordance with the two-step process as specified in 49 CFR Part 26.45. If the County does not anticipate awarding more than \$250,000 in FAA funding annually during the three-year reporting period, the County will not develop an overall goal; however, the existing DBE program will remain in effect and the County 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 calculation can be found in Attachment 4 to this program. This section of the program will be updated triennially.

In accordance with Section 26.45(f) the County will normally submit its overall goal to USDOT on August 1 of the fiscal year specified by FAA. Before establishing the overall goal, the County will consult with the Governor's Entrepreneur and Small Business Office, and the University of Georgia's Small Business Development Center office in Macon GA to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of

discrimination on opportunities for DBEs, and the County's efforts to establish a level playing field for the participation of DBEs.

Following this consultation, the County will publish a notice of the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the airport, and informing the public that the County will accept comments on the goals for 30 days from the date of the notice. Normally, the County will issue this notice by June 1 prior to when the DBE goal is to be submitted to the FAA. The notice must include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed.

The County'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 County will begin using the overall goal on October 1 of the fiscal year specified by FAA, unless it has received other instructions from USDOT. If the County 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 County'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 5 to this program. This section of the program will be updated triennially when the goal calculation is updated.

Section 26.51(d-g) Contract Goals

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

Information to be submitted (26.53(b))

The County 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 6.

Administrative reconsideration (26.53(d))

Within ten (10) days of being informed by the County 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: **David McRee, Attorney, Baldwin County Commission, 121 N Wilkinson Street, Suite 314, Milledgeville, GA 31061, jdmcree@windstream.net**. 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 County's administrative reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do so. The County 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 County 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 County 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 County will provide such written consent only if the County 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 County 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 County 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 County 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 County, 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 County and the contractor of the reasons, if any, why it objects to the proposed termination of its subcontract and why the County should not approve the prime contractor's action. If required in a particular case as a matter of public necessity (e.g., safety), the County 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 County'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 Baldwin County, as owner of the airport, to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of ___ percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26, to meet the contract goal for DBE participation in the performance of this contract.

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

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

Section 26.55 Counting DBE Participation

The County 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 County 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 7 to this program.

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

The County 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 MARTA will conduct DBE certifications. To be certified as a DBE, a firm must meet all certification eligibility standards. The County will refer all certifications to GDOT.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

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

The County 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 |
| Attachment 5 | Overall Goal Calculation |
| Attachment 6 | Breakout of Estimated Race-Neutral & Race-Conscious Participation |
| Attachment 7 | Form 1 & 2 for Demonstration of Good Faith Efforts |
| Attachment 8 | Certification Application Forms |
| Attachment 9 | Regulations: 49 CFR Part 26 |

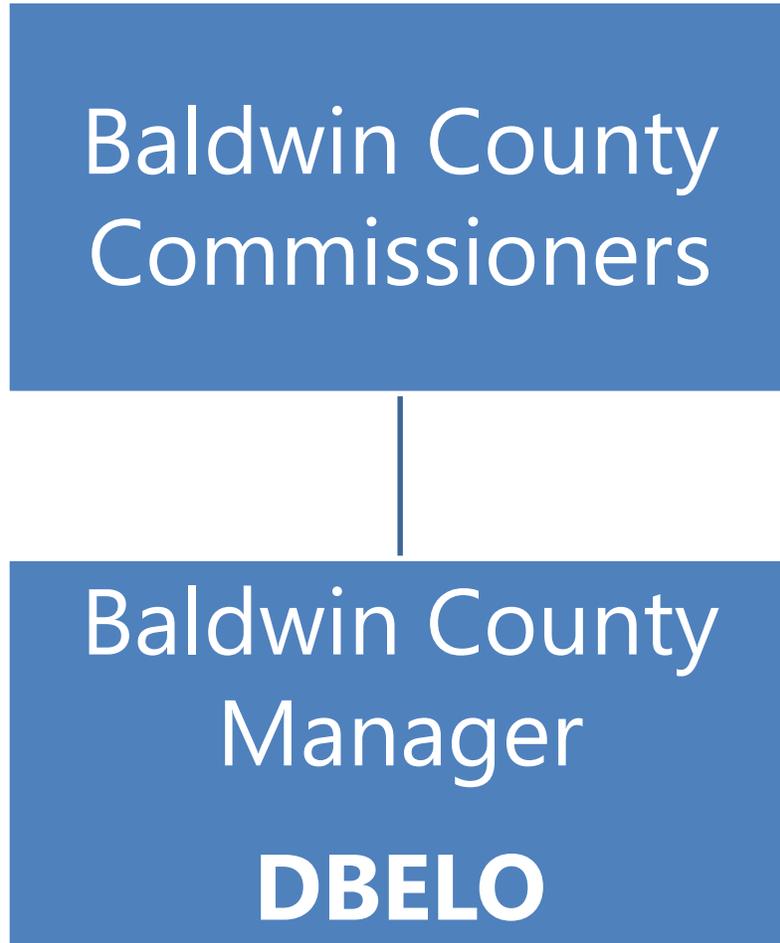
Attachment 1

Organizational Chart

Baldwin County

Baldwin County Airport
Milledgeville, Georgia

Organizational Chart



Attachment 2

DBE Directory

The DBE Directory for the State of Georgia
may be found at

[http://www.dot.ga.gov/PS/Business/DBE.](http://www.dot.ga.gov/PS/Business/DBE)

Attachment 3

Monitoring and Enforcement
Mechanisms

Baldwin County – Baldwin County 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 Baldwin County, they must affirmatively ensure that, in any contract entered into with the County, DBEs will be afforded *equal* opportunity to participate in subcontracting activities. It is the policy of the County 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 County to ensure nondiscrimination in the award and administration of USDOT-assisted contracts.
2. All contracts between the County, and a Contractor shall contain an appropriate provision to the effect that failure by the Contractor to comply with the County'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 County 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 County'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 County 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 County.
7. The County 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 County 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 County's Disadvantaged Business Enterprise Program can be obtained from the DBE Liaison Officer, **Ralph McMullen, County Manager, 121 N Wilkinson Street, Suite 314, Milledgeville, GA 31061; Phone: 478-445-4791; email address: RMcMullen@baldwincountyga.com.**

8. The County 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 County will implement a monitoring and enforcement mechanism that will include written certification that the County has reviewed contracting records and monitored work sites for this purpose. This monitoring will be conducted during routine project site visits by the County's engineering consultant on a monthly basis. In addition to the engineering consultant, the DBELO will sign off on the written certifications.*
9. The County 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 County also will consider similar action under its own legal authorities, including responsibility determinations in future contracts. In addition, the County 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 County 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 County 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 Airport's DBE program plan, 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."

Baldwin County ("the County") hereby sets forth the Baldwin County Airport's plan to implement these requirements. The Airport'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'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 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."*

The Airport's policy statement and this small business element (SBPP) are consistent with the Airport's mission of creating and encouraging business opportunities at all levels.

B. SBPP Strategy

The Airport 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 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 certified DBEs, can reasonably perform. The Airport, through the County Manager and/ or the Airport's engineering consultants, will assess the feasibility for race-neutral subcontracting goals on projects. The County Manager and/or consultant(s) 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, as a non-primary airport, has given consideration to "unbundling" as a small business strategy and believe that, at this time, such a strategy will not be suitable for the airport. Because of the limited number 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 non-primary airports. The Airport will evaluate projects on a yearly basis to determine if there is feasibility in "unbundling" contracts in the future.

C. Definitions for this Element

1. Small Business

For purposes of this program element, which is part of the airport'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.

Small business concerns must meet the business size standards, as defined by the SBA. The business size standards are based upon the average annual revenues, and

they vary according to the type of business. More information can be found at http://www.sba.gov/sites/default/files/files/Size_Standards_Table.pdf.

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

Middle Georgia Regional Commission
175 Emery Hwy, Suite C
Macon GA 31217
Phone: (478) 751-6160

<http://www.gsbl.org/loan-programs>

Note: The Middle Georgia Regional Commission offers loan programs for small businesses in an 11-county area in middle Georgia, including Baldwin County.

Milledgeville-Baldwin County Chamber of Commerce
130 S Jefferson Street
Milledgeville, GA 31061
Phone: (478) 453-9311
<http://milledgevillega.com/>

SCORE Middle Georgia
Greater Macon Chamber of Commerce
305 Coliseum Drive
Macon, GA 31217
Phone: (478) 621-2000
<https://middlegeorgia.score.org/>

The University of Georgia SBDC – Macon Office
4875 Riverside Drive, Suite 202
Macon, GA 31210
Phone: (478) 757-3609
<http://www.georgiasbdc.org/macon-office/>

F. Implementation Plan and Timetable

The Airport proposes to have its SBPP fully implemented within 120 days of the FAA final approval of the plan. The Airport 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 County Manager, all upcoming projects to determine which, if any, will be conducive for application of either of the two selected SBPP strategies described in Section B, above.
2. Review, in coordination with the County Manager and airport consultants, the necessary revisions and modifications to bid solicitation language, etc., prior to implementation of the plan.
3. Coordinate properly with the GA 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, as appropriate for the small business concerns that may contact the Airport to increase their competitive opportunities at the Airport.
5. The Airport, 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's SBPP will be the currently designated Disadvantaged Business Enterprise Liaison Officer (DBELO). The DBELO at the Airport is **Ralph McMullen, County Manager**.

Attachment 5

Overall Goal Calculation

**FY 2015-FY 2017
DISADVANTAGED BUSINESS ENTERPRISE PROGRAM METHODOLOGY
FOR**

BALDWIN COUNTY AIRPORT

MILLEDGEVILLE, GEORGIA

DECEMBER 2015

METHODOLOGY for Establishing the FY 2015 – FY 2017 Overall Disadvantaged Business Enterprise (DBE) Goal for:

*Baldwin County Airport
Milledgeville GA
December 2015*

In fulfillment of the requirements of 49 CFR Part 26, Baldwin County has developed a proposed Overall Goal for FY 2015-FY 2017 FAA-AIP projects at the Baldwin County Airport. The methodology used in establishing this goal is described herein.

I. Detailed Methodology: Specific Steps

A. Amount of Goal

Baldwin County’s (“the County”) overall goal for the Baldwin County Airport (“the Airport”) for FY 2015-FY 2017 is the following: **14.4%** of the federal financial assistance it will expend in USDOT-assisted contracts.

Given the amount of USDOT-assisted contracts that the County expects to let during this fiscal year, which is **\$1,579,580**, this means that the County has set a goal of expending approximately **\$226,700** with DBEs during FY 2015-FY 2017.

B. Determination of the Market Area of the study

The market area is normally 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. Since the airport has not had any AIP-funded projects in the last five years that required DBE participation, the market area, as shown below in Table 1, is based upon federally-funded highway projects in the airport’s vicinity within the past two years.

Table 1: Counties in the Local Market Area for Baldwin County Airport

| County | |
|----------|---------|
| Clayton | Laurens |
| Gwinnett | Putnam |

In the future, the market area will be determined using data from airport projects.

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: Baldwin County Airport—FY 2015-FY 2017 Projects & Activities

| <i>FY 2015 Projects</i> | | |
|--|-------------------------|-------------------|
| No federally funded projects exceeding \$250,000 anticipated | | |
| <i>FY 2016 Projects</i> | | |
| <i>PROJECT</i> | <i>ACTIVITY</i> | <i>NAICS CODE</i> |
| <ul style="list-style-type: none"> Terminal Apron Expansion - Construction | Heavy construction | 237310 |
| | Electrical/lighting | 238210 |
| | Site work | 238910 |
| | Erosion control/seeding | 561730 |
| <i>FY 2017 Projects</i> | | |
| <ul style="list-style-type: none"> Airport Layout Plan update Hangar Site Prep, Paving and Lighting Crack Sealing and Remarking | Heavy construction | 237310 |
| | Electrical | 238210 |
| | Site work | 238910 |
| | Engineering | 541330 |

SOURCE: WK Dickson Co. Inc.

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

Table 3a: DBEs—Baldwin County 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 |
|--|-----------|-----------|--------------------------|-----------------------------------|-----------------------------|
| 237310 | 11 | 58 | 19.0% | 0.46 | 8.7% |
| 238210 | 14 | 313 | 4.5% | 0.12 | 0.6% |
| 238910 | 13 | 64 | 20.3% | 0.36 | 7.4% |
| 561730 | 10 | 346 | 2.9% | 0.06 | 0.2% |
| WEIGHTED STEP 1 DBE BASE FIGURE = | | | | | 16.7% |

SOURCES:

- 2013 County Business Patterns, U.S. Census Bureau, April 23, 2015.
- Georgia DOT Directory of Certified Disadvantaged Business Enterprises, December 2015.

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

| NAICS Codes | DBE Firms | All Firms | % of DBE Firms Available | Ratio of estimated total expended | Weighted Total Availability |
|--|-----------|-----------|--------------------------|-----------------------------------|-----------------------------|
| 237310 | 11 | 58 | 19.0% | 0.43 | 8.1% |
| 238210 | 14 | 313 | 4.5% | 0.10 | 0.4% |
| 238910 | 13 | 64 | 20.3% | 0.23 | 4.7% |
| 541330 | 34 | 335 | 10.1% | 0.24 | 2.5% |
| WEIGHTED STEP 1 DBE BASE FIGURE = | | | | | 15.7% |

SOURCES:

1. 2013 County Business Patterns, U.S. Census Bureau, April 23, 2015.
2. Georgia DOT Directory of Certified Disadvantaged Business Enterprises, December 2015.

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

E. Determination of the “Weighted” DBE Base Figure

The Step 1 DBE base figure was derived by using a weighting process by which the percentage of dollars spent on various activities (represented by NAICS codes) were multiplied by the percentage of relevant DBE firms to all relevant firms as indicated in Table 3 above.

The Step 1 DBE Base Figure for FY 2016 is **16.7%**.

The Step 1 DBE Base Figure for FY 2017 is **15.7%**.

II. Adjustments to the DBE Base Figure

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

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

A. Adjustment Factors to Consider

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

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

The Airport has no prior history of similar federally-funded projects available under 49 CFR Part 26 as of this submittal. Therefore, there are no performance measures with which to adjust the DBE base figure. There will be no adjustment to the goal using previous history since there is none.

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 the University of Georgia’s Small Business Development Center office in Macon GA. None of the entities had any disparity studies or data available for the Baldwin County area, and none had any data available noting disparities regarding DBEs’ access to bonding, capital, insurance, etc.

There are a number of programs available to DBEs. ESBO (<http://www.georgia.org/small-business/>) has a state-sponsored Mentor-Protégé program in which small and minority-owned businesses team with major and established businesses to bolster the small and minority-owned businesses’ chances of succeeding at bidding on government-funded contracts, securing capital, etc. ESBO also has other resources available for DBEs, including certification information, legislation involving small businesses, and contact information for small and minority business coordinators throughout the state of Georgia.

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

C. Adjustment to Step 1 DBE Base Figure: Baldwin County Airport, FY 2015-FY 2017

With the adjustment factors considered to this point, the County will not adjust the Step 1 base figure. The calculation for the overall DBE goal is shown below.

Table 4: Overall DBE goal calculation – Baldwin County Airport

| FISCAL YEAR | APPROXIMATE AIP PORTION | DBE BASE FIGURE | DBE PORTION | APPROXIMATE TOTAL COST | DBE GOAL |
|---|--------------------------------|------------------------|--------------------|-------------------------------|-----------------|
| FY 2016 | \$350,498 | 16.7% | \$58,533 | \$389,442 | 15.0% |
| FY 2017 | \$1,071,124 | 15.7% | \$168,166 | \$1,190,138 | 14.1% |
| | | | \$226,700 | \$1,579,580 | |
| OVERALL DBE GOAL = \$226,700/\$1,579,580 = | | | | | 14.4% |

The DBE base figure was multiplied by the approximate AIP portion to calculate the amount of dollars projected to be expended with DBEs for each fiscal year. The DBE dollar portion was then divided into the approximate total cost for each fiscal year to calculate the DBE goal for that year. The DBE portion was totaled and divided into the sum of the approximate total cost to calculate the overall triennial DBE goal.

Resources: Baldwin County Airport - Disadvantaged Business Enterprise Program Methodology (FY 2015 – FY 2017)

A. Resource Documents:

1. 2013 County Business Patterns, U.S. Census Bureau, April 23, 2015.
2. Georgia DOT Directory of Disadvantaged Businesses, December 2015.

B. Persons, and/or Agencies Consulted with:

1. The Governor’s Entrepreneur and Small Business Office
2. University of Georgia Small Business Development Center – Macon GA

Attachment 6

Breakout of Estimated Race-
Neutral & Race-Conscious
Participation

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

The County will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. The County 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 County estimates that, in meeting its overall goal of **14.4%**, it will obtain its goal via race-neutral participation. The reason for this projected split is that the Airport has no history of past DBE participation upon which to base a race-conscious/race-neutral breakout. Therefore, the goal is projected to be met via race-conscious measures for this fiscal three-year period.

The County 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 County will normally submit its overall goal to the FAA on August 1 in accordance with the FAA's schedule for general aviation airports in the Southern Region.

Before establishing the overall goal this year, the County consulted with the University of Georgia Small Business Development Center office in Macon GA to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects

of discrimination on opportunities for DBEs, and the County's efforts to establish a level playing field for the participation of DBEs.

Following this consultation, the County posted a notice of the proposed overall goal, informing the public that the proposed goal and its rationale were available for inspection during normal business hours at the office of the Baldwin County Manager, and informing the public that the County would accept comments on the goals for 30 days from the date of the notice. The notice was posted on the Baldwin County website. 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 2015-FY 2017.

The County'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 2015-FY 2017 DBE Goal for the County.*)

The County will begin using the overall goal on October 1 of the fiscal year specified by FAA, unless the County 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 County will use contract goals to meet any portion of the overall goal that the County 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 County will establish contract goals only on those USDOT-assisted contracts that have subcontracting possibilities. The County 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 County will express its contract goals as a percentage of the total cost of a USDOT-assisted contract.

Attachment 7

Form 1 & 2 for
Demonstration of Good Faith
Efforts

BALDWIN COUNTY

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

BALDWIN COUNTY

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 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
Code of Federal
Regulations

Part 26, may be found
at

www.ecfr.gov.