

CLINTON COUNTY
PLATTSBURGH INTERNATIONAL AIRPORT
PLATTSBURGH, NY



Disadvantaged Business Enterprise (DBE)
Program 49 CFR Part 26

Updated: October 2020

POLICY STATEMENT

Section 26.1, 26.23 Objectives/Policy Statement


Clinton County, owner of Plattsburgh International 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. Clinton County has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, Clinton County has signed an assurance that it will comply with 49 CFR Part 26 (hereafter referred to as "Part 26").

It is the policy of the Clinton County to ensure that DBEs as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also Clinton County policy to engage in the following actions on a continuing basis:

1. Ensure nondiscrimination in the award and administration of DOT- assisted contracts;
2. Create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. Ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. Ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. Help remove barriers to the participation of DBEs in DOT assisted contracts;
6. Promote the use of DBEs in all types of federally-assisted contracts and procurement activities;
7. Assist the development of firms that can compete successfully in the market place outside the DBE Program; and
8. Make appropriate use of the flexibility afforded to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

Sandra Haley, Administrative Assistant, has been delegated as the DBE Liaison Officer. In that capacity, Sandra Haley 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 Clinton County in its financial assistance agreements with the Department of Transportation.

Clinton County has disseminated this policy statement to the County Legislature and all of the components of our organization. This statement has been distributed to DBE and non-DBE business communities that may perform work on Clinton County DOT-assisted contracts. Copies of this statement are available upon request at the Airport Administrative Office, and airports official site <https://www.clintoncountygov.com/airport> and <https://www.flyplattsburgh.com/important-documents>.


The Honorable, Mark R. Henry
Chairperson, Clinton County Legislature

Date

10/1/20

GENERAL REQUIREMENTS

Section 26.1 Objectives

The objectives are elaborated in the policy statement on the first page of this program.

Section 26.3 Applicability

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

Section 26.5 Definitions

Clinton County will use terms in this program that have their meanings defined in Part 26, §26.5.

Section 26.7 Non-discrimination Requirements

Clinton 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, Clinton 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 DOT

Clinton County will provide data about its DBE Program to the Department as directed by DOT operating administrations.

DBE participation will be reported to FAA Office of Civil Rights as follows:

Clinton County will transmit to FAA Office of Civil Rights annually, by or before December 1, the information required for the "Uniform Report of DBE Awards or Commitments and Payments", as described in Appendix B to Part 26. Clinton County will similarly report the required information about participating DBE firms. All reporting will be done through the FAA Office of Civil Rights official reporting system, or another format acceptable to FAA Office of Civil Rights as instructed thereby.

Bidders List

Clinton County 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 Clinton County DOT-assisted contracts, for use in helping to set overall goals. The bidders list will include the name, address, DBE and non-DBE status, age of firm, and annual gross receipts of firms.

This information will be collected in the following way(s):

All bidders are required to complete the Bidder's List Collection Form found in **Attachment 3** and submit a copy with their bid proposal.

Records retention and reporting:

Clinton County will maintain records documenting a firm's compliance with the requirements of this part. These records will be retained in accordance with all applicable record retention requirements of Clinton County financial assistance agreement. Other compliance related records will be retained for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for the financial assistance agreement, whichever is longer.

Section 26.13 Federal Financial Assistance Agreement

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

Assurance: - Each financial assistance agreement Clinton County signs with a DOT operating administration (or a primary recipient) will include the following assurance:

Clinton County 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. Clinton County 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 Clinton County 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 Clinton 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.*).

Contract Assurance: Clinton County will ensure that the following clause is included in each DOT-funded contract it signs with a contractor (and each subcontract the prime contractor signs with a subcontractor):

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, 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.

ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

Clinton County is required to have a DBE program meeting the requirements of this part as it will receive grants for airport planning or development and will award prime contracts, cumulative total value of which exceeds \$250,000 in FAA funds in a federal fiscal year. Clinton County is not eligible to receive DOT financial assistance unless DOT has approved this DBE program and Clinton County is in compliance with it and Part 26. Clinton County will continue to carry out this program until all funds from DOT financial assistance have been expended. Clinton County does not have to submit regular updates of the DBE program document, as long as it remains in compliance. However, significant changes in the program, including those required by regulatory updates, will be submitted for DOT approval.

Section 26.23 Policy Statement

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

Section 26.25 DBE Liaison Officer (DBELO)

The following individual has been designated as the DBE Liaison Officer for Clinton County:

*Sandy Haley
Administrative Assistant
Plattsburgh International Airport
42 Airport Lane, Suite 201
Plattsburgh, NY 12903
Sandra.Haley@clintoncountygov.com
518-565-4847*

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the Clinton County complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the County Legislature concerning DBE program matters. An organizational chart displaying the DBELO's position in the organization is included 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 7 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 Clinton County's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the County Legislature on DBE matters and achievement.
9. Determine contractor compliance with good faith efforts.
10. Participates in DBE training seminars.

Section 26.27 DBE Financial Institutions

It is the policy of Clinton 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 DOT-assisted contracts to make use of these institutions.

The Airport has researched the availability of DBE financial institutions in the directory of certified DBE's maintained by the New York Unified Certification Program as well as the website of the Federal Reserve Board identifying minority-owned banks. There currently are no available DBE financial institutions available. We will continue to conduct a search annually.

Section 26.29 Prompt Payment Mechanisms

Clinton County requires that all subcontractors performing work on DOT-assisted contracts shall be promptly paid for work performed pursuant to their agreements, in accordance with all relevant federal, state, and local law.

In accordance with 49 CFR §26.29, the Clinton County established a contract clause implementing this requirement and requires prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 7 days from the prime contractor's receipt of each payment from the Clinton County.

Clinton County ensures prompt and full payment of retainage from the prime contractor to the subcontractor within 7 days after the subcontractor's work is satisfactorily completed. Pursuant to §26.29, Clinton County has selected the following method to comply with this requirement:

You may hold retainage from prime contractors and provide for prompt and regular incremental acceptances of portions of the prime contract, pay retainage to prime contractors based on these acceptances, and require a contract clause obligating the prime contractor to pay all retainage owed to the subcontractor for satisfactory completion of the accepted work within 30 days after your payment to the prime contractor.

Additionally, for Federal Aviation Administration (FAA) Recipients include the following:

To implement this measure, Clinton County includes the following clause from FAA Advisory Circular 150/5370-10 in each DOT-assisted prime contract:

The Contractor is required to pay all subcontractors for satisfactory performance of their contracts no later than 7 days after the Contractor has received a partial payment. The Owner must ensure prompt and full payment of retainage from the prime contractor to the subcontractor within 7 days after the subcontractor's work is satisfactorily completed. A subcontractor's work is satisfactorily completed when all the tasks called for

in the subcontract have been accomplished and documented as required by the Owner. When the Owner has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.

From the total of the amount determined to be payable on a partial payment, {insert amount of retainage, not to exceed 5 percent} percent of such total amount will be deducted and retained by the Owner until the final payment is made, except as may be provided (at the Contractor's option) in the subsection titled PAYMENT OF WITHHELD FUNDS of this section. The balance {(insert balance)} of the amount payable, less all previous payments, shall be certified for payment. Should the Contractor exercise his/her option, as provided in the subsection titled PAYMENT OF WITHHELD FUNDS of this section, no such percent retainage shall be deducted.

When at least 95 percent of the work has been completed, the Engineer shall, at the Owner's discretion and with the consent of the surety, prepare estimates of both the contract value and the cost of the remaining work to be done.

The Owner may retain an amount not less than twice the contract value or estimated cost, whichever is greater, of the work remaining to be done. The remainder, less all previous payments and deductions, will then be certified for payment to the Contractor.

Section 26.31 Directory

Clinton County is a non-certifying member of the New York State Unified Certification Program (UCP). The UCP maintains a directory identifying all firms eligible to participate as DBEs, which contains all the elements required by §26.31. A copy of the link for the State's UCP can be found in **Attachment 4**.

Section 26.33 Over-concentration

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

Section 26.35 Business Development Programs

Clinton County has not established a Business Development Program.

Section 26.37 Monitoring Responsibilities

Clinton County implements and carries out appropriate mechanisms to ensure compliance with 49 CFR Part 26 program requirements by all program participants, including prompt payment, and describes and set forth these mechanisms in Clinton County's DBE.

Clinton County actively monitors participation by maintaining a running tally of actual DBE attainments (e.g., payments actually made to DBE firms), including a means of comparing these attainments to commitments.

Monitoring Payments to DBEs and Non-DBEs

Clinton County undertakes ongoing monitoring of prime payments to subcontractors over the course of any covered contract. Such monitoring activities will be accomplished through the following method(s):

The Airport monitors payments throughout a project. The following is required throughout a project:

- The Monthly Payment Report found in **Attachment 5** shall be submitted on a monthly basis throughout the entirety of the project. A progress payment will not be processed until the reports are submitted. This report monitors the payments by providing a running tally of actual DBE attainments and compares this to the commitments.
- Each subcontractor, DBE and non-DBE firms, are required to complete the Subcontractor's Prompt Payment Certification, found in **Attachment 6**. A completed copy of this form shall be submitted to the Sponsor's representative, the Prime Contractor and the Contractor you are working for at least 7 days prior to an application for payment. This form is to be submitted with each payment application. Any delay in the submitting the required certification will cause a delay in payments being processed.
- The Disadvantaged Business Enterprise (DBE) Participation Summary Form, found in **Attachment 8**, must be completed and signed by the DBE firm upon completion of the project. A final payment will not be processed without the required form. The intent of this form is to confirm the work has been completed and the firm has been paid in full.

Clinton County requires prime contractors to maintain records and documents of payments to subcontractors, including DBEs, for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for the Clinton County's financial assistance agreement, whichever is longer. These records will be made available for inspection upon request by any authorized representative of Clinton

County or DOT. This reporting requirement extends to all subcontractors, both DBE and non-DBE.

Clinton County proactively reviews contract payments to subcontractors including DBEs monthly and each time a payment request is submitted. The Prime Contractor will submit the Subcontractors Prompt Payment Certification(s) with each payment request. The airport's DBELO or designee will review each monthly invoice breakout against the prime's contract for compliance with the DBE program to confirm the DBE contract amount match the prime's bid submittal. After the review, if there are no discrepancies, the invoice will be processed for payment. The DBELO or designee will document prime contractors payments to DBE Firms. Payment reviews will evaluate whether the actual amount paid to DBE subcontractors is equivalent to the amounts reported to Clinton County by the prime contractor.

Prompt Payment Dispute Resolution

Clinton County will take the following steps to resolve disputes as to whether work has been satisfactorily completed for purposes of §26.29.

The County will facilitate or participate in meetings between prime and sub, with resident project representative and/or project manager presence as appropriate.

Upon either parties' written request to the DBELO for mediation, the parties shall participate in voluntary mediation by selecting a mediator within 10 days of request. Within 30 days of the request, the mediation shall be completed, with or without legal counsel, pursuant to NYS law.

Clinton County has established, as part of its DBE program, the following mechanism(s) to ensure prompt payment and return of retainage:

(1) Alternative dispute resolution (ADR)

- The County will require that the Prime Contractor submit for a detailed ADR proposal for County approval prior to the issuance of any Notice to Proceed.
- If the subcontractor is unable to resolve payment discrepancies with the prime contractor or is uncomfortable contacting the prime contractor directly regarding the discrepancy, the subcontractor should contact the DBELO to initiate complaint.
- If the subcontractor is not satisfied with the results from filing a prompt payment complaint with the Airport's DBELO, the subcontractor may contact the county administrator.

(2) A contract clause providing that the prime contractor will not be reimbursed for work performed by subcontractors unless and until the prime contractor ensures that the subcontractors are promptly paid for the work they have performed.

Prompt Payment Complaints

Complaints by subcontractors regarding the prompt payment requirements are handled according to the following procedure.

- If affected subcontractor is not comfortable contacting prime directly regarding payment or unable to resolve payment discrepancies with prime, subcontractor should contact DBELO to initiate complaint.
- If filing a prompt payment complaint with the DBELO does not result in timely and meaningful action by Clinton County to resolve prompt payment disputes, affected subcontractor may contact the responsible FAA Office of Civil Rights contact.
- Pursuant to Sec. 157 of the FAA Reauthorization Act of 2018, all complaints related to prompt payment will be reported in a format acceptable to the FAA, including the nature and origin of the complaint and its resolution.

<https://www.surveymonkey.com/r/PromptPaymentComplaints>

Enforcement Actions for Noncompliance of Participants

Clinton County will provide appropriate means to enforce the requirements of §26.29. These means include:

- In accordance with the contract, assessing liquidated damages against the prime contractor for each day beyond the required time period the prime contractor fails to pay the subcontractor
- Advise subcontractors of the availability of the payment and performance bond to assure payment for labor and materials in the execution of the work provided for in the contract
- Other penalties for failure to comply, up to and including contract termination (specify these penalties clearly).

Clinton County will actively implement the enforcement actions detailed above.

Monitoring Contracts and Work Sites

Clinton County reviews contracting records and engages in active monitoring of work sites to ensure that work committed to DBEs at contract award or subsequently (e.g., as the result of modification to the contract) is actually performed by the DBEs to which the work was committed. Work site monitoring is performed by the DBELO or designee. Contracting records are reviewed by the DBELO or designee. Clinton County will

maintain written certification that contracting records have been reviewed and work sites have been monitored for this purpose.

Section 26.39 Fostering small business participation

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

The small business element is incorporated as **Attachment 9** to this DBE Program. The program elements will be actively implemented to foster small business participation. **Implementation of the small business element is required in order for Clinton County to be considered by DOT as implementing this DBE program in good faith.**

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

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

Section 26.45 Overall Goals

Clinton County will establish an overall DBE goal covering a three-year federal fiscal year period if it anticipates awarding DOT-funded prime contracts the cumulative total value of which exceeds \$250,000 in DOT funds during any one or more of the reporting fiscal years within the three-year goal period. In accordance with §26.45(f), Clinton County will submit its Overall Three-year DBE Goal to FAA Office of Civil Rights by August 1st of the year in which the goal is due, as required by the schedule established by and posted to the website of FAA Office of Civil Rights.

https://www.faa.gov/about/office_org/headquarters_offices/acr/bus_ent_program/media/DBE%20and%20ACDBE%20Reporting%20Requirements%20for%20Airport%20Grant%20Recipients.pdf

The DBE goals will be established in accordance with the 2-step process as specified in 49 CFR Part 26.45. If Clinton County does not anticipate awarding prime contracts the cumulative total value of which exceeds \$250,000 in DOT funds during any of the years within the three-year reporting period, an overall goal will not be developed. However,

this DBE Program will remain in effect and Clinton County will seek to fulfill the objectives outlined in 49 CFR Part 26.1.

Step 1. The first step is to determine a base figure for the relative availability of DBEs in the market area. Clinton County will use DBE Directory information and Census Bureau Data, as a method to determine the base figure. Clinton County understands that the exclusive use of a list of prequalified contractors or plan holders, or a bidders list that does not comply with the requirements of 49 CFR Part 26.45(c)(2), is not an acceptable alternative means of determining the availability of DBEs.

Step 2. The second step is to adjust, if necessary, 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. Adjustments may be made based on past participation, information from a disparity study (to the extent it is not already accounted for in the base goal), and/or information about barriers to entry to past competitiveness of DBEs on contracts. Clinton County will examine all of the evidence available in its jurisdiction to determine what adjustment, if any, is needed. If the evidence does not suggest an adjustment is necessary, then no adjustment shall be made.

Any methodology selected will be based on demonstrable evidence of local market conditions and be designed to ultimately attain a goal that is rationally related to the relative availability of DBEs in the Clinton County market.

In establishing the overall goal, Clinton County will provide for consultation and publication. This includes consultation with minority, women's and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the efforts by Clinton County to establish a level playing field for the participation of DBEs. The consultation will include a scheduled, direct, interactive exchange (e.g., a face-to-face meeting, video conference, teleconference) with as many interested stakeholders as possible focused on obtaining information relevant to the goal setting process, and it will occur before Clinton County is required to submit the goal methodology to the operating administration for review pursuant to §26.45(f). The goal submission will document the consultation process in which Clinton County engaged. Notwithstanding paragraph (f)(4) of §26.45, the proposed goal will not be implemented until this requirement is met.

In addition to the consultation described above, Clinton County will publish a notice announcing the proposed overall goal before submission to the FAA Office of Civil Rights on August 1st. The notice will be posted on Plattsburgh International Airport's official internet web site. If the proposed goal changes following review by FAA Office of Civil Rights, the revised goal will be posted on the official internet web site.

The Overall Three-Year DBE Goal submission to FAA Office of Civil Rights will include a summary of information and comments received, if any, during this public participation process and Clinton County responses.

Clinton County will begin using the overall goal on October 1 of the relevant period, unless other instructions from FAA Office of Civil Rights have been received.

Project Goals

If permitted or required by the FAA Office of Civil Rights Administrator, an overall goal may be expressed as a percentage of funds for a particular grant or project or group of grants and/or projects, including entire projects. Like other overall goals, a project goal may be adjusted to reflect changed circumstances, with the concurrence of the appropriate operating administration. A project goal is an overall goal, and must meet all the substantive and procedural requirements of this section pertaining to overall goals. A project goal covers the entire length of the project to which it applies. The project goal will include a projection of the DBE participation anticipated to be obtained during each fiscal year covered by the project goal. The funds for the project to which the project goal pertains are separated from the base from which the regular overall goal, applicable to contracts not part of the project covered by a project goal, is calculated.

If a goal is established on a project basis, the goal will be used by the time of the first solicitation for a DOT-assisted contract for the project.

Prior Operating Administration Concurrence

Clinton County understands that prior FAA Office of Civil Rights concurrence with the overall goal is not required. However, if the FAA Office of Civil Rights review suggests that the overall goal has not been correctly calculated or that the method employed by Clinton County for calculating goals is inadequate, FAA Office of Civil Rights may, after consulting with Clinton County, adjust the overall goal or require that the goal be adjusted by Clinton County. The adjusted overall goal is binding. In evaluating the adequacy or soundness of the methodology used to derive the overall goal, the U.S. DOT operating administration will be guided by the goal setting principles and best practices identified by the Department in guidance issued pursuant to §26.9.

A description of the methodology to calculate the overall goal and the goal calculations can be found in **Attachment 10** to this program.

Section 26.47 Failure to meet overall goals

Clinton County cannot be penalized, or treated by the Department as being in noncompliance with Part 26, because DBE participation falls short of an overall goal, unless Clinton County fails to administer its DBE program in good faith.

Clinton County understands that to be considered to be in compliance with this part, an approved DBE Program and overall DBE goal, if applicable, must be maintained, and this DBE Program must be administered in good faith.

Clinton County understands that if the awards and commitments shown on the Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall goal applicable to that fiscal year, the following actions must be taken in order to be regarded by the Department as implementing this DBE Program in good faith:

- (1) Analyze in detail the reasons for the difference between the overall goal and the awards and commitments in that fiscal year;
- (2) Establish specific steps and milestones to correct the problems identified in the analysis to enable the goal for the new fiscal year to be fully met;
- (3) Clinton County will prepare, within 90 days of the end of the fiscal year, the analysis and corrective actions developed under paragraph (c)(1) and (2) of this section. We will retain copy of analysis and corrective actions in records for a minimum of three years, and will make it available to FAA Office of Civil Rights upon request.

Section 26.51 Means Recipients Use to Meet Overall Goals

Breakout of Estimated Race-Neutral & Race-Conscious Participation

Clinton County will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating race-neutral DBE participation. Race-neutral DBE participation includes any time a DBE wins a prime contract through customary competitive procurement procedures or is awarded a subcontract on a prime contract that does not carry a DBE contract goal.

Race-neutral means include, but are not limited to the following:

1. Arranging 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.
2. 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);
3. Refer DBEs to local services to help DBEs, and other small businesses, improve

long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency;

4. Ensuring distribution of the DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors; and
5. Consider unbundling large contracts to make them more accessible to small businesses when possible;
6. Provide instructions and clarification on bid specifications, general bidding requirements, and procurement policies and procedures; and
7. Discuss the DBE goal and DBE requirements at Pre-bid meetings to encourage prime contractors to solicit DBE firms in subcontracting opportunities.

The breakout of estimated race-neutral and race-conscious participation can be found in **Attachment 10** to this program.

Clinton County 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.

Contract Goals

If the approved projection under paragraph (c) of §26.51 estimates that the entire overall goal for a given year can be met through race-neutral means, contract goals will not be set during that year, unless the use of contract goals becomes necessary in order meet the overall goal.

Contract goals will be established only on those DOT-assisted contracts that have subcontracting possibilities. A contract goal need not be established 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).

Contract goals will be expressed as a percentage of the Federal share of a DOT-assisted contract.

Section 26.53 Good Faith Efforts Procedures in Situations where there are Contract Goals

Demonstration of good faith efforts (pre-award)

In cases where a contract goal has been established, the contract in question will only be awarded to a bidder/offeror that has made good faith efforts to meet the contract goal. The bidder/offeror can demonstrate that it has made good faith efforts by either

meeting the contract goal or documenting that it has made adequate good faith efforts to do so. Examples of good faith efforts are found in Appendix A to Part 26.

DBELO or designee 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**.

Clinton County will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before committing to the performance of the contract by the bidder/offeror.

In all solicitations for DOT-assisted contracts for which a contract goal has been established, the following information will be required of every bidder/offeror:

- (1) Award of the contract will be conditioned on meeting the requirements of this section;
- (2) All bidders or offerors will be required to submit the following information to the recipient, at the time provided in paragraph (3) of this section:
 - (i) The names and addresses of DBE firms that will participate in the contract;
 - (ii) A description of the work that each DBE will perform. To count toward meeting a goal, each DBE firm must be certified in a NAICS code applicable to the kind of work the firm would perform on the contract;
 - (iii) The dollar amount of the participation of each DBE firm participating;
 - (iv) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet a contract goal; and
 - (v) Written confirmation from each listed DBE firm that it is participating in the contract in the kind and amount of work provided in the prime contractor's commitment.
 - (vi) If the contract goal is not met, evidence of good faith efforts (as elaborated in Appendix A of Part 26). 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; and
- (3) The bidder/offeror will be required to present the information stipulated in paragraph (2) (See **Attachment 8** for DBE Plan and Letter of Intent) of this section:
- (4) Under sealed bid procedures, as a matter of **responsiveness**, or with initial proposals, under contract negotiation procedures.

Provided that, in a negotiated procurement, including a design-build procurement, the bidder/offeror may make a contractually binding commitment to meet the goal at the time of bid submission or the presentation of initial proposals but provide the information required by paragraph (2) of this section before the final selection for the contract is made by the recipient.

Administrative reconsideration

Within 7 days of being informed by Clinton County that it is not responsive because it has not documented adequate good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official: Lisa Howard, DBE Program Administrator, C&S Companies, 499 Col. Eileen Collins Blvd. Syracuse NY 13212, lhoward@cscos.com. 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 the reconsideration official to discuss the issue of whether the goal was met or the bidder/offeror made adequate good faith efforts to do. The bidder/offeror will be sent 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 procedural requirements (post-solicitation)

The awarded contractor will be required to make available upon request a copy of all DBE subcontracts. The contractor shall ensure that all subcontracts or agreements with DBEs to supply labor or materials include all required contract provisions and mandate that the subcontractor and all lower tier subcontractors perform in accordance with the provisions of Part 26.

Prime contractors will be prohibited from terminating a DBE subcontractor listed in response to a covered solicitation (or an approved substitute DBE firm) without the prior written consent of Clinton County. This includes, but is not limited to, instances in which a prime contractor seeks to perform work originally designated for a DBE subcontractor with its own forces or those of an affiliate, a non-DBE firm, or another DBE firm. ;

Such written consent will be provided only if Clinton County agrees, for reasons stated in the 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) Clinton County determined that the listed DBE subcontractor is not a responsible contractor;
- (7) The listed DBE subcontractor voluntarily withdraws from the project and provides Clinton County 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 Clinton 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 to Clinton County a 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 Clinton County, of its intent to request to terminate and/or substitute the DBE, and the reason(s) for the request.

The prime contractor must give the DBE five days to respond to the prime contractor's notice and advise Clinton County and the prime contractor of the reasons, if any, why the DBE objects to the proposed termination of its subcontract and why the prime contractor's action should not be approved. If required in a particular case as a matter of public necessity (e.g., safety), a response period shorter than five days may be provided.

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.

Each prime contract will include a provision stating:

The contractor shall utilize the specific DBEs listed in the contractor's [bid/solicitation] response to perform the work and supply the materials for which each is listed unless the contractor obtains prior written consent of Clinton County as provided in 49 CFR Part 26, §26.53(f). Unless such consent is provided, the contractor shall not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE.

Clinton 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. 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 contract goal that was established for the procurement. The good faith efforts shall be documented by the contractor. If Clinton County requests documentation from the contractor under this provision, the contractor shall submit the documentation within 7 days, which may be extended for an additional 7 days if necessary at the request of the contractor. Clinton County shall provide a written determination to the contractor stating whether or not good faith efforts have been demonstrated.

If the contractor fails or refuses to comply in the time specified, the contracting office/representative of Clinton County may 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.

Section 26.55 Counting DBE Participation

DBE participation will be counted toward overall and contract goals as provided in §26.55. The participation of a DBE subcontractor will not be counted 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.

In the case of post-award substitutions or additions, if a firm is not currently certified as a DBE in accordance with the standards of subpart D of this part at the time of the execution of the contract, the firm's participation will not be counted toward any DBE goals, except as provided for in §26.87(j).

Pursuant to Sec. 150 of the FAA Reauthorization Act of 2018, DBE firms certified with NAICS code 237310 that exceed the business size standard in § 26.65(b) will remain eligible for DBE credit for work in that category as long as they do not exceed the small business size standard for that category, as adjusted by the United States Small Business Administration.

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

Clinton County is a non-certifying member of the New York State Unified Certification Program (UCP). New York State UCP 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. Certifying New York State UCP members 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:

New York State Department of Transportation
Contract Audit Bureau
DBE Certification
50 Wolf Road, 6th Floor
Albany, NY 12232
Telephone Number: (518) 417-6631
dbecert@dot.ny.gov

The Uniform Certification Application form and documentation requirements are found in **Attachment 11** to this program.

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

Clinton County is the member of a Unified Certification Program (UCP) administered by New York State Unified Certification Program. The UCP will meet all of the requirements of this section. A copy of the signed agreement page of the membership of the UCP between the Airport and the UCP can be found in **Attachment 12**.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.101 Compliance Procedures Applicable to Clinton County

Clinton County understands that if it fails to comply with any requirement of this part, Clinton County may be subject to formal enforcement action under §26.103 or §26.105 or appropriate program sanctions by the concerned operating administration, such as the suspension or termination of Federal funds, or refusal to approve projects, grants or contracts until deficiencies are remedied. Program sanctions may include in the case of the FAA program requirements.

Section 26.109 Information, Confidentiality, Cooperation and intimidation or retaliation

Information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law will be safeguarded from disclosure to third parties.

In responding to requests for information concerning any aspect of the DBE program, the Airport will comply with provisions of the Federal Freedom of Information and Privacy Acts (5 U.S.C. 552 and 552a) and New York State Freedom of Information Law (NYS Public Officers Law section 84 et. seq) which applies to "any information kept, held, filed, produced or reproduced by, with or for an agency or the state legislature, in any physical form whatsoever including, but not limited to, reports, statements, examinations, memoranda, opinions, folders, files, books, manuals, pamphlets, forms, papers, designs, drawings, maps, photos, letters, microfilms, computer tapes or discs, rules, regulations or codes". (NYS Public Officers Law 86(4)). There is an exception to this law for records that are trade secrets and records derived from information that is part of a commercial enterprise, which if discovered would cause substantial injury to that commercial enterprise (NYS Public Officers Law 87(2)(d)).

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

All participants in the Department's DBE program (including, but not limited to, recipients, DBE firms and applicants for DBE certification, complainants and appellants, and contractors using DBE firms to meet contract goals) are required to cooperate fully and promptly with DOT and recipient compliance reviews, certification reviews, investigations, and other requests for information. Failure to do so shall be a ground for appropriate action against the party involved (e.g., with respect to recipients, a finding of noncompliance; with respect to DBE firms, denial of certification or removal of eligibility and/or suspension and debarment; with respect to a complainant or appellant, dismissal of the complaint or appeal; with respect to a contractor which uses DBE firms to meet goals, findings of non-responsibility for future contracts and/or suspension and debarment).

Clinton County, contractor, or any other participant in the program will not intimidate, threaten, coerce, or discriminate against any individual or firm for the purpose of interfering with any right or privilege secured by this part or because the individual or firm has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. Clinton County understands that it is in noncompliance with Part 26 if it violates this prohibition.

ATTACHMENTS

- Attachment 1 Regulations: 49 CFR Part 26 or website link
- Attachment 2 Organizational Chart (Section 26.25)
- Attachment 3 Bidder's List Collection Form (Section 26.11 (c))
- Attachment 4 DBE Directory or link to (Section 26.31)
- Attachment 5 Monthly DBE Report (Section 26.29)
- Attachment 6 Subcontractor's Prompt Payment Certification (Section 26.29)
- Attachment 7 DBE Monitoring and Enforcement Mechanisms (Section 26.37)
- Attachment 8 DBE Participation Forms (Section 26.37)
- Attachment 9 Small Business Element Program (Section 26.39)
- Attachment 10 Overall Goal Calculations (Section 26.45); Breakout of Race-Neutral & Race-Conscious Participation (Section 26.51)
- Attachment 11 DBE Certification Application Form (Section 26.61 – 26.73)
- Attachment 12 State's UCP Agreement (Section 26.81)

ATTACHMENT 1

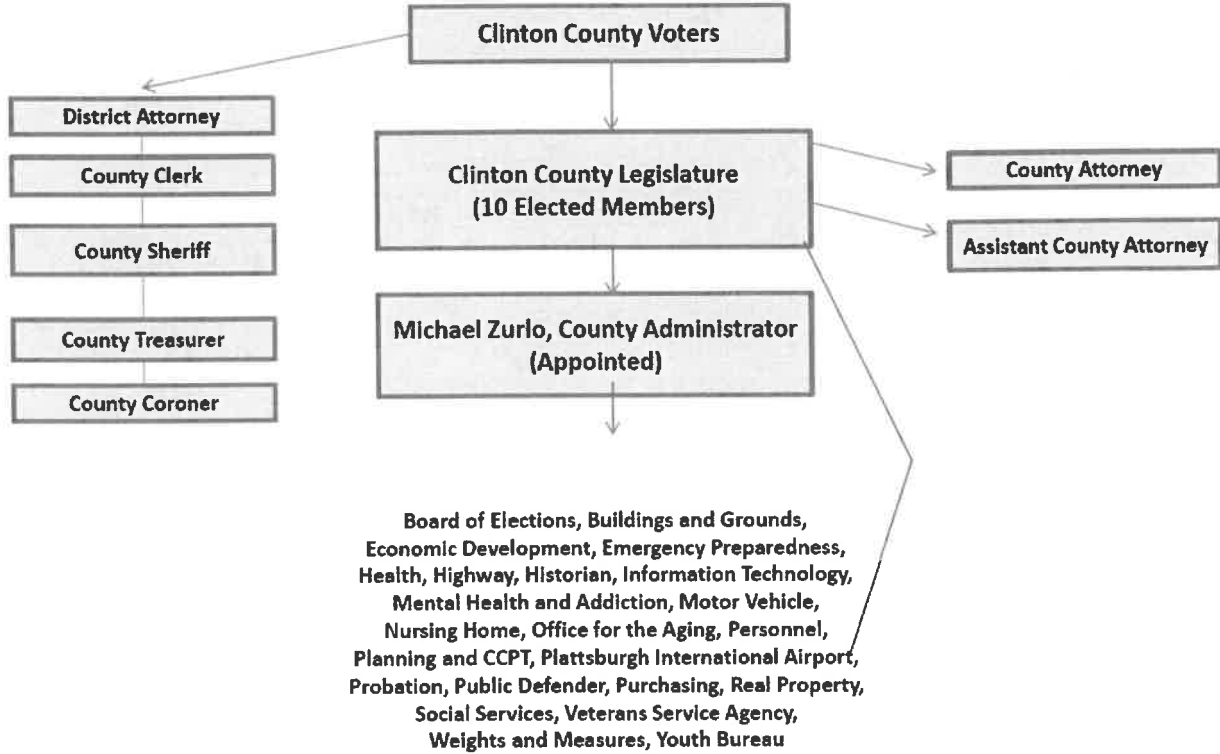
Regulations: 49 CFR Part 26, or link to website

https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr26_main_02.tpl

ATTACHMENT 2

Organizational Chart

Clinton County Organizational Chart



ATTACHMENT 3
Bidder's List Collection Form
(Bidder's Information)

The sponsor is required by CFR Title 49, Subtitle A, Part 26, Subpart A, Section 26.11 to collect the following information from the bidder. As such, it is the responsibility of the bidder to complete the following information as a condition of submitting a proposal for this project. The sponsor will consider incomplete information to be an irregular proposal.

Airport Name: _____ AIP No. _____

Project Name: _____

Bidder's Information

Firm Name	Firm Street Address, City, State, Zip Code, Phone No.	DBE / Non DBE Status	Age of Firm	Annual Gross Receipts
		<input type="checkbox"/> DBE	<input type="checkbox"/> Less than 1 year	<input type="checkbox"/> Less than \$500K
			<input type="checkbox"/> 1-3 years	<input type="checkbox"/> \$500K - \$1M
		<input type="checkbox"/> Non-DBE	<input type="checkbox"/> 4-7 years	<input type="checkbox"/> \$1 - \$2 M
			<input type="checkbox"/> 8-10 years	<input type="checkbox"/> \$2 - \$5M
			<input type="checkbox"/> More than 10 years	<input type="checkbox"/> More than \$5M

(This form must be completed and submitted with the Proposal.)

(Subcontractor's Information)

The sponsor is required by CFR Title 49, Subtitle A, Part 26, Subpart A, Section 26.11 to collect the following information from each subcontractor submitting a quote, bid or proposal to the bidder. As such, it is the responsibility of the bidder to complete the following information as a condition of submitting a proposal for this project. The sponsor will consider incomplete information to be an irregular proposal.

Please note that the information requested below must be filled out for each quote received by the bidder, regardless of DBE status. For example, if the bidder requests quotes from three contractors for electrical work, the information requested below must be filled out for the three subcontractors. It is important to note that providing the information does not commit the bidder to using any one of the three subcontractors in the work.

Airport Name: _____ AIP No. _____

Project Name: _____

Subcontractor's Information

Firm Name	Firm Street Address, City, State, Zip Code, Phone No.	DBE / Non DBE Status	Age of Firm	Annual Gross Receipts
		<input type="checkbox"/> DBE	<input type="checkbox"/> Less than 1 year	<input type="checkbox"/> Less than \$500K
			<input type="checkbox"/> 1-3 years	<input type="checkbox"/> \$500K - \$1M
		<input type="checkbox"/> Non-DBE	<input type="checkbox"/> 4-7 years	<input type="checkbox"/> \$1 - \$2 M
			<input type="checkbox"/> 8-10 years	<input type="checkbox"/> \$2 - \$5M
			<input type="checkbox"/> More than 10 years	<input type="checkbox"/> More than \$5M
		<input type="checkbox"/> DBE	<input type="checkbox"/> Less than 1 year	<input type="checkbox"/> Less than \$500K
			<input type="checkbox"/> 1-3 years	<input type="checkbox"/> \$500K - \$1M
		<input type="checkbox"/> Non-DBE	<input type="checkbox"/> 4-7 years	<input type="checkbox"/> \$1 - \$2 M
			<input type="checkbox"/> 8-10 years	<input type="checkbox"/> \$2 - \$5M
			<input type="checkbox"/> More than 10 years	<input type="checkbox"/> More than \$5M
		<input type="checkbox"/> DBE	<input type="checkbox"/> Less than 1 year	<input type="checkbox"/> Less than \$500K
			<input type="checkbox"/> 1-3 years	<input type="checkbox"/> \$500K - \$1M
		<input type="checkbox"/> Non-DBE	<input type="checkbox"/> 4-7 years	<input type="checkbox"/> \$1 - \$2 M
			<input type="checkbox"/> 8-10 years	<input type="checkbox"/> \$2 - \$5M
			<input type="checkbox"/> More than 10 years	<input type="checkbox"/> More than \$5M

Firm Name	Firm Street Address, City, State, Zip Code, Phone No.	DBE / Non DBE Status	Age of Firm	Annual Gross Receipts
		<input type="checkbox"/> DBE	<input type="checkbox"/> Less than 1 year	<input type="checkbox"/> Less than \$500K
			<input type="checkbox"/> 1-3 years	<input type="checkbox"/> \$500K - \$1M
		<input type="checkbox"/> Non-DBE	<input type="checkbox"/> 4-7 years	<input type="checkbox"/> \$1 - \$2 M
			<input type="checkbox"/> 8-10 years	<input type="checkbox"/> \$2 - \$5M
			<input type="checkbox"/> More than 10 years	<input type="checkbox"/> More than \$5M
		<input type="checkbox"/> DBE	<input type="checkbox"/> Less than 1 year	<input type="checkbox"/> Less than \$500K
			<input type="checkbox"/> 1-3 years	<input type="checkbox"/> \$500K - \$1M
		<input type="checkbox"/> Non-DBE	<input type="checkbox"/> 4-7 years	<input type="checkbox"/> \$1 - \$2 M
			<input type="checkbox"/> 8-10 years	<input type="checkbox"/> \$2 - \$5M
			<input type="checkbox"/> More than 10 years	<input type="checkbox"/> More than \$5M
		<input type="checkbox"/> DBE	<input type="checkbox"/> Less than 1 year	<input type="checkbox"/> Less than \$500K
			<input type="checkbox"/> 1-3 years	<input type="checkbox"/> \$500K - \$1M
		<input type="checkbox"/> Non-DBE	<input type="checkbox"/> 4-7 years	<input type="checkbox"/> \$1 - \$2 M
			<input type="checkbox"/> 8-10 years	<input type="checkbox"/> \$2 - \$5M
			<input type="checkbox"/> More than 10 years	<input type="checkbox"/> More than \$5M
		<input type="checkbox"/> DBE	<input type="checkbox"/> Less than 1 year	<input type="checkbox"/> Less than \$500K
			<input type="checkbox"/> 1-3 years	<input type="checkbox"/> \$500K - \$1M
		<input type="checkbox"/> Non-DBE	<input type="checkbox"/> 4-7 years	<input type="checkbox"/> \$1 - \$2 M
			<input type="checkbox"/> 8-10 years	<input type="checkbox"/> \$2 - \$5M
			<input type="checkbox"/> More than 10 years	<input type="checkbox"/> More than \$5M

(Copy this form and submit with your original proposal if more space is needed.)

(This form must be completed and submitted with the Proposal.)

ATTACHMENT 4

New York State DBE Directory web link

<https://nysucp.newnycontracts.com/>

**ATTACHMENT 5
MONTHLY PAYMENT REPORT**

MONTHLY PAYMENT REPORT

Name of Contractor's Firm: _____

Project Name/Location: _____

FAA AIP Project No.: _____

Subcontractor/DBE Supplier Name*	DBE	Subcontractor Contract Amount	Pay App #	Payment Period Date (From-To)	Amount Invoiced	Amount Paid	Retainage Amount	Total Retainage	Previous Payment Amount	Previous Payment Date	Total Payment Amount to Date
	Y/N										

***ALL Subcontractors Must Be Listed – ONLY DBE Suppliers Must Be Listed**

Signature og Contractores Representative

Date

Printed Contractors Representative

ATTACHMENT 6

SUBCONTRACTOR'S PROMPT PAYMENT CERTIFICATION

NOTE: Each Contractor shall provide a copy of this form to each of their Subcontractors (DBE and non-DBE) that are working on or has worked on this project. This certification applies to all tier Subcontractors. A completed copy of this form shall be submitted to the Sponsor's representative, the Prime Contractor and the Contractor you are working for at least 7 days prior to an application for payment. Any Subcontractor failing to submit a copy of this form shall be cause for the Sponsor's representative to delay the payment application. Reference Section 70-21, Item 12 for information on 49 CFR §26.29 with regard to Prompt Payment.

Should a Subcontractor indicate that they have not received payment for work they performed in which their Contractor has received payment, the Sponsor shall withhold the delinquent amount indicated unless the Contractor received written approval from the Sponsor of the Contractor's written request justifying withholding payment from the Subcontractor.

Project Title: _____

Airport Name: _____

AIP No.: _____

Company Name: _____

Company Address: _____

_____ Contact Phone No.: _____

Contractor's Name you subcontract to: _____

1. Have you performed work on this project within the last 30 days? Yes ___ No ___

2. Has the work you performed within the last 30 days been completed and accepted by the Engineer?
Yes ___ No ___ Not sure ___

3. Have you been paid by the contractor you subcontracted with for the work you performed?
Yes ___ No ___

4. Estimated value of work performed in which you did not receive payment: \$ _____

5. Have you completed all work that you are required to perform on this contact? Yes ___ No ___

Written Name of Subcontractor's Rep. _____

Signature: _____ Date: _____

ATTACHMENT 7

DBE Monitoring and Enforcement Mechanisms

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

- **New York State Constitution:** Article 1, Section 11, of the NYS Constitution prohibits discrimination against anyone because of race, color, creed, or religion by any other person or by any firm, corporation, or institution, or by the state or any agency or subdivision thereof. NY Executive Law Section 296 (see below) substantially extends to employment relationships the equal protection clause (Art.1, Sec.11) of the Constitution.
- **New York General Municipal Law:** Article 5-A, Sections 103-a and 103-b, allows a municipal corporation or any public department, agency, or official to cancel or terminate any contract made with a contractor who refuses to appear before a grand jury, head of a state department, temporary state commission, or other state agency that is empowered to compel the attendance of witnesses.
- **New York Labor Law:** Article 8, Section 220-e, provides that every contract for or on behalf of the state or a municipality for the construction, alteration, or repair of any public building or public work or for the manufacture, sale, or distribution of materials, equipment, or supplies shall contain provisions by which a contractor with the state or municipality agrees, among other things, that it will not discriminate in the hiring of employees (Subparagraph (a)), that there may be deducted from any amount payable to the contractor by the state or municipality under the contract a penalty of \$50 for each person for each calendar day during which such person was discriminated against or intimidated in violation of this contractual provision (Subparagraph (c)), and that moneys due or to become due under the contract may be forfeited for a second or any subsequent violation.
- **New York State Finance Law:** Article 9, Sections 139-a Grounds for cancellation of contract by state and 139-b Disqualification to contract with state.
- **New York Transportation Law:** The authority for the New York State Department of Transportation to establish a Disadvantaged Business Enterprise (DBE) Program is in the Surface Transportation Assistance Act of 1983, section 105(f); The Surface Transportation and Uniform Relocation and Assistance Act of 1987, section 106(c); the Intermodal Surface Transportation Efficiency Act of 1991; the Transportation Equity Act for the 21st Century; title 49 of the Code of Federal Regulations, part 26; New York Highway Law, section 85; and such other laws, rules, regulations and orders as may apply. (17 NYCRR 35.1).

Further, the policy of the NYSDOT is expressed in 17 New York Code of Rules and Regulations (NYCRR) Part 35, Section 35.2, to afford the opportunity for full participation in the free enterprise system to socially and economically disadvantaged persons for encouraging utilization of disadvantaged business enterprises in NYSDOT construction projects. Part 35, Section 35.3, adopts by reference the federal DBE regulations found in 49 Code of Federal Regulations (CFR) Part 26 (reference is made to Volume 64, Number 21 of the Federal Register, issued February 2, 1999).

- **New York Executive Law:** Section 296 details the types of discrimination that are unlawful in New York. Sections 297 and 298 contain the review and enforcement procedures available through the Human Rights Division or the courts.

- **New York Highway Law:** Section 85 states that the Commissioner of Transportation is authorized, empowered, and directed to perform and do such other and further acts as may be necessary to comply with federal highway aid requirements and transportation acts.
- **New York Civil Practice Law and Rules:** These laws and rules govern the enforcement of a party's rights and obligations in state courts.

In addition, each contract for work that includes federal funding sets forth the federally required Airport Aid Contract Provisions that contain non-discrimination requirements, sanctions for non-compliance and DBE assurances. In addition, where state funding is involved, there are New York State standard provisions which include non-discrimination requirements and a restatement of the remedies available under New York Labor Law, as set forth previously in this document.

The Airport has a number of Contract remedies available to enforce DBE requirements.

- a. Contract Assurance 26.13b "discrimination by a contractor is considered a material breach of contract and may result in termination of the contract; withholding monthly progress payments; assessing sanctions; liquidated damages; and/or disqualifying the contractor from future bidding as non-responsible.
- b. Breach of Contract – Any violation or breach of terms of the contract may result in the suspension or termination of a contract, the withholding of payments until such time the contractor corrects the breach of contract.
- c. Sanctions for Noncompliance - In the event of a contractors noncompliance with the Non-discrimination provisions of this contract, the sponsor will impose such contract sanctions as it or the Federal Aviation Administration may determine to be appropriate, including, but not limited to:
 - a. Withholding payments to the contractor under the contract until the contractor complies; and/or
 - b. Cancelling, terminating, or suspending a contract, in whole or in part.

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 8
DBE Participation Forms

CONTRACTOR'S DBE PLAN

(Submit this form and attach one DBE Letter of Intent Form for each DBE subcontractor, supplier or manufacturer.)

Airport Name: _____

Project Name: _____

FAA AIP Project No: _____

Total Awarded Contract Amount: \$ _____

Name of Bidder's Firm: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Printed name of signer: _____

Printed title of signer: _____

DBE UTILIZATION SUMMARY

	<u>DBE Contract Amount</u>	<u>DBE Value</u>	<u>Contract %</u>
DBE Prime Contractor	\$ _____ x 1.00 =	\$ _____	_____ %
DBE Subcontractors	\$ _____ x 1.00 =	\$ _____	_____ %
DBE Suppliers	\$ _____ x 0.60 =	\$ _____	_____ %
DBE Manufacturers	\$ _____ x 1.00 =	\$ _____	_____ %
* Total Proposed DBE Participation		\$ _____	_____ %
Established DBE Goal		\$ _____	_____ %

* If the total proposed DBE participation is less than the established DBE goal, Bidder must provide written documentation of the good faith efforts as required by 49 CFR Part 26.

Affirmation:

The undersigned hereby assures that the information included herein is true and correct, and that the DBE firm(s) listed on the attached DBE Letter of Intent Forms have agreed to perform a commercially useful function in the work items noted for each firm. The undersigned further understands that no changes to this plan may be made without prior approval from the Civil Rights Staff of the Federal Aviation Administration.

By: _____
(Signature of Bidder's representative)
(Title)

**DISADVANTAGED BUSINESS ENTERPRISE
DBE PARTICIPATION SUMMARY**
(Submit one form for each DBE Firm.)

Airport Name _____

Contractor Name: _____
Address: _____
City: _____ State: _____ Zip: _____

DBE Firm DBE Firm: _____
Address: _____
City: _____ State: _____ Zip: _____

DBE Contact Person Name: _____ Phone: _____

DBE Certification Agency: _____ **Expiration Date:** _____

Each DBE Firm shall submit evidence (such as a photocopy) of their certification status.

**DBE Commitments/Awards
-Breakdown By
Ethnicity & Gender**

- | | |
|--|--|
| <input type="checkbox"/> Black American | <input type="checkbox"/> Asian-Pacific American |
| <input type="checkbox"/> Hispanic American | <input type="checkbox"/> Non-Minority Women |
| <input type="checkbox"/> Native American | <input type="checkbox"/> Other (i.e. not of any group listed here) |
| <input type="checkbox"/> Subcontinent Asian American | |

Classification:

- | | |
|---|--|
| <input type="checkbox"/> Prime Contractor | <input type="checkbox"/> Supplier |
| <input type="checkbox"/> Manufacturer | <input type="checkbox"/> Joint Venture |
| <input type="checkbox"/> Subcontractor | |

Work items performed by DBE	Description	Quantity	Amount Paid to DBE

The Contractor utilized the above-named DBE Firm for the work items described above.
The actual participation is as follows:

Total amount paid to DBE Firm: \$ _____ Percent of Contractor's total contract: _____ %

Affirmation:

The above-named DBE Firm affirms that it has performed the work items described above and has been paid the amount stated above.

By: _____
(Signature) (Title)

ATTACHMENT 9

Small Business Element

SMALL BUSINESS ELEMENT

49 CFR PART 26.39

49 CFR Part 26.39: FOSTERING SMALL BUSINESS PARTICIPATION

A. Objective (49 CFR Part 26.39)

In accordance with 49 CFR Part 26.39, 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. For clarification purposes, 49 CFR Part 26.5 states, “*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).”

In compliance with 49 CFR Part 26.39, Fostering Small Business Participation, the Airport will meet its objectives using a combination of the following methods and strategies:

1. Where feasible, on FAA-assisted contracts, the Airport will establish a race-neutral small business set-aside on prime contracts less than \$250,000. A “set-aside” is the reserving of a contract or a portion of a contract exclusively for participation by small businesses. A small business set-aside is open to all small businesses regardless of the owner’s gender, race or geographic location.
2. On Prime contracts not having DBE contract goals, we will require prime contractors to provide subcontracting opportunities that small businesses, including DBEs, can reasonably perform, rather than self-performing all of the work.
3. The Airport and Consulting Engineer will encourage prime contractors to utilize BID Express – Small Business Network administered by the New York State Department of Transportation Office of Civil Rights. BID Express is a Web-based service that provides for the electronic submission of bids by contractors. The Small Business Network (SBN) is within the Bid Express Basic Service and allows prime contractors to solicit subcontractors. SBN includes a function that allows prime contractors to search for small businesses, and even allows prime contractors to filter the results for only DBE firms if desired. The Small Business Network is helpful in bringing prime contractors and small businesses, as well as DBE firms together to meet the specific requirements of a project. The SBN service also aids prime contractors by documenting Good Faith Efforts to obtain DBE participation. Subcontractors can search for quote requests by the type of materials and/or services they provide, location or by prime contractor name. Users can also filter for contracts that only include a DBE Goal if desired. This information will be provided to prime contractors. Information regarding SBN can be found on: <https://www.dot.ny.gov/main/business-center/civil-rights/bidexpress> or by e-mail at OCR-SBN@dot.state.ny.us.

The Airport will require that Prime Contractor(s) complete the attached form Entitled *Small Business Participation Plan*.

B. Definitions

1. Small Business:

A small business is a business that is independently owned and operated, is organized for profit, and is not dominant in its field. Depending on the industry, size standard eligibility is based on the average number of employees for the preceding twelve months or on sales volume averaged over a three-year period. Small businesses must meet the definitions specified in Section 3 of the Small Business Act and the Small Business Administration regulations implementing it (13 CFR Part 121).

2. Disadvantaged Business Enterprise:

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

- That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals;
- Whose socially and economically disadvantaged owners do not exceed the personal net worth (PNW) does not exceed the described in 49 CFR Part 26. The current PNW cap is \$1.32 million.
- Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it; and
- Has been certified as a DBE in the State of New York in accordance with 49 CFR 26.

For the purposes of the small business element of the Airport's DBE Program, small businesses which are also owned and controlled by socially disadvantaged individuals will be strongly encouraged to seek DBE certification. In addition, minority and women-owned business enterprises which are awarded contracts under the small business enterprise set aside will be strongly encouraged to seek DBE certification in order to be counted towards race neutral DBE participation. Only DBE certified firms will be counted towards DBE race-neutral participation on FAA-assisted contracts.

C. Certification and Verification Procedures

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

1. NYS DOT DBE Certification – DBE Certification by the NYS DOT 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 NYS DOT.
2. SBA (as described in 13 CFR Part 121) – will require the number of employees over the past 12 months and average annual receipts over the past three years using NAICS codes to determine if the business meets the size standards.
3. SBA 8(a) Business Development Certification (as described in 13 CFR Parts 121 and 124) - will require submittal of average annual receipts over the past three years.

D. Implementation Schedule

The Airport will implement this small business element within three months of the FAA's approval of this document describing the element.

E. Assurances

The Airport makes the following assurances:

1. The DBE Program, including the small business element is not prohibited by law;
2. Certified DBEs that meet the size criteria established under the DBE Program are presumptively eligible to participate in the small business element of the DBE Program;
3. There are no geographic or local preferences or limitations imposed on FAA-assisted contracts and the DBE Program is open to small business regardless of their location;
4. There are no limits on the number of contracts awarded to firms participating in the DBE Program;
5. Reasonable effort will be made to avoid creating barriers to the use of new, emerging, or untried businesses; and
6. Aggressive steps will be taken to encourage those minority and women owned firms participating in the small business element of the DBE Program that are eligible for DBE certification to become certified.

SMALL BUSINESS PARTICIPATION PLAN	
Sponsor's Name:	
Airport Name:	
City, State:	
AIP Number:	
Federal Fiscal Year:	

In accordance with 49 CFR Part 26, §26.39, the following detailed list shall be completed by the Contractor for construction work items and professional services work items to be performed by all subcontractors and suppliers which will be involved in the work that qualify as a Small Business, whether registered as such, or not. The firms listed do not have to be certified DBE firms. This form shall be filled out and submitted to the Sponsor prior to the start of construction.

Small Business Firms to be Utilized (Name, Address, Phone)		Work to be Performed	Total Estimated Cost of Work
Name			
Address			
City, State, Zip			
Telephone			
Is the Firm DBE?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Name			
Address			
City, State, Zip			
Telephone			
Is the Firm DBE?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Name			
Address			
City, State, Zip			
Telephone			
Is the Firm DBE?	<input type="checkbox"/> Yes <input type="checkbox"/> No		

ATTACHMENT 10
Clinton County
Plattsburgh International Airport
Plattsburgh, NY



Disadvantaged Business Enterprise (DBE) Program
49 CFR Part 26

Overall DBE Three-year Goal Methodology
FY2019 – FY2021

Section 26.45: Overall DBE Three-Year Goal Methodology

Name of Recipient: Clinton County – Plattsburgh International Airport

Goal Period: FY-2019-2020-2021 – October 1, 2018 through September 30, 2021

DOT-assisted contract amount:	FY-2019	<u>\$ 6,142,500</u>
	FY-2020	<u>\$ 6,102,000</u>
	FY-2021	<u>\$ 9,360,000</u>
	Total	<u>\$21,604,500</u>

Overall Three-Year Goal: 2.33%, to be accomplished through 2.33% RC and 0% RN

Total dollar amount to be expended on DBE's: \$503,385

Describe the Number and Type of Contracts that the airport anticipates awarding:

Contracts Fiscal Year #1

1. Rehabilitate Runway 17-35 Pavement Phase II (Const.) - \$5,017,500
2. Rehabilitate Runway 17-35 Pavement – Phase IV (Design) - \$450,000
3. Rehabilitate Taxiway B Pavement (Design) - \$270,000
4. Rehabilitate Taxiway A Pavement – Phase I (Design) \$405,000

Contracts Fiscal Year #2

1. Acquire ARFF Vehicle - \$810,000
2. Acquire PPE Equipment - \$180,000
3. Rehabilitate Runway 17-35 Pavement – Phase 3 (Construction) - \$4,905,000
4. De-icing Pad & Fluid Collection System (Design) - \$207,000

Contracts Fiscal Year #3

1. Rehabilitate Runway 17-35 Pavement – Ph 4 (Construction) - \$7,650,000
2. Rehabilitate Taxiway A Pavement – Phase 2 (Design) - \$810,000
3. Acquire Snow Removal Equipment - \$900,000

Market Area: The Airport's normal market area is primarily based on two factors: 1) where the substantial majority of all firms (DBE contractors/subcontractors and non-DBE contractors/subcontractors) are located with whom the Airport does business and 2) where the substantial majority of contracting dollars are anticipated to be spent by the Airport on USDOT assisted projects. The Airport's market area includes Clinton County, St. Lawrence County, Essex County, Franklin County, Saratoga County and Warren County. These are the Counties where the majority of bidders are located and is based on the Airport's bidder's list. Approximately 82% of bidders in the last five years were located in these Counties, and 80% of the work was awarded to contractors from these Counties.

Step 1. 26.45(c) Actual relative availability of DBE's

The first step in establishing an overall goal for DBE participation is to establish a Base Figure for the relative availability of DBE vendors with the Airport's overall Normal Market Area from business categories associated with the Airport's projects in Fiscal Year (FY) 2019, 2020 and 2021.

Method: Use DBE Directories and Census Bureau Data

The base figure of actual relative availability of DBE's is based on the total number of contractors and subcontractors located in the Market Area identified above. The total number of contractors and subcontractors in the Market Area for the North American Industry Classification System (NAICS) listed below were obtained from the US Census Bureau using the County Business Patterns for 2013. The total number of DBE contractors and subcontractors were obtained from the New York Unified Certification Program (NYUCP) Disadvantaged Business Enterprise (DBE) Directory.

Fiscal Year #1

For FY-2019, we anticipate the award of the following:

Contract Name	Trade Description	NAICS Description	NAICS	Trade (\$)	Census	DBE Directory	DBE (%) (= G/F)	DBE (\$) (= E x H)
Contract #1 Rehabilitate Runway 17-35 Phase 2 (Construction)	Inspection Fees	Building Inspection Services	541350	\$ 509,400	14	1	7.14%	\$36,386
	Construction Testing	Testing Laboratories	541380	\$ 27,000	11	0	0.00%	\$0
	Survey	Surveying and Mapping	541370	\$ 103,500	22	2	9.09%	\$9,409
	Electrical	Electrical Contractors	238210	\$ 184,500	97	0	0.00%	\$0
	Pavement Markings/Paving	Highway, Street and Bridge Construction	237310	\$ 4,091,850	17	0	0.00%	\$0
	Seeding	Landscaping Services	561730	\$ 2,250	164	1	0.61%	\$14
	Excavation	Site Preparation	238910	\$ 99,000	91	1	1.10%	\$1,088
Total Contract				\$ 5,017,500	416	5	1.20%	\$60,306
Contract #2 Rehabilitate R/W 17-35 – Phase 4 (Design)	Engineering	Engineering Services	541330	\$ 432,000	77	5	6.49%	\$28,052
	Survey	Surveying and Mapping	541370	\$ 9,000	22	2	9.09%	\$818
	Soil Boring	Site Preparation	238910	\$ 9,000	91	1	1.10%	\$99
Total Contract				\$ 450,000	190	8	4.21%	\$18,947
Contract #3 Rehabilitate Taxiway B Pavement (Design)	Engineering	Engineering Services	541330	\$ 258,300	77	5	6.49%	\$16,773
	Survey	Surveying and Mapping	541370	\$ 6,300	22	2	9.09%	\$573
	Soil Boring	Site Preparation	238910	\$ 5,400	91	1	1.10%	\$59
Total Contract				\$ 270,000	190	8	4.21%	\$11,368

Contract #4 Rehabilitate Taxiway A Pavement Phase 1 (Design)	Engineering	Engineering Services	541330	\$ 391,500	77	5	6.49%	\$25,422
	Survey	Surveying and Mapping	541370	\$ 7,200	22	2	9.09%	\$655
	Soil Boring	Site Preparation	238910	\$ 6,300	91	1	1.10%	\$69
Total Contract				\$ 405,000	190	8	4.21%	\$17,053
Total FY-2019				\$ 6,142,500	986	29	2.94%	\$180,662

Fiscal Year #2

For FY-2020, we anticipate the award of the following:

Contract Name	Trade Description	NAICS Description	NAICS	Trade (\$)	Census	DBE Directory	DBE (%) (= G/F)	DBE (\$) (= E x H)
Contract #1 Acquire ARFF Vehicle	Engineering	Engineering Services	541330	\$ 7,200	77	5	6.49%	\$468
	ARFF Vehicle	Service Equipment	423850	\$ 802,800	3	0	0.00%	\$0
Total Contract				\$ 810,000	80	5	6.25%	\$50,625
Contract #2 Acquire PPE Equipment	Engineering	Engineering Services	541330	\$ 2,700	77	5	6.49%	\$175
	PPE Equipment	Construction Equipment	333120	\$ 177,300	0	0	0.00%	\$0
Total Contract				\$ 180,000	77	5	6.49%	\$11,688
Contract #3 Rehabilitate Runway 17-35 Pavement – Phase 3 (Construction)	Inspection Fees	Building Inspection Services	541350	\$ 567,900	14	1	7.14%	\$40,564
	Construction Testing	Testing Laboratories	541380	\$ 27,000	11	0	0.00%	\$0
	Survey	Surveying and Mapping	541370	\$ 148,500	22	2	9.09%	\$13,500
	Electrical	Electrical Contractors	238210	\$ 117,000	97	0	0.00%	\$0
	Pavement Markings/Pa ving	Highway, Street and Bridge Construction	237310	\$ 3,929,850	17	0	0.00%	\$0
	Seeding	Landscaping Services	561730	\$ 2,250	164	1	0.61%	\$14
	Excavation	Site Preparation	238910	\$ 112,500	91	1	1.10%	\$1,236
Total Contract				\$ 4,905,000	416	5	1.20%	\$58,954
Contract #4 De-icing Pad & Fluid Collection System (Design)	Engineering	Engineering Services	541330	\$ 193,500	77	5	6.49%	\$12,565
	Survey	Surveying and Mapping	541370	\$ 7,200	22	2	9.09%	\$655
	Soil Boring	Site Preparation	238910	\$ 6,300	91	1	1.10%	\$69
Total Contract				\$ 207,000	190	8	4.21%	\$8,716
Total FY-2020				\$ 6,102,000	763	23	3.01%	\$183,940

Fiscal Year #3

For FY-2021, we anticipate the award of the following:

Contract Name	Trade Description	NAICS Description	NAICS	Trade (\$)	Census	DBE Directory	DBE (%) (= G/F)	DBE (\$) (= E x H)
Contract #1 Rehabilitate RW 17-35 Phase 4 (Construction)	Inspection Fees	Building Inspection Services	541350	\$ 518,400	14	1	7.14%	\$37,029
	Construction Testing	Testing Laboratories	541380	\$ 27,000	11	0	0.00%	\$0
	Survey	Surveying and Mapping	541370	\$ 103,500	22	2	9.09%	\$9,409
	Electrical	Electrical Contractors	238210	\$ 282,150	97	0	0.00%	\$0
	Pavement Markings/Paving	Highway, Street and Bridge Construction	237310	\$ 6,569,100	17	0	0.00%	\$0
	Seeding	Landscaping Services	561730	\$ 2,250	164	1	0.61%	\$14
	Excavation	Site Preparation	238910	\$ 147,600	91	1	1.10%	\$1,622
Total Contract				\$ 7,650,000	416	5	1.20%	\$91,947
Contract #2 Rehabilitate Taxiway A Pavement – Ph 2 (Design)	Engineering	Engineering Services	541330	\$ 792,000	77	5	6.49%	\$51,429
	Survey	Surveying and Mapping	541370	\$ 9,000	22	2	9.09%	\$818
	Soil Boring	Site Preparation	238910	\$ 9,000	91	1	1.10%	\$99
Total Contract				\$ 900,000	77	5	6.49%	\$58,442
Contract #3 Acquire Snow Removal Equipment	Engineering	Engineering Services	541330	\$ 7,200	77	5	6.49%	\$468
	Snow Removal Equipment	Construction Machinery Manufacturing	333120	\$ 892,800	0	0	0.00%	\$0
Total Contract				\$ 900,000	77	5	6.49%	\$58,442
Total FY-2021				\$ 9,360,000	683	18	2.64%	\$246,676

Step 2. 26.45(d): Adjustments to Step 1 base figure.

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

Past DBE Participation

FY	Total Grant \$ Amount	DBE Goals			Accomplishments			Type of work
		RC	RN	Total	RC	RN	Total	
FY-2013	\$4,138,819	4.8%	0%	4.8%	1.8%	0	1.8%	Pavement, Engineering, Building Construction, Electrical, Mechanical, Engineering
FY-2014	\$11,349,364	4.8%	0%	4.8%	14.17%	0%	14.17%	

FY-2015	\$224,200	Goal not required; funding less than \$250,000						Tree Removal, Engineering
FY-2016	\$1,470,600	4.5%	0%	4.5%	2.35%	0%	2.35%	Runway Rehab, ARFF Building, Obstruction Removal
FY-2017	\$5,283,151	4.5%	0%	4.5%	1.8%	0%	1.8%	Pavement, Building Construction, Fence

Arranging this historical data from low to high, (1.8%, 1.8%, 2.35%), the median is 1.8%. The DBE achievements for FY-2014 were not included in the calculation because the Terminal Building project funded is unique and not similar in nature to those projects included in the goal calculation, and because the accomplishments were abnormally high compared to the goal and other years.

Further, there are no applicable disparity studies for the local market area or recent legal case information available to show any evidence of barriers to entry or competitiveness of DBE's.

To arrive at an overall goal, we added our Step 1 base figure with our Step 2 adjustment figure and then averaged the total arriving at an overall goal for each year. We feel this adjusted goal figure will accurately reflect DBE participation that can be achieved for the type of work being awarded during this three-year period.

The proposed Overall DBE Goals are as follows:

- Fiscal Year #1 – 2.37% $(2.94\% + 1.8\%)/2$
- Fiscal Year #2 – 2.40% $(3.01\% + 1.8\%)/2$
- Fiscal Year #3 – 2.22% $(2.64\% + 1.8\%)/2$

Our proposed overall three-year goal will be reflected as the three-year median, 2.33%.

The Airport's overall goal for FY 2019/2020/2021 is the following: 2.33% of the Federal financial assistance we will expend on DOT-assisted contracts.

Breakout of Estimated "Race and Gender Neutral" (RN) and "Race and Gender Conscious" (RC) Participation.

26.51(b) (1-9)

The Airport will meet the maximum feasible portion of its overall goal by using RN means of facilitating DBE participation:

1. Arranging 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 of this part;
2. Consider unbundling large contracts to make them more accessible to small businesses when possible;
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 the Airport's mailing lists for bidders; ensuring dissemination to bidders on prime contracts of lists of potential subcontractors);
4. Refer DBE's to local support service programs to develop and improve long-term business management, record keeping, and financial and accounting capability for DBE's and other small businesses;
5. Ensuring distribution of DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors;
6. Provide instructions and clarification on bid specifications, general bidding requirements, and procurement policies and procedures; and

7. Discuss the DBE goal and DBE requirements at Pre-bid meetings to encourage prime contractors to solicit DBE firms in subcontracting opportunities.

The recipient estimates that in meeting its overall goal 2.33%, it will obtain 0% from RN participation and 2.33% through RC measures.

This breakout is based on:

- a) The Airport expects to obtain its DBE participation through the use of DBE contract goals or a conscious effort to obtain DBE participation. The Airport's median DBE participation for Fiscal Years 2013 through 2017 is 1.8%. The median DBE goal for the same time period is 4.8%. The median DBE goal was not met or exceeded, therefore, we are applying the entire goal of 2.33% to race-conscious participation.

The Airport will adjust the estimated breakout of RN and RC DBE participation as needed to reflect actual DBE participation (see Section 26.51(f)) and track and report RN and RC participation separately. For reporting purposes, RN DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract obtained through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry a DBE goal, DBE participation on a prime contract exceeding a contract goal and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

PUBLIC PARTICIPATION

Consultation: Section 26.45(g)(1).

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

The Airport submits its overall DBE three-year goal to DOT on August 1 as required by the set schedule.

The Airport has invited the NYS Department of Transportation Office of Civil Rights, NYS Empire State Development Division of Minority and Women's Business Development, Airport Minority Advisory Council, The National Minority Business Council, Associated General Contractors of New York State LLC and the Clinton County Chamber of Commerce to consult on the goal setting process. This was in an effort 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. The consultation, a WebEx conference, was held on August 30, 2018. Invitations were sent to each of the above organizations four weeks prior, and included a call in number as well as the information needed to participate in the WebEx conference.

Following the consultation, we will publish a notice at flyplattsburgh.com of the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at Plattsburgh International 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 30 days from the date of the notice.

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

No comments have been received.

PUBLIC NOTICE

Plattsburgh International Airport hereby announces its fiscal years 2019 through 2021 goal of 2.33% for Disadvantaged Business Enterprise (DBE) airport construction contracts. The proposed goals and rationale is available for inspection between 8:00 a.m. and 5:00 p.m., Monday through Friday at Plattsburgh International Airport, 42 Airport Road, Suite 201, Plattsburgh, NY 12903 for 30 days from the date of this publication.

Comments on the DBE goal will be accepted for 30 days from the date of this publication and can be sent to the following:

Sandy Haley
Plattsburgh International Airport
42 Airport Road, Suite 201
Plattsburgh, NY 12903
(518) 565-4847
sandra.haley@clintoncountygov.com

AND

Alexander Horton
DBE/ACDBE Compliance Specialist
Office of Civil Rights – ACR-4
Federal Aviation Administration
15000 Aviation Boulevard
Lawndale, CA 90261
Phone: 310-725-3947
Fax: 310-725-6819
alexander.horton@faa.gov

Contract Goals

The Airport will use contract goals to meet any portion of the overall goal that the recipient does not project being able to meet using RN 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 recipient's overall goal that is not projected to be met through the use of RN means.

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

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

ATTACHMENT 11
DBE Certification Application Form
(New form October 2, 2014)



UNIFORM CERTIFICATION APPLICATION
DISADVANTAGED BUSINESS ENTERPRISE (DBE) /
AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE (ACDBE)
49 C.F.R. Parts 23 and 26

Roadmap for Applicants

1. Should I apply?

You may be eligible to participate in the DBE/ACDBE program if:

- The firm is a for-profit business that performs or seeks to perform transportation related work (or a concession activity) for a recipient of Federal Transit Administration, Federal Highway Administration, or Federal Aviation Administration funds.
- The firm is at least 51% owned by a socially and economically disadvantaged individual(s) who also controls it.
- The firm's disadvantaged owners are U.S. citizens or lawfully admitted permanent residents of the U.S.
- The firm meets the Small Business Administration's size standard and does not exceed \$23.98 million in gross annual receipts for DBE (\$56.42 million for ACDBEs). (Other size standards apply for ACDBE that are banks/financial institutions, car rental companies, pay telephone firms, and automobile dealers.)

2. How do I apply?

First time applicants for DBE certification must complete and submit this certification application and related material to the certifying agency in your home state and participate in an on-site interview conducted by that agency. The attached document checklist can help you locate the items you need to submit to the agency with your completed application. If you fail to submit the required documents, your application may be delayed and/or denied. Firms already certified as a DBE do not have to complete this form, but may be asked by certifying agencies outside of your home state to provide a copy of your initial application form, supporting documents, and any other information you submitted to your home state to obtain certification or to any other state related to your certification.

3. Where can I send my application? [INSERT UCP PARTICIPATING MEMBER CONTACT INFORMATION]

4. Who will contact me about my application and what are the eligibility standards?

The DBE and ACDBE Programs require that all U.S. Department of Transportation (DOT) recipients of federal assistance participate in a statewide Unified Certification Program (UCP). The UCP is a one-stop certification program that eliminates the need for your firm to obtain certification from multiple certifying agencies within your state. The UCP is responsible for certifying firms and maintaining a database of certified DBEs and ACDBEs for DOT grantees, pursuant to the eligibility standards found in 49 C.F.R. Parts 23 and 26.

5. Where can I find more information?

U.S. DOT—<https://www.civilrights.dot.gov/> (This site provides useful links to the rules and regulations governing the DBE/ACDBE program, questions and answers, and other pertinent information)

SBA—Small Business Size Standards matched to the North American Industry Classification System (NAICS):
<http://www.census.gov/eos/www/naics/> and <http://www.sba.gov/content/table-small-business-size-standards>.

In collecting the information requested by this form, the Department of Transportation (Department) complies with the provisions of the Federal Freedom of Information and Privacy Acts (5 U.S.C. 552 and 552a). The Privacy Act provides comprehensive protections for your personal information. This includes how information is collected, used, disclosed, stored, and discarded. Your information will not be disclosed to third parties without your consent. The information collected will be used solely to determine your firm's eligibility to participate in the Department's Disadvantaged Business Enterprise Program as defined in 49 CFR §26.5 and the Airport Concession Disadvantaged Business Enterprise Program as defined in 49 CFR §23.3. You may review DOT's complete Privacy Act Statement in the Federal Register published on April 11, 2000 (65 FR 19477).

Under 49 C.F.R. §26.107, dated February 2, 1999 and January 28, 2011, if at any time, the Department or a recipient has reason to believe that any person or firm has willfully and knowingly provided incorrect information or made false statements, the Department may initiate suspension or debarment proceedings against the person or firm under 2 CFR Parts 180 and 1200, Nonprocurement Suspension and Department, take enforcement action under 49 C.F.R. Part 31, Program Fraud and Civil Remedies, and/or refer the matter to the Department of Justice for criminal prosecution under 18 U.S.C. 1001, which prohibits false statements in Federal programs.



**INSTRUCTIONS FOR COMPLETING THE
DISADVANTAGED BUSINESS ENTERPRISE (DBE)
AIRPORT CONCESSIONS DISADVANTAGED BUSINESS ENTERPRISE (ACDBE)
UNIFORM CERTIFICATION APPLICATION**

NOTE: All participating firms must be for-profit enterprises. If your firm is not for profit, then you do NOT qualify for the DBE/ACDBE program and should not complete this application. If you require additional space for any question in this application, please attach additional sheets or copies as needed, taking care to indicate on each attached sheet/copy the section and number of this application to which it refers.

Section 1: CERTIFICATION INFORMATION

A. Basic Contact Information

- (1) Enter the contact name and title of the person completing this application and the person who will serve as your firm's contact for this application.
- (2) Enter the legal name of your firm, as indicated in your firm's Articles of Incorporation or charter.
- (3) Enter the primary phone number of your firm.
- (4) Enter a secondary phone number, if any.
- (5) Enter your firm's fax number, if any.
- (6) Enter the contact person's email address.
- (7) Enter your firm's website addresses, if any.
- (8) Enter the street address of the firm where its offices are physically located (not a P.O. Box).
- (9) Enter the mailing address of your firm, if it is different from your firm's street address.

B. Prior/Other Certifications and Applications

- (10) Check the appropriate box indicating whether your firm is currently certified in the DBE/ACDBE programs, and provide the name of the certifying agency that certified your firm. List the dates of any site visits conducted by your home state and any other states or UCP members. Also provide the names of state/UCP members that conducted the review.
- (11) Indicate whether your firm or any of the persons listed has ever been denied certification as a DBE, 8(a), or Small Disadvantaged Business (SDB) firm, or state and local MBE/WBE firm. Indicate if the firm has ever been decertified from one of these programs. Indicate if the application was withdrawn or whether the firm was debarred, suspended, or otherwise had its bidding privileges denied or restricted by any state or local agency, or Federal entity. If your answer is yes, identify the name of the agency, and explain fully the nature of the action in the space provided. Indicate if you have ever appealed this decision to the Department and if so, attach a copy of USDOT's final agency decision(s).

Section 2: GENERAL INFORMATION

A. Business profile:

- (1) Give a concise description of the firm's primary activities, the product(s) or services the company provides, or type of construction. If your company offers more than one product/service, list primary product or service first (attach additional sheets if necessary). This description may be used in our UCP online directory if you are certified as a DBE.

- (2) If you know the appropriate NAICS Code for the line(s) of work you identified in your business profile, enter the codes in the space provided.
- (3) State the date on which your firm was established as stated in your firm's Articles of Incorporation or charter.
- (4) State the date each person became a firm owner.
- (5) Check the appropriate box describing the manner in which you and each other owner acquired ownership of your firm. If you checked "Other," explain in the space provided.
- (6) Check the appropriate box that indicates whether your firm is "for profit." **If you checked "No," then you do NOT qualify for the DBE/ACDBE program** and should not complete this application. All participating firms must be for-profit enterprises. If the firm is a for profit enterprise, provide the Federal Tax ID number as stated on your firm's Federal tax return.
- (7) Check the appropriate box that describes the type of legal business structure of your firm, as indicated in your firm's Articles of Incorporation or similar document. Identify all joint venture partners if applicable. If you checked "Other," briefly explain in the space provided.
- (8) Indicate in the spaces provided how many employees your firm has, specifying the number of employees who work on a full-time, part-time, and seasonal basis. Attach a list of employees, their job titles, and dates of employment, to your application.
- (9) Specify the firm's gross receipts for each of the past three years, as stated in your firm's filed Federal tax returns. You must submit complete copies of the firm's Federal tax returns for each year. If there are any affiliates or subsidiaries of the applicant firm or owners, you must provide these firms' gross receipts and submit complete copies of these firm(s) Federal tax returns. Affiliation is defined in 49 C.F.R. §26.5 and 13 C.F.R. Part 121.

B. Relationships and Dealings with Other Businesses

- (1) Check the appropriate box that indicates whether your firm is co-located at any of its business locations, or whether your firm shares a telephone number(s), a post office box, any office space, a yard, warehouse, other facilities, any equipment, financing, or any office staff and/or employees with any other business, organization or entity of any kind. If you answered "Yes," then specify the name of the other firm(s) and fully explain the nature of your relationship with these other businesses by identifying the business or person with whom you have any formal, informal, written, or



oral agreement. Provide an explanation of any items shared with other firms in the space provided.

- (2) Check the appropriate box indicating whether any other firm currently has or had an ownership interest in your firm at present or at any time in the past. If you checked yes, please explain.
- (3) Check the appropriate box that indicates whether at present or at any time in the past your firm:
 - (a) ever existed under different ownership, a different type of ownership, or a different name;
 - (b) existed as a subsidiary of any other firm;
 - (c) existed as a partnership in which one or more of the partners are/were other firms;
 - (d) owned any percentage of any other firm; and
 - (e) had any subsidiaries of its own.
- (f) served as a subcontractor with another firm constituting more than 25% of your firm's receipts.

If you answered "Yes" to any of the questions in (3)(a-f), you may be asked to explain the arrangement in detail.

Section 3: MAJORITY OWNER INFORMATION

Identify all individuals or holding companies with any ownership interest in your firm, providing the information requested below (if your firm has more than one owner, provide completed copies of this section for each owner):

A. Identify the majority owner of the firm holding 51% or more ownership interest

- (1) Enter the full name of the owner.
- (2) Enter his/her title or position within your firm.
- (3) Give his/her home phone number.
- (4) Enter his/her home (street) address.
- (5) Indicate this owner's gender.
- (6) Identify the owner's ethnic group membership. If you checked "Other," specify this owner's ethnic group/identity not otherwise listed.
- (7) Check the appropriate box to indicate whether this owner is a U.S. citizen or a lawfully admitted permanent resident. If this owner is neither a U.S. citizen nor a lawfully admitted permanent resident of the U.S., then this owner is NOT eligible for certification as a DBE owner.
- (8) Enter the number of years during which this owner has been an owner of your firm.
- (9) Indicate the percentage of the total ownership this person holds and the date acquired, including (if appropriate), the class of stock owned.
- (10) Indicate the dollar value of this owner's initial investment to acquire an ownership interest in your firm, broken down by cash, real estate, equipment, and/or other investment. Describe how you acquired your business and attach documentation substantiating this investment.

B. Additional Owner Information

- (1) Describe the familial relationship of this owner to each other owner of your firm and employees.
- (2) Indicate whether this owner performs a management or supervisory function for any other business. If you

checked "Yes," state the name of the other business and this owner's function/title held in that business.

- (3) (a) Check the appropriate box that indicates whether this owner owns or works for any other firm(s) that has any relationship with your firm. If you checked "Yes," identify the name of the other business, the nature of the business relationship, and the owner's function at the firm.
 - (b) If the owner works for any other firm, non-profit organization, or is engaged in any other activity more than 10 hours per week, please identify this activity.
- (4) (a) Provide the personal net worth of the owner applying for certification in the space provided. Complete and attach the accompanying "Personal Net Worth Statement for DBE/ACDBE Program Eligibility" with your application. Note, complete this section and accompanying statement only for each owner applying for DBE qualification (i.e., for each owner claiming to be socially and economically disadvantaged).
 - (b) Check the appropriate box that indicates whether any trust has been created for the benefit of the disadvantaged owner(s). If you answered "Yes," you may be asked to provide a copy of the trust instrument.
- (5) Check the appropriate to indicate whether any of your immediate family members, managers, or employees, own, manage, or are associated with another company. Immediate family member is defined in 49 C.F.R. §26.5. If you answered "Yes," provide the name of each person, your relationship to them, the name of the company, the type of business, and whether they own or manage the company.

Section 4: CONTROL

A. Identify the firm's Officers and Board of Directors

- (1) In the space provided, state the name, title, date of appointment, ethnicity, and gender of each officer.
- (2) In the space provided, state the name, title, date of appointment, ethnicity, and gender of each individual serving on your firm's Board of Directors.
- (3) Check the appropriate box to indicate whether any of your firm's officers and/or directors listed above performs a management or supervisory function for any other business. If you answered "Yes," identify each person by name, his/her title, the name of the other business in which s/he is involved, and his/her function performed in that other business.
- (4) Check the appropriate box that indicates whether any of your firm's officers and/or directors listed above own or work for any other firm(s) that has a relationship with your firm. (e.g., ownership interest, shared office space, financial investments, equipment leases, personnel sharing, etc.) If you answered "Yes," identify the name of the firm, the individual's name, and the nature of his/her business relationship with that other firm.



B. Duties of Owners, Officers, Directors, Managers and Key Personnel

(1), (2) Specify the roles of the majority and minority owners, directors, officers, and managers, and key personnel who control the functions listed for the business. Submit résumés for each owner and non-owner identified below. State the name of the individual, title, race and gender and percentage ownership if any. Circle the frequency of each person's involvement as follows: "always, frequently, seldom, or never" in each area.

Indicate whether any of the persons listed in this section perform a management or supervisory function for any other business. Identify the person, business, and their title/function. Identify if any of the persons listed above own or work for any other firm(s) that has a relationship with this firm (e.g. ownership interest, shared office space, financial investment, equipment, leases, personnel sharing, etc.) If you answered "Yes," describe the nature of his/her business relationship with that other firm.

C. Inventory: Indicate firm inventory in these categories:

(1) Equipment and Vehicles

State the make and model, and current dollar value of each piece of equipment and motor vehicle held and/or used by your firm. Indicate whether each piece is either owned or leased by your firm or owner, whether it is used as collateral, and where this item is stored.

(2) Office Space

State the street address of each office space held and/or used by your firm. Indicate whether your firm or owner owns or leases the office space and the current dollar value of that property or its lease.

(3) Storage Space

State the street address of each storage space held and/or used by your firm. Indicate whether your firm or owner owns or leases the storage space and the current dollar value of that property or its lease. Provide a signed lease agreement for each property.

D. Does your firm rely on any other firm for management functions or employee payroll?

Check the appropriate box that indicates whether your firm relies on any other firm for management functions or for employee payroll. If you answered "Yes," you may be asked to explain the nature of that reliance and the extent to which the other firm carries out such functions.

E. Financial / Banking Information

Banking Information. State the name, City and State of your firm's bank. In the space provided, identify the persons able to sign checks on this account. Provide bank authorization and signature cards

Bonding Information. State your firm's bonding limits (in dollars), specifying both the aggregate and project limits.

F. Sources, amounts, and purposes of money loaned to your firm, including the names of persons or firms guaranteeing the loan.

State the name and address of each source, the name of person securing the loan, original dollar amount and the current balance of each loan, and the purpose for which each loan was made to your firm. Provide copies of signed loan agreements and security agreements

G. Contributions or transfers of assets to/from your firm and to/from any of its owners or another individual over the past two years:

Indicate in the spaces provided, the type of contribution or asset that was transferred, its current dollar value, the person or firm from whom it was transferred, the person or firm to whom it was transferred, the relationship between the two persons and/or firms, and the date of the transfer.

H. Current licenses/permits held by any owner or employee of your firm.

List the name of each person in your firm who holds a professional license or permit, the type of permit or license, the expiration date of the permit or license, and issuing State of the license or permit. Attach copies of licenses, license renewal forms, permits, and haul authority forms.

I. Largest contracts completed by your firm in the past three years, if any.

List the name of each owner or contractor for each contract, the name and location of the projects under each contract, the type of work performed on each contract, and the dollar value of each contract.

J. Largest active jobs on which your firm is currently working.

For each active job listed, state the name of the prime contractor and the project number, the location, the type of work performed, the project start date, the anticipated completion date, and the dollar value of the contract.

AIRPORT CONCESSION (ACDBE) APPLICANTS

Identify the concession space, address and location at the airport, the value of the property or lease, and fees/lease payments paid to the airport. Provide information concerning any other airport concession businesses the applicant firm or any affiliate owns and/or operates, including name, location, type of concession, and start date of the concession enterprise.

AFFIDAVIT & SIGNATURE

The Affidavit of Certification must accompany your application for certification. Carefully read the attached affidavit in its entirety. Fill in the required information for each blank space, and sign and date the affidavit in the presence of a Notary Public, who must then notarize the form.

Section 1: CERTIFICATION INFORMATION



A. Basic Contact Information

(1) Contact person and Title: _____ (2) Legal name of firm: _____

(3) Phone #: (____) _____ - _____ (4) Other Phone #: (____) _____ - _____ (5) Fax #: (____) _____ - _____

(6) E-mail: _____ (7) Firm Websites: _____

(8) Street address of firm (No P.O. Box): _____ City: _____ County/Parish: _____ State: _____ Zip: _____

(9) Mailing address of firm (if different): _____ City: _____ County/Parish: _____ State: _____ Zip: _____

B. Prior/Other Certifications and Applications

(10) Is your firm currently certified for any of the following U.S. DOT programs?

DBE ACDBE Names of certifying agencies: _____

⊗ If you are certified in your home state as a DBE/ACDBE, you do not have to complete this application for other states. Ask your state UCP about the interstate certification process.

List the dates of any site visits conducted by your home state and any other states or UCP members:

Date ___ / ___ / ___ State/UCP Member: _____ Date ___ / ___ / ___ State/UCP Member: _____

(11) Indicate whether the firm or any persons listed in this application have ever been:

- (a) Denied certification or decertified as a DBE, ACDBE, 8(a), SDB, MBE/WBE firm? Yes No
(b) Withdrawn an application for these programs, or debarred or suspended or otherwise had bidding privileges denied or restricted by any state or local agency, or Federal entity? Yes No

If yes, explain the nature of the action. (If you appealed the decision to DOT or another agency, attach a copy of the decision,

Section 2: GENERAL INFORMATION

A. Business Profile: (1) Give a concise description of the firm's primary activities and the product(s) or service(s) it provides. If your company offers more than one product/service, list the primary product or service first. Please use additional paper if necessary. This description may be used in our database and the UCP online directory if you are certified as a DBE or ACDBE.

(2) Applicable NAICS Codes for this line of work include: _____

(3) This firm was established on ___ / ___ / ___ (4) I/We have owned this firm since: ___ / ___ / ___

- (5) Method of acquisition (Check all that apply):
 Started new business Bought existing business Inherited business Secured concession
 Merger or consolidation Other (explain) _____



(6) Is your firm "for profit"? Yes No → **⊗ STOP!** If your firm is NOT for-profit, then you do NOT qualify for this program and should not fill out this application.
Federal Tax ID# _____

(7) Type of Legal Business Structure: (check all that apply):

- Sole Proprietorship
- Partnership
- Limited Liability Company
- Applying as an ACDBE
- Limited Liability Partnership
- Corporation
- Joint Venture (Identify all JV partners _____)
- Other, Describe _____

(8) Number of employees: Full-time _____ Part-time _____ Seasonal _____ Total _____
(Provide a list of employees, their job titles, and dates of employment, to your application).

(9) Specify the firm's gross receipts for the last 3 years. (Submit complete copies of the firm's Federal tax returns for each year. If there are affiliates or subsidiaries of the applicant firm or owners, you must submit complete copies of these firms' Federal tax returns).

Year _____	Gross Receipts of Applicant Firm \$ _____	Gross Receipts of Affiliate Firms \$ _____
Year _____	Gross Receipts of Applicant Firm \$ _____	Gross Receipts of Affiliate Firms \$ _____
Year _____	Gross Receipts of Applicant Firm \$ _____	Gross Receipts of Affiliate Firms \$ _____

B. Relationships and Dealings with Other Businesses

(1) Is your firm co-located at any of its business locations, or does it share a telephone number, P.O. Box, office or storage space, yard, warehouse, facilities, equipment, inventory, financing, office staff, and/or employees with any other business, organization, or entity? Yes No

If Yes, explain the nature of your relationship with these other businesses by identifying the business or person with whom you have any formal, informal, written, or oral agreement. Also detail the items shared.

(2) Has any other firm had an ownership interest in your firm at present or at any time in the past?

Yes No If Yes, explain _____

(3) At present, or at any time in the past, has your firm:

- (a) Ever existed under different ownership, a different type of ownership, or a different name? Yes No
- (b) Existed as a subsidiary of any other firm? Yes No
- (c) Existed as a partnership in which one or more of the partners are/were other firms? Yes No
- (d) Owned any percentage of any other firm? Yes No
- (e) Had any subsidiaries? Yes No
- (f) Served as a subcontractor with another firm constituting more than 25% of your firm's receipts? Yes No

(If you answered "Yes" to any of the questions in (2) and/or (3)(a)-(f), you may be asked to provide further details and explain whether the arrangement continues).



Section 3: MAJORITY OWNER INFORMATION

A. Identify the majority owner of the firm holding 51% or more ownership interest.

(1) Full Name: _____ (2) Title: _____ (3) Home Phone #: _____
 () _____ - _____

(4) Home Address (Street and Number): _____ City: _____ State: _____ Zip: _____
 _____ - _____

(5) Gender: Male Female

(6) Ethnic group membership (Check all that apply):

- Black Hispanic
- Asian Pacific Native American
- Subcontinent Asian
- Other (specify) _____

(7) U.S. Citizenship:

- U.S. Citizen
- Lawfully Admitted Permanent Resident

(8) Number of years as owner: _____

(9) Percentage owned: _____ %

Class of stock owned: _____

Date acquired _____

(10) Initial investment to acquire ownership interest in firm:	Type	Dollar Value
	Cash	\$ _____
	Real Estate	\$ _____
	Equipment	\$ _____
	Other	\$ _____

Describe how you acquired your business:

- Started business myself
- It was a gift from: _____
- I bought it from: _____
- I inherited it from: _____
- Other _____

(Attach documentation substantiating your investment)

B. Additional Owner Information

(1) Describe familial relationship to other owners and employees:

(2) Does this owner perform a management or supervisory function for any other business? Yes No

If Yes, identify: Name of Business: _____ Function/Title: _____

(3)(a) Does this owner own or work for any other firm(s) that has a relationship with this firm? (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.) Yes No

Identify the name of the business, and the nature of the relationship, and the owner's function at the firm:

(b) Does this owner work for any other firm, non-profit organization, or is engaged in any other activity more than 10 hours per week? If yes, identify this activity: _____

(4)(a) What is the personal net worth of this disadvantaged owner applying for certification ? \$ _____

(b) Has any trust been created for the benefit of this disadvantaged owner(s)? Yes No

(If Yes, you may be asked to provide a copy of the trust instrument).

(5) Do any of your immediate family members, managers, or employees own, manage, or are associated with another company? Yes No

If Yes, provide their name, relationship, company, type of business, and indicate whether they own or manage the company: (Please attach extra sheets, if needed): _____



Section 3: OWNER INFORMATION, Cont'd.

A. Identify all individuals, firms, or holding companies that hold LESS THAN 51% ownership interest in the firm (Attach separate sheets for each additional owner)

(1) Full Name: _____ (2) Title: _____ (3) Home Phone #: _____

(4) Home Address (Street and Number): _____ City: _____ State: _____ Zip: _____

(5) Gender: Male Female

(6) Ethnic group membership (Check all that apply)

- Black Hispanic
 Asian Pacific Native American
 Subcontinent Asian
 Other (specify) _____

(7) U.S. Citizenship:

- U.S. Citizen
 Lawfully Admitted Permanent Resident

(8) Number of years as owner: _____

(9) Percentage owned: _____ %

Class of stock owned: _____

Date acquired _____

Table with 3 columns: (10) Initial investment to acquire ownership interest in firm, Type, Dollar Value. Rows include Cash, Real Estate, Equipment, and Other.

Describe how you acquired your business:

- Started business myself
 It was a gift from: _____
 I bought it from: _____
 I inherited it from: _____
 Other _____

(Attach documentation substantiating your investment)

B. Additional Owner Information

(1) Describe familial relationship to other owners and employees:

(2) Does this owner perform a management or supervisory function for any other business? Yes No
If Yes, identify: Name of Business: _____ Function/Title: _____

(3)(a) Does this owner own or work for any other firm(s) that has a relationship with this firm? (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.) Yes No

Identify the name of the business, and the nature of the relationship, and the owner's function at the firm:

(b) Does this owner work for any other firm, non-profit organization, or is engaged in any other activity more than 10 hours per week? If yes, identify this activity: _____

(4)(a) What is the personal net worth of this disadvantaged owner applying for certification? \$ _____

(b) Has any trust been created for the benefit of this disadvantaged owner(s)? Yes No
(If Yes, you may be asked to provide a copy of the trust instrument).

(5) Do any of your immediate family members, managers, or employees own, manage, or are associated with another company? Yes No If Yes, provide their name, relationship, company, type of business, and indicate whether they own or manage: (Please attach extra sheets, if needed): _____



Section 4: CONTROL

A. Identify your firm's Officers and Board of Directors (If additional space is required, attach a separate sheet):

	Name	Title	Date Appointed	Ethnicity	Gender
(1) Officers of the Company	(a)				
	(b)				
	(c)				
	(d)				
(2) Board of Directors	(a)				
	(b)				
	(c)				
	(d)				

(3) Do any of the persons listed above perform a management or supervisory function for any other business?

Yes No If Yes, identify for each:

Person: _____ Title: _____
 Business: _____ Function: _____

Person: _____ Title: _____
 Business: _____ Function: _____

(4) Do any of the persons listed in section A above own or work for any other firm(s) that has a relationship with this firm? (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.)

Yes No If Yes, identify for each:

Firm Name: _____ Person: _____
 Nature of Business Relationship: _____

B. Duties of Owners, Officers, Directors, Managers, and Key Personnel

1. (Identify your firm's management personnel who control your firm in the following areas (Attach separate sheets as needed).)

	Majority Owner (51% or more)					Minority Owner (49% or less)				
	Name: _____					Name: _____				
A = Always F = Frequently S = Seldom N = Never	Title: _____					Title: _____				
	Percent Owned: _____					Percent Owned: _____				
	A	F	S	N	A	F	S	N		
Sets policy for company direction/scope of operations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Bidding and estimating	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Major purchasing decisions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Marketing and sales	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Supervises field operations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Attend bid opening and lettings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Perform office management (billing, accounts receivable/payable, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Hires and fires management staff	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Hire and fire field staff or crew	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Designates profits spending or investment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Obligates business by contract/credit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Purchase equipment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		
Signs business checks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		

2. Complete for all Officers, Directors, Managers, and Key Personnel who control the following functions for the firm. (Attach separate sheets as needed).

A = Always S = Seldom F = Frequently N = Never	Officer/Director/Manager/Key Personnel				Officer/Director/Manager/ Key Personnel			
	Name: _____				Name: _____			
	Title: _____				Title: _____			
	Race and Gender: _____				Race and Gender: _____			
	Percent Owned: _____				Percent Owned: _____			
Sets policy for company direction/scope of operations	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Bidding and estimating	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Major purchasing decisions	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Marketing and sales	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Supervises field operations	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Attend bid opening and lettings	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Perform office management (billing, accounts receivable/payable, etc.)	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Hires and fires management staff	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Hire and fire field staff or crew	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Designates profits spending or investment	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Obligates business by contract/credit	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Purchase equipment	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Signs business checks	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>

Do any of the persons listed in B1 or B2 perform a management or supervisory function for any other business? If Yes, identify the person, the business, and their title/function: _____

Do any of the persons listed above own or work for any other firm(s) that has a relationship with this firm? (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.) If Yes, describe the nature of the business relationship: _____

C. Inventory: Indicate your firm's inventory in the following categories (Please attach additional sheets if needed):

1. Equipment and Vehicles

Make and Model	Current Value	Owned or Leased by Firm or Owner?	Used as collateral?	Where is item stored?
1. _____				
2. _____				
3. _____				
4. _____				
5. _____				
6. _____				
7. _____				
8. _____				
9. _____				

2. Office Space

Street Address	Owned or Leased by Firm or Owner?	Current Value of Property or Lease



3. Storage Space *(Provide signed lease agreements for the properties listed)*

Street Address	Owned or Leased by Firm or Owner?	Current Value of Property or Lease
_____	_____	_____
_____	_____	_____

D. Does your firm rely on any other firm for management functions or employee payroll? Yes No

E. Financial/Banking Information *(Provide bank authorization and signature cards)*

Name of bank: _____ City and State: _____
The following individuals are able to sign checks on this account: _____

Name of bank: _____ City and State: _____
The following individuals are able to sign checks on this account: _____

Bonding Information: If you have bonding capacity, identify the firm's bonding aggregate and project limits:
Aggregate limit \$ _____ Project limit \$ _____

F. Identify all sources, amounts, and purposes of money loaned to your firm including from financial institutions. Identify whether you the owner and any other person or firm loaned money to the applicant DBE/ACDBE. Include the names of any persons or firms guaranteeing the loan, if other than the listed owner. (Provide copies of signed loan agreements and security agreements).

Name of Source	Address of Source	Name of Person Guaranteeing the Loan	Original Amount	Current Balance	Purpose of Loan
1. _____	_____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____	_____

G. List all contributions or transfers of assets to/from your firm and to/from any of its owners or another individual over the past two years (Attach additional sheets if needed):

Contribution/Asset	Dollar Value	From Whom Transferred	To Whom Transferred	Relationship	Date of Transfer
1. _____	_____	_____	_____	_____	_____
2. _____	_____	_____	_____	_____	_____
3. _____	_____	_____	_____	_____	_____

H. List current licenses/permits held by any owner and/or employee of your firm (e.g. contractor, engineer, architect, etc.)(Attach additional sheets if needed):

Name of License/Permit Holder	Type of License/Permit	Expiration Date	State
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____



I. List the three largest contracts completed by your firm in the past three years, if any:

Name of Owner/Contractor	Name/Location of Project	Type of Work Performed	Dollar Value of Contract
1.			
2.			
3.			

J. List the three largest active jobs on which your firm is currently working:

Name of Prime Contractor and Project Number	Location of Project	Type of Work	Project Start Date	Anticipated Completion Date	Dollar Value of Contract
1.					
2.					
3.					

AIRPORT CONCESSION (ACDBE) APPLICANTS ONLY MUST COMPLETE THIS SECTION

Identify the following information concerning the ACDBE applicant firm:

<u>Concession Space</u>	<u>Address / Location at Airport</u>	<u>Value of Property or Lease</u>	<u>Fees/Lease Payments Paid to the Airport</u>

Provide information concerning any other airport concession businesses the applicant firm or any affiliate owns and/or operates, including name, location, type of concession, and start date of concession

<u>Name of Concession</u>	<u>Location</u>	<u>Type of Concession</u>	<u>Start Date of Concession</u>



AFFIDAVIT OF CERTIFICATION

This form must be signed and notarized for each owner upon which disadvantaged status is relied.

A MATERIAL OR FALSE STATEMENT OR OMISSION MADE IN CONNECTION WITH THIS APPLICATION IS SUFFICIENT CAUSE FOR DENIAL OF CERTIFICATION, REVOCATION OF A PRIOR APPROVAL, INITIATION OF SUSPENSION OR DEBARMENT PROCEEDINGS, AND MAY SUBJECT THE PERSON AND/OR ENTITY MAKING THE FALSE STATEMENT TO ANY AND ALL CIVIL AND CRIMINAL PENALTIES AVAILABLE PURSUANT TO APPLICABLE FEDERAL AND STATE LAW.

I _____ (full name printed),
swear or affirm under penalty of law that I am
_____ (title) of the applicant firm
_____ and that I

have read and understood all of the questions in this application and that all of the foregoing information and statements submitted in this application and its attachments and supporting documents are true and correct to the best of my knowledge, and that all responses to the questions are full and complete, omitting no material information. The responses include all material information necessary to fully and accurately identify and explain the operations, capabilities and pertinent history of the named firm as well as the ownership, control, and affiliations thereof.

I recognize that the information submitted in this application is for the purpose of inducing certification approval by a government agency. I understand that a government agency may, by means it deems appropriate, determine the accuracy and truth of the statements in the application, and I authorize such agency to contact any entity named in the application, and the named firm's bonding companies, banking institutions, credit agencies, contractors, clients, and other certifying agencies for the purpose of verifying the information supplied and determining the named firm's eligibility.

I agree to submit to government audit, examination and review of books, records, documents and files, in whatever form they exist, of the named firm and its affiliates, inspection of its places(s) of business and equipment, and to permit interviews of its principals, agents, and employees. I understand that refusal to permit such inquiries shall be grounds for denial of certification.

If awarded a contract, subcontract, concession lease or sublease, I agree to promptly and directly provide the prime contractor, if any, and the Department, recipient agency, or federal funding agency on an ongoing basis, current, complete and accurate information regarding (1) work performed on the project; (2) payments; and (3) proposed changes, if any, to the foregoing arrangements.

I agree to provide written notice to the recipient agency or Unified Certification Program of any material change in the information contained in the original application within 30 calendar days of such change (e.g., ownership changes, address/telephone number, personal net worth exceeding \$1.32 million, etc.).

I acknowledge and agree that any misrepresentations in this application or in records pertaining to a contract or subcontract will be grounds for terminating any contract or subcontract which may be awarded; denial or revocation of certification; suspension and debarment; and for initiating action under federal and/or state law concerning false statement, fraud or other applicable offenses.

I certify that I am a socially and economically disadvantaged individual who is an owner of the above-referenced firm seeking certification as a Disadvantaged Business Enterprise or Airport Concession Disadvantaged Business Enterprise. In support of my application, I certify that I am a member of one or more of the following groups, and that I have held myself out as a member of the group(s): (Check all that apply):

- Female Black American Hispanic American
- Native American Asian-Pacific American
- Subcontinent Asian American Other (specify)

I certify that I am socially disadvantaged because I have been subjected to racial or ethnic prejudice or cultural bias, or have suffered the effects of discrimination, because of my identity as a member of one or more of the groups identified above, without regard to my individual qualities.

I further certify that my personal net worth does not exceed \$1.32 million, and that I am economically disadvantaged because my ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same or similar line of business who are not socially and economically disadvantaged.

I declare under penalty of perjury that the information provided in this application and supporting documents is true and correct.

Signature _____ (DBE/ACDBE Applicant) _____ (Date)

NOTARY CERTIFICATE



UNIFORM CERTIFICATION APPLICATION SUPPORTING DOCUMENTS CHECKLIST

In order to complete your application for DBE or ACDBE certification, you must attach copies of all of the following REQUIRED documents. A failure to supply any information requested by the UCP may result in your firm denied DBE/ACDBE certification.

Required Documents for All Applicants

- Résumés (that include places of employment with corresponding dates), for all owners, officers, and key personnel of the applicant firm
- Personal Net Worth Statement for each socially and economically disadvantaged owners comprising 51% or more of the ownership percentage of the applicant firm.
- Personal Federal tax returns for the past 3 years, if applicable, for each disadvantaged owner
- Federal tax returns (and requests for extensions) filed by the firm and its affiliates with related schedules, for the past 3 years.
- Documented proof of contributions used to acquire ownership for each owner (e.g., both sides of cancelled checks)
- Signed loan and security agreements, and bonding forms
- List of equipment and/or vehicles owned and leased including VIN numbers, copy of titles, proof of ownership, insurance cards for each vehicle.
- Title(s), registration certificate(s), and U.S. DOT numbers for each truck owned or operated by your firm
- Licenses, license renewal forms, permits, and haul authority forms
- Descriptions of all real estate (including office/storage space, etc.) owned/leased by your firm and documented proof of ownership/signed leases
- Documented proof of any transfers of assets to/from your firm and/or to/from any of its owners over the past 2 years
- DBE/ACDBE and SBA 8(a), SDB, MBE/WBE certifications, denials, and/or decertifications, if applicable; and any U.S. DOT appeal decisions on these actions.
- Bank authorization and signatory cards
- Schedule of salaries (or other remuneration) paid to all officers, managers, owners, and/or directors of the firm
- List of all employees, job titles, and dates of employment.
- Proof of warehouse/storage facility ownership or lease arrangements

Partnership or Joint Venture

- Original and any amended Partnership or Joint Venture Agreements

Corporation or LLC

- Official Articles of Incorporation (*signed by the state official*)
- Both sides of all corporate stock certificates and your firm's stock transfer ledger
- Shareholders' Agreement(s)
- Minutes of all stockholders and board of directors meetings

- Corporate by-laws and any amendments
- Corporate bank resolution and bank signature cards
- Official Certificate of Formation and Operating Agreement with any amendments (for LLCs)

Optional Documents to Be Provided on Request

The UCP to which you are applying may require the submission of the following documents. If requested to provide these document, you must supply them with your application or at the on-site visit.

- Proof of citizenship
- Insurance agreements for each truck owned or operated by your firm
- Audited financial statements (if available)
- Personal Federal Tax returns for the past 3 years, if applicable, for other disadvantaged owners of the firm.
- Trust agreements held by any owner claiming disadvantaged status
- Year-end balance sheets and income statements for the past 3 years (*or life of firm, if less than three years*)

Suppliers

- List of product lines carried and list of distribution equipment owned and/or leased

ATTACHMENT 12
State's UCP Agreement



STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
ALBANY, N.Y. 12232

WWW.DOT.NY.GOV

JOAN McDONALD
COMMISSIONER

ANDREW M. CUOMO
GOVERNOR

May 16, 2013

Mr. Christopher Kreig
Plattsburgh International Airport (Village of Clinton)
42 Airport Lane, Suite 201
Plattsburgh, NY 12903

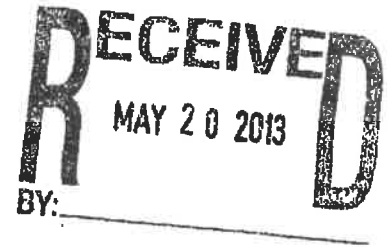
Subject: Compliance with Federal DBE Requirements
NYSUCP MOU Signature Required

Dear Mr. Kreig:

The U. S. Code of Federal Regulations (49 CFR 26.21) requires certain recipients of Federal transportation assistance to have a Disadvantaged Business Enterprise (DBE) program meeting the requirements of 49 CFR 26, *Participation By Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs*. These recipients include those which let United States Department of Transportation (USDOT) assisted contracts and which meet any of the three criteria listed below.

- 1) All Federal Highway Administration (FHWA) recipients receiving funds authorized by a statute to which 49 CFR Part 26 applies;
- 2) Federal Transit Administration (FTA) recipients receiving planning, capital and/or operating assistance who will award prime contracts (excluding transit vehicle purchases) exceeding \$250,000 in FTA funds in a Federal fiscal year;
- 3) Federal Aviation Administration (FAA) recipients receiving grants for airport planning or development who will award prime contracts exceeding \$250,000 in FAA funds in a Federal fiscal year.

Section 26.81 of these Regulations requires all recipients within each state meeting the criteria noted above to participate in a Unified Certification Program (UCP) and sign an agreement establishing the UCP for the state. The purpose of a UCP is to make all DBE certification eligibility decisions on behalf of all USDOT recipients in the respective state.



The New York State Unified Certification Program (NYSUCP) was established effective June 24, 2004 via a Memorandum of Understanding (MOU). For reference, a copy of the NYSUCP MOU is available on NYSDOT's web site at (<https://www.dot.ny.gov/main/business-center/civil-rights/ucp-directory>). The MOU identified four certifying partners as authorized to make certification determinations on behalf of all other USDOT recipients in the State: the New York State Department of Transportation (NYSDOT), the Metropolitan Transportation Authority (MTA), The Port Authority of New York and New Jersey (PANYNJ) and the Niagara Frontier Transportation Authority (NFTA). At the time the MOU was executed, some non-certifying partners did not sign the MOU as required. FTA officials recently notified the NYSUCP that it must submit signatures from all missing recipients by June 8, 2013.

On behalf of the NYSUCP, I am providing notification that your organization was identified as a recipient required to execute and sign the MOU, but has not submitted your signed agreement. Therefore, please complete and sign the NYSUCP Non-Certifying Partners signature page and return it to the address below by **May 31, 2013**.

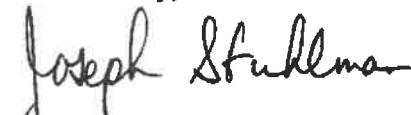
New York State Department of Transportation
Contract Audit Bureau – DBE Certification Unit
50 Wolf Road, 6th Floor
Albany, New York 12232

For your information, we have also enclosed a draft addendum to the original MOU. This addendum clarifies why signatures of certain recipients are dated in 2013 rather than at the time the original MOU was executed. NYSDOT will record the effective date of this addendum as the date on which the last recipient submits their signed NYSUCP Non-Certifying Partners signature page.

If you believe your organization is not required to sign the MOU as a NYSUCP non-certifying partner, please submit a written attestation stating with specificity the reason(s) why the entity is not required to participate in the NYSUCP and sign the MOU. Please return your attestation to the above address by the May 31, 2013 due date.

Thank you for your cooperation. If you have any questions or concerns, please call me or Jackie Jones, NYSDOT's DBE Certification Unit Supervisor, at (518) 457-3180.

Sincerely,


Joseph Stuhlman, Director
Contract Audit Bureau

Enclosure

cc: Tom Vaughn, NYSDOT Public Transportation Bureau Director
Gerardo Mendoza, NYSDOT Aviation Bureau Director

ADDENDUM
NEW YORK STATE UNIFIED CERTIFICATION PROGRAM PROPOSAL
AND
MEMORANDUM OF UNDERSTANDING BETWEEN NEW YORK STATE UNIFIED
CERTIFICATION PROGRAM PARTNERS

This ADDENDUM is made this 28th day of may, 2013 by and among the NEW YORK STATE UNIFIED CERTIFICATION PROGRAM PARTNERS that includes the New York State Department of Transportation (NYSDOT), Metropolitan Transportation Authority (MTA), Niagara Frontier Transportation Authority (NFTA), and the Port Authority of New York & New Jersey (PANYNJ,) and the NEW YORK STATE UNIFIED CERTIFICATION PROGRAM NON-CERTIFYING PARTNERS (as shown in Appendix A, B, and C of the June 24, 2004 MOU).

WHEREAS, a Memorandum of Understanding (MOU) was entered into on June 24, 2004 among the Chief Executive Officers of NYSDOT, MTA, NFTA, and PANYNJ to establish a Disadvantaged Business Enterprise (DBE) Unified Certification Program in New York State in accordance with Federal Regulations 49 CFR Part 26; and

WHEREAS, the MOU identified four certifying partners as authorized to make certification determinations on behalf of all other USDOT recipients in the State: the New York State Department of Transportation (NYSDOT), Metropolitan Transportation Authority (MTA), Niagara Frontier Transportation Authority (NFTA), and the Port Authority of New York & New Jersey (PANYNJ) (hereafter referred to as "NYSUCP;") and

WHEREAS, the MOU identified non-certifying partners as Federal Transit Administration (FTA) grantees, Federal Aviation Administration (FAA) grantees, Federal Highway Administration (FHWA) grantees, Metropolitan Planning Organizations (MPOs) and sub-recipients of the United States Department of Transportation (USDOT) funds; and

WHEREAS, at the time the MOU was executed on June 24, 2004, some non-certifying partners did not sign the MOU as required; and

NOW THEREFORE, this Addendum shall include the signatures of the remaining required non-certifying parties and shall become part of the original MOU.

NYSUCP NON-CERTIFYING PARTNERS

As a result of the requirements set forth in 49 CFR Part 26, we, the undersigned, agree to participate in the NYSUCP in accordance with the tenets of the MOU dated June 24, 2004 and this "Addendum" to the MOU and agree to abide by its contents. This MOU is being executed by the NYSUCP Partners as separate agreements and at separate times. Each separately executed agreement shall be considered an original of the MOU, as if each Partner had executed the same agreement.

EXECUTED AND DELIVERED by and between the NYSUCP Partners as of the effective date of this MOU.



For
Christopher D. Kreig
Airport Manager

2844413
Date

County of Clinton
Agency
Plattsburgh International Airport