

# **CEDAR RAPIDS AIRPORT COMMISSION DBE PROGRAM**

## **Objectives/Policy Statement**

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

It is the policy of the Commission to ensure that DBE's, as defined in Part 26, have an equal opportunity to receive and participate in FAA-assisted contracts. It is also our policy to:

1. Ensure nondiscrimination in the award and administration of FAA-assisted contracts;
2. Create a level playing field on which DBE's can compete fairly for FAA-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 DBE's;
5. Help remove barriers to the participation of DBE's in FAA-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. Provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

Mr. Donald D. Swanson, Director of Finance & Administration, has been delegated as the DBE Liaison Officer (DBELO). In that capacity, the DBELO 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 Commission in its financial assistance agreements with the DOT.

The Commission has disseminated this policy statement to all the components of our organization. We have distributed this statement to DBE and non-DBE business entities that perform work for us on FAA-assisted contracts. The statement is also to be published in the Cedar Rapids Gazette and posted on the Commission's website.



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Marty Lenss, C.M., Airport Director

July 27, 2020

Date

## **Objectives (§26.1)**

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

## **Applicability (§26.3)**

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

## **Definitions (§26.5)**

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

## **Nondiscrimination (§26.7)**

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

In administering its DBE program, the Commission 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.

## **Record Keeping Requirements (§26.11)**

The Commission will transmit to FAA annually on December 1, the “Uniform Report of DBE Awards or Commitments and Payments” form, found in Appendix B to this part. We will also report the DBE Contractor firms information either on the FAA DBE Contractor’s Form or other similar format.

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

We will collect this information in the following ways: data will be collected from all bidders who will submit it with their bid. See Attachment C - Sample Bidders List Collection Form. Successful bidders will submit their subcontractor data after bid award prior to execution of the construction contract.

## **Federal Financial Assistance Agreement Assurance (§26.13)**

### **Contract Assurance (§26.13a)**

The Commission has signed the following assurance, applicable to all DOT-assisted contracts and their administration. This following language will appear in financial assistance agreements with sub-recipients.

**The Cedar Rapids Airport Commission shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE Program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT assisted contracts. The recipient's DBE Program, as required by 49 CFR Part 26 and as approved by the DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Cedar Rapids Airport Commission of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).**

### **Contract Assurance (§26.13b)**

The Commission will ensure that the following clause is placed in every FAA-assisted 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 Commission 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.**

## **DBE Program Updates (§26.21)**

The Commission 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. We are not eligible to receive FAA financial assistance unless FAA has approved our DBE program and we are in compliance with it and this part. We will continue to carry out our program until all funds from FAA financial assistance have been expended. We do not have to submit regular updates of our program, as long as we remain in compliance. However, we will submit significant changes in the program for approval.

## **Policy Statement (§26.23)**

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

## **DBE Liaison Officer (DBELO) (§26.25)**

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

Donald D. Swanson, Director of Finance & Administration  
The Eastern Iowa Airport  
2515 Arthur Collins Parkway SW  
Cedar Rapids, Iowa 52404-8952  
Phone: (319) 731-5715 Fax: (319) 362-1670  
E-mail: [DBELO@crairport.org](mailto:DBELO@crairport.org)

In that capacity, DBELO is responsible for implementing all aspects of the DBE program and ensuring that the Commission complies with all provisions of 49 CFR Part 26. DBELO has direct, independent access to the Airport Director concerning DBE program matters. DBELO has a staff of two professional administration employees on a full-time basis that will devote a portion of their time to the program. DBELO will confer with the Commission's consulting engineer from time to time to administer the DBE program. An organization chart displaying the DBELO position in the organization is found in Attachment A to this program.

The DBELO is responsible for developing, implementing, and monitoring the DBE program. Duties and responsibilities include the following:

1. Gather and report statistical data and other information as required by FAA.
2. Review third-party contracts and purchase requisitions for compliance with this program.
3. Set overall three-year goals.
4. Ensure that bid notices and requests for proposals are available to DBE's in a timely manner.
5. Identify contracts and procurements so that DBE goals are included in solicitations (both race neutral methods and contract specific goals) and monitor results.
6. Analyze Commission's progress toward goal attainment and identify ways to improve progress.
7. Participate in pre-bid meetings.
8. Advise the Airport Director and Commission on DBE matters and achievement.
9. Participates with legal counsel and project engineer to determine contractor compliance with good faith efforts.
10. Provide DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
11. Provide outreach to DBE's and community organizations to advise them of opportunities.

## **DBE Financial Institutions (§26.27)**

It is the policy of the Commission 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 FAA-assisted contracts to make use of these institutions. We have found no such institutions, but will make efforts to identify institutions that will work with the DBE community. Information on the availability of such institutions can be obtained from the DBE Liaison Officer.

## **Prompt Payment (§26.29)**

The Commission has established, as part of its DBE Program, a contract clause to require prime contractors performing work on FAA-assisted contracts to promptly pay subcontractors for work performed pursuant to their agreements, in accordance with all relevant federal, state, and local laws.

In accordance with 49 CFR 26.29, the Commission established a contract clause implementing this requirement and requires prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 30 days from the prime contractor's receipt of each payment from the Commission.

The Commission ensures prompt and full payment of retainage from the prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed. Pursuant to 49 CFR 26.29, the Commission has selected the following method to comply with this requirement and the Commission will include the following clause from FAA Advisory Circular 150/5370-10H in each FAA-assisted prime contract:

The Commission will hold retainage from prime contractors and provide for prompt and regular incremental acceptances of portions of the prime contract as allowed by the State of Iowa Code, 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 the Commission's payment to the prime contractor.

From the total of the amount determined to be payable on a partial payment, five (5%) percent of such total amount will be deducted and retained by the Commission for protection of the Commission's interests. Unless otherwise instructed by the Commission, the amount retained by the Commission will be in effect until the final payment is made except as follows:

- (1) Prime contractor may request release of retainage on work that has been partially accepted by the Commission. Prime contractor must provide a certified invoice to the Resident Project Representative (RPR) and other documentation as required by the Code of Iowa that supports the value of retainage held by the Commission for partially accepted work.
- (2) In lieu of retainage, the Contractor may exercise at its option the establishment of an escrow account.

The prime contractor is required to pay all subcontractors for satisfactory performance of their contracts no later than 30 days after the contractor has received a partial payment. Prime contractor must provide the Commission evidence of prompt and full payment of retainage held by the prime contractor to the subcontractor within 30 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 Commission. When the Commission has made an incremental acceptance of a portion of a prime contract as allowed in

the Code of Iowa, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.

When at least 95% of the work has been completed to the satisfaction of the Resident Project Representative (RPR) of the Commission, the RPR shall, at the Commission'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 Commission may retain an amount not less than twice the contract value or estimated cost, whichever is greater and as allowed in the Code of Iowa, of the work remaining to be done. The remainder, less all previous payments and deductions, will then be certified for payment to the prime contractor.

The Commission will include the following clauses in each FAA-assisted prime contract:

**The Cedar Rapids Airport Commission requires all prime contractors to pay all subcontractors for satisfactory performance of their contracts no later than 7 days from the date the prime contractor received payment or should have received payment when the reason for non-payment is not subcontractor's fault.**

**The Cedar Rapids Airport Commission also requires the prompt return of all retainage held on all bonded subcontractors within 30 days after the subcontractor's work is satisfactorily completed. Non-bonded subcontractors may be required to submit proof of payment for all material bills and wages to the prime contractor before the prime contractor is required to pay the retainage. Prime contractors found to be in noncompliance with the prompt payment clause will be subject to sanctions enforced by the Commission. The sanctions include issuing two-party checks for the payment of the Prime Contractor's Application for Payment. The two-party check will be made payable to the prime contractor and its subcontractor. The Commission may notify and request corrective action from the prime contractor's surety company, issuer of the prime contractor's payment bond. Also, the Commission may withhold funds due the contractor pursuant to provisions of Chapter 573, Code of Iowa.**

## **Directory (§26.31)**

The Commission will use the Iowa DOT Directory as its primary Directory. An updated copy of the Directory will be located in the office of the Airport Director at The Eastern Iowa Airport Administration Building, 2515 Arthur Collins Parkway SW, Cedar Rapids, Iowa 52404-8952. The Iowa DOT maintains a directory identifying all firms eligible to participate as DBE's. The directory lists the firm's name, address, phone number, date of most recent certification, and the type of work the firm has been certified to perform as a DBE. In addition, the directory lists each type of work for which a firm is eligible to be certified by using the most specific NAICS code available to describe each type of work. The Iowa DOT revises the Directory prior to advertising for a letting, approximately 10 times per year. Copies are available in Iowa DOT headquarters at the Office of Contracts 800 Lincoln Way, Ames, IA and on the Internet through Bid Express and at: [www.iowadot.gov](http://www.iowadot.gov).

## **Over Concentration (§26.33)**

The Commission has not identified any over concentration. If the Commission determines that DBE firms are so "over concentrated" in a particular type of work as to "unduly" burden the opportunity of non-DBE firms who participate in this type of work, the Commission will devise appropriate measures to address the over concentration. The measures may include not counting contract goals for a particular DBE or DBE firms in general. It may also include the use of incentives, technical assistance, and other appropriate measures designed to assist DBE's in performing work outside of the specific field. The Commission will obtain the approval of the FAA for its determination of over concentration and the measures it intends to devise to address it.

## **Business Development Programs (§26.35)**

Commission has not established a business development program.

## **Monitoring and Enforcement Mechanisms (§26.37)**

Commission 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 the Commission's DBE program.

### Monitoring Payments to DBEs and Non-DBEs

Commission 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):

- ◆ Posting prime contractor payments to a website, database, or other place accessible to subcontractors to alert them to the start of the 30-day clock for payment.

Commission 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 Commission's financial assistance agreement, whichever is longer. These records will be made available for inspection upon request by any authorized representative of the Commission or DOT. This reporting requirement extends to all subcontractors, both DBE and non-DBE.

Commission proactively reviews contract payments quarterly to subcontractors including DBEs. Payment reviews will evaluate whether the actual amount paid to DBE subcontractors is equivalent to the amounts reported to Commission by the prime contractor.

### **Prompt Payment Dispute Resolution**

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

- ◆ The Commission's RPR will meet with the prime contractor and subcontractor to pursue dispute resolution.

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

- ◆ 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.

- ◆ The affected subcontractor shall first contact the prime contractor directly regarding payment discrepancies.
- ◆ If affected subcontractor is not comfortable contracting prime directly regarding payment or unable to resolve payment discrepancies with prime, subcontractor should contact the Commission's RPR for assistance regarding payment discrepancies.
- ◆ If filing a prompt payment complaint with the RPR does not result in timely and meaningful action to resolve prompt payment disputes, affected subcontractor may contact the DBELO.

#### Enforcement Actions for Noncompliance of Participants

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

- ◆ 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
- ◆ Issue two-party checks for the payment of the prime contractor's application for payment. The two-party check will be made payable to the prime contractor and its subcontractor.
- ◆ Withhold funds due the prime contractor pursuant to provisions of Chapter 573, Code of Iowa.

Commission will bring to the attention of the DOT any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in §26.109. We also will consider similar action under our own legal authorities. Such action may include, but not be limited to, the following: (a) Responsibility determinations in future contracts; (b) Breach of contract action, pursuant to the terms of the contract; and (c) Action authorized under Chapter 73A, Code of Iowa.

Commission will implement a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award or subsequently (i.e., as the result of modification to the

contract) is actually performed by the DBEs to which the work was committed. We will implement a monitoring and enforcement mechanism that will include written certification that we have reviewed contracting records and monitored work sites for this purpose. This will be accomplished through contractual obligations with the Commission's consulting engineer on each project. We will implement a mechanism that will provide for a running tally of actual DBE attainments (e.g., payment actually made to DBE firms), including a means of comparing these attainments to commitments. In our reports of DBE participation to DOT, we will show both commitments and attainments, as required by the DOT uniform reporting form.

### **Fostering small business participation. (§26.39)**

The Commission 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 Commission's small business program element is incorporated as Attachment J to this DBE Program. We will actively implement the program elements to foster small business participation doing so is a requirement of good faith implementation of our DBE program.

### **Quotas (§26.43)**

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

### **Overall Goals (§26.45)**

The Commission will establish an overall DBE goal covering a three-year federal fiscal year period if we anticipate awarding FAA funded prime contracts exceeding \$250,000 during any one or more of the reporting fiscal years within the three-year goal period. In accordance with Section 26.45(f) the Commission will submit its Overall Three-year DBE Goal to FAA by August 1st as required by the schedule established by the FAA.

DBE goals will be established for those fiscal years the Commission anticipates awarding DOT-assisted prime contracts exceeding \$250,000 during the three-year period. The DBE goals will be established in accordance with the 2-step process as specified in 49 CFR Part 26.45. If the Commission does not anticipate awarding more than \$250,000 in DOT-assisted prime contracts during any of the years within the three-year reporting period, we will not develop an overall goal; however this DBE Program will remain in effect and the Commission will seek to fulfill the objectives outlined in 49 CFR Part 26.1.

### **Amount of Goal**

The Commission's **overall goal for FFY2021 – FFY2023** is the following: **4.39%** of the Federal financial assistance we will expend in FAA-assisted contracts.

## Methodology

To comply with 49 CRF Part 26.45, the Commission establishes its DBE goal based on evidence of availability of ready, willing, and able DBE's relative to all business ready, willing, and able to participate in the Commission's FAA-assisted contracts. The first step to begin the goal-setting process is determining a base figure for the relative availability of DBE's. The second step is to examine the evidence available locally to determine what adjustment, if any, is necessary to the base figure to arrive at an overall goal.

### Step 1 (Ready, Willing, and Able to Work Step)

The Commission has at least five options that may be used in the goal-setting process. Adjustments can be made under Step 2 to ensure that the final goal is narrowly tailored to the Commission's market and contracting program. The options are as follows:

1. Use DBE Directories and Census Bureau Data to determine the number of ready, willing and able DBEs in the market by using the Iowa Department of Transportation (IDOT) DBE Directory and the Census Bureau's County Business Pattern database to determine the number of all ready, willing and able businesses available in the market that perform work in the same NAICS codes. The number of DBEs is divided by the number of all businesses to arrive at a base figure for the relative availability of the DBEs in the market.
2. Use a bidder's list to determine the number of DBEs that have bid or quoted on FAA assisted prime contracts or subcontracts in the previous year and determine the number of all businesses that have bid or quoted on prime or subcontracts in the same time period. The number of DBE bidders and quoters should be divided by the number of all businesses to derive a base figure for the relative availability of DBEs in the market.
3. Use data from a disparity study. Use a percentage derived from data in a valid, applicable disparity study.
4. Use the goal of another Department of Transportation (DOT) recipient in the same or substantially similar market that has set an overall goal in compliance with 49 CRF Part 26.45.
5. Alternative methods. Other methods may be used to determine a base figure for an overall goal. The methodology used must 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 market.

The Commission will use the Iowa DOT FFY2021 – FFY2023 Goal of 6.03% under Step 1 of the goal-setting process. Adjustments will be made under Step 2 to ensure that the final goal is narrowly tailored to the Commission's market and contracting program.

## Step 2 (Adjustment Step Based on Evidence Available)

The second step is to examine the evidence available from Commission records to determine if any adjustment is needed. Two factors were examined to determine the capacity of the existing DBE firms working for the Commission:

1. The percentage of contracts that DBE firms were able to receive race neutral (e.g. low bid or used as subcontractors on projects without DBE goals) was reviewed.

- ◆ The percentage of prime contracts awarded to DBE's represents their ability to compete and obtain prime contracts in a race neutral market.

- ◆ During the past 3 years, DBE firms obtained 0.0% of all prime contracts through the low-bid process, which represents 0.0% of the total contract dollars.

$$\frac{0 \text{ DBE prime contract awards}}{19 \text{ all prime contract awards}} = 0.00\%$$

$$\frac{\$0 \text{ of DBE prime contract awards}}{\$23,631,136 \text{ of all prime contract awards}} = 0.00\%$$

- ◆ The percentage of subcontracts awarded to DBE's on projects without DBE goals represents their ability to compete and obtain subcontracts in a race neutral market.

- ◆ During the past 3 years, DBE firms obtained 3.2% of subcontracts without DBE goals, which represents 0.59% of the total subcontract dollars.

$$\frac{3 \text{ DBE subcontracts without DBE goals}}{10 \text{ total subcontracts without DBE goals}} = 30.00\%$$

$$\frac{\$16,650 \text{ of DBE subcontracts without DBE goals}}{\$2,843,082 \text{ of all subcontracts without DBE goals}} = 0.59\%$$

2. The percentage of contracts that DBE firms were able to receive race conscious (e.g. low bid or used as subcontractors on Federal assisted projects with DBE goals) was reviewed.

- ◆ During the past 3 years, DBE firms obtained 0.0% of Federal assisted prime contracts.

$$\frac{0 \text{ DBE Prime Contracts on Federal assisted contracts}}{9 \text{ Prime Contracts on Federal assisted contracts}} = 0.00\%$$

- ◆ During the past 3 years, DBE firms received 15.28% of Federal assisted subcontracts with DBE goals, which represents 10.81% of the total contract dollars.

$$\frac{11 \text{ DBE Subcontracts on Federal assisted contracts}}{72 \text{ Subcontracts on Federal assisted contracts}} = 15.28\%$$

$$\frac{\$3,048,240 \text{ DBE Subcontracts on Federal assisted contracts}}{\$28,196,778 \text{ of Federal assisted contracts}} = 10.81\%$$

- ◆ During the past 3 years, DBE firms have received 10.81% of the entire Federal assisted contract dollars.

3. Criteria for setting DBE goals on federal assisted contracts is to assure at least 3 ways exist to make a DBE goal. This may be 3 or more items that can be subcontracted to DBE contractors to meet the goal or 3 or more DBE contractors ready, willing, and able to quote on the available subcontract work. In reviewing the past 3 years in which DBE firms received 10.8% of the total Federal assisted contract dollars, one DBE grading subcontractor received \$2,275,605 of the \$3,048,240 or 74.65% of the contract dollars awarded to DBE firms. During the past 3 years no other DBE firm was utilized for grading work on federal assisted contracts. During the 3 year period 2 other DBE firms were utilized in erosion control and traffic control work of which there are multiple DBE firms available to perform this type of work. Consequently, the 3 year participation total for DBE firms was adjusted by subtracting the participation dollars of the DBE grading subcontractor. This adjustment resulted in DBE firms receiving 2.74% of the total Federal assisted contract dollars.

$$\frac{\$772,635 \text{ DBE Subcontracts on Federal assisted contracts}}{\$28,196,778 \text{ of Federal assisted contracts}} = 2.74\%$$

- ◆ During the past 3 years, DBE firms have received 2.74% of the entire Federal assisted contract dollars when adjusted to account for 1 DBE firm receiving a disproportionate amount of Federal assisted contract dollars.

## Summary

These factors indicate that DBE firms have not been able to obtain prime contracts through race-neutral methods or race-conscious methods. With the current DBE goals set on Federal assisted projects, DBE firms have been able to obtain 10.81% of total Federal assisted contract dollars. The DBE goals for this period averaged 2.30%. These factors indicate that DBE firms have been able to obtain 8.51% of Federal assisted contract dollars through race-neutral methods. However, when adjusted to account for 1 DBE firm receiving a disproportionate amount of Federal assisted contract dollars as previously stated, DBE firms obtained an adjusted 2.74% of total Federal assisted contract dollars, which when compared to the DBE goal of 2.30% during this time period it indicates that DBE firms obtained just 0.41% of Federal assisted contract dollars through race-neutral methods.

The Commission has compared the DBE percentages under Step 1 of 6.03% (Iowa DOT proposed FFY2021 – FFY2023 Goal) and under Step 2 of 2.74% (adjusted actual participation), and has concluded to establish the DBE goal based upon the average of the Step 1 and Step 2 percentages. Using this methodology, the Commission establishes a **FFY2021 – FFY2023 Goal of 4.39%** for participation by DBE firms on all Federal assisted contracts let through the Commission.

$$(\text{Step 1} + \text{Step 2}) \times .50 = \text{goal}$$

$$(6.03\% + 2.74\%) = 8.77\% \times .50 = \underline{\mathbf{4.39\%}} \text{ FFY2021-FFY2023 DBE Goal}$$

The Commission will monitor and administer existing FAA-assisted contracts under the current DBE Program. We will implement the use of the new DBE Program and goals beginning with the first FAA-assisted contract of Federal FFY2021 – FFY2023.



## **Process**

The Commission's first overall three-year DBE goal was submitted to the FAA on August 1, 2011, and a new DBE overall goal will be submitted every three years after said date. Before establishing the overall DBE goal, the Commission conducts a consultation meeting with DBE firms who have participated on past Federal Assisted contracts to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBE's, and the Commission's efforts to establish a level playing field for the participation of DBE's.

Each year the overall goal is submitted to the FAA, the Commission will publish a notice in the Cedar Rapids Gazette. The publication will notify the public that the proposed overall goal and its rationale are available for inspection during normal business hours at the Office of the Airport Director for 30 days following the date of the notice. The public will be informed that the Commission and FAA will accept comments on the goals for 45 days from the date of the notice. Normally, we will issue this notice by July 31<sup>st</sup> of each year. The notice will include addresses to which comments may be sent and addresses where the proposal may be reviewed.

The Commission's address for viewing and comments is:

Office of the Airport Director  
The Eastern Iowa Airport  
2515 Arthur Collins Parkway SW  
Cedar Rapids, IA 52404-8952  
Website: [WWW.FLYCID.COM](http://WWW.FLYCID.COM)  
Email: [DBELO@FLYCID.COM](mailto:DBELO@FLYCID.COM)

The FAA's address for comments:

Federal Aviation Administration  
Office of Civil Rights  
Western-Pacific Regional Office, AWP-9  
P.O. Box 92007  
Los Angeles, CA 90009-2007

Our overall goal submission including supplemental information to the FAA will include a summary of information and comments received during this public participation process and our responses. We will normally begin using our overall goal on October 1st of each year, unless we have received other instructions from FAA.

## **Breakout of Race-Neutral and Race-Conscious Participation**

The Commission will use race-neutral measures to meet the maximum feasible portion of the overall goal. Race-neutral measures will include outreach and technical assistance for DBE contractors. The outreach and technical assistance support will include technical assistance and

training in areas such as preparing and using a business plan, bonding, working with the Commission, and contract administration.

The Commission established during its “FFY2018 – FFY2020 DBE Goal Analysis” that 0.41% of the DBE participation as adjusted on Federal assisted projects was obtained through race neutral measures. Since race neutral measures secured 0.41% of past DBE participation, we project that the 3.98% of the FFY2021 – FFY2023 goal of 4.39% will be achieved through race-conscious measures; and 0.41% of the goal will be achieved through race-neutral measures.

The Commission will adjust the estimated breakout of race-neutral and race-conscious participation if needed to reflect actual DBE participation and track and report race-neutral and race-conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following: DBE prime contracts, DBE subcontracts on a prime contract that does not carry a DBE goal, DBE subcontracting exceeding a contract goal, and DBE subcontracting where the prime contractor did not consider a firm's DBE status in making the award.

Contract goals when used, will be established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of race-neutral means. The Commission will establish contract goals only on those FAA assisted contracts that have subcontracting possibilities. We need not establish a contract goal on every such contract, and the size of contract goals will be adapted to the circumstance of each such contract. (e.g., type and location of work, availability of DBE's to perform the particular type of work).

The Commission will express its contract goals as a percentage of the total amount of FAA assisted contracts.

### **Failure to meet overall goals (§26.47)**

The Commission will maintain an approved DBE Program and overall DBE goal, if applicable as well as administer our DBE Program in good faith to be considered to be in compliance with this part.

If the Commission awards and commitments shown on our 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, we will do the following in order to be regarded by the Department as implementing your DBE Program in good faith:

- (1) Analyze in detail the reasons for the difference between the overall goal and our awards and commitments in that fiscal year; and
- (2) Establish specific steps and milestones to correct the problems we have identified in our analysis and to enable us to meet fully your goal for the new fiscal year.

## **Contract Goals (§26.51)**

The Commission will use contract goals to meet the overall goal. The Commission will establish contract goals only on those FAA-assisted contracts that have subcontracting possibilities. We need not establish a contract goal on every such contract, and the size of contract goals will be adapted to the circumstance (e.g., type and location of work, availability of DBE's to perform the particular type of work).

The Commission will express our contract goals as a percentage of the Federal share amount of a FAA-assisted contract.

## **Good Faith Efforts (§26.53)**

### Demonstration of good faith efforts

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts.

Marty Lenss, Airport Director 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 **responsible**.

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

### Information to be Submitted

The Commission treats bidders' compliance with good faith effort requirements as a matter of responsiveness. Each proposal for which a contract goal has been established will require all bidders to submit the following information with their bid on the Iowa DOT Disadvantaged Business Enterprise Information Statement of DBE Commitment Form (102115 form) and/or FAA Disadvantage Business Enterprises "Utilization Statement" and "Letter of Intent" forms, provided and approved by the Commission.

- ◆ The names of DBE firms that will participate in the contract;
- ◆ The dollar amount of the participation of each DBE firm;
- ◆ A description of the work that each DBE will perform;
- ◆ Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
- ◆ Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors commitment; and
- ◆ If the contract goal is not met, evidence of good faith efforts. The documentation of good faith efforts will 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 the Commission will require that the bidder/offeror present

the required information as listed below no later than 5 days after bid opening as a matter of **responsibility**.

### Demonstration of Good Faith Efforts

The successful bidder shall be selected on the basis of having submitted the lowest responsive bid. The obligation of the bidder is to make good faith effort. The bidder can demonstrate that it has done so by the following:

- ◆ Meeting the contract goal;
- ◆ Meeting the calculated percentage for good faith effort based on bidder commitments received for the proposal (Attachment D); or
- ◆ Documenting good faith efforts for administrative reconsideration.

The following personnel are responsible for determining whether a contractor who has not met the contract goal meets the calculated percentage for good faith effort: DBE Liaison Officer.

We will ensure that all information is complete and accurate and adequately documents the bidder good faith efforts before we commit to the performance of the contract by the bidder.

### Administrative Reconsideration

Within 5 business days of being informed by the Commission that it is not responsible because it has not documented sufficient good faith efforts, a bidder may request administrative reconsideration. The bidder should make this request in writing to the following reconsideration team:

- ◆ Marty Lenss, C.M., Airport Director
- ◆ Todd Gibbs, C.M., Director of Operations  
Office of the Airport Director  
The Eastern Iowa Airport  
2515 Arthur Collins Parkway SW  
Cedar Rapids, IA 52404-8952
- ◆ Eric Scott, P.E., Foth Infrastructure & Environment, LLC, Project Engineer

Since the first determination of good faith effort is a comparison of the bidder's DBE commitment to the established goal and second determination for good faith effort is a calculated value, the reconsideration officials play no role in the original determinations.

A bidder will **NOT** be allowed to adjust the amount of their commitment after final time specified in the advertisement for receiving bids.

As part of this reconsideration, the bidder will have the opportunity to provide written documentation or arguments concerning the issue of whether they made adequate good faith efforts to meet the goal. The bidder will have the opportunity to meet in person with our reconsideration officials to discuss the issue of whether they made adequate good faith efforts to do so. We will

send the bidder 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.

Documentation required will include the following:

- ◆ Offering assistance in areas of interpreting plans and preparing proposals;
- ◆ Response to requests from any small businesses submitting quotes, concerning quantities, overtime, project scheduling, etc.;
- ◆ The bidder's past good faith efforts on other projects bid with the Commission;
- ◆ Making portions of the work available for DBE subcontracting;
- ◆ Evidence of negotiations with DBE firms;
- ◆ DBE quotes obtained and non-DBE quotes used;
- ◆ Reason agreements were not reached;
- ◆ Follow-up after initial solicitations;
- ◆ Efforts to assist in obtaining bonding, lines of credit, or insurance; and
- ◆ Efforts to assist in obtaining equipment, supplies, and materials.

The result of the reconsideration process is not administratively appealable to the FAA.

### Good Faith Efforts procedures in situations when there are contract goals

We will include in each prime contract a provision stating:

**The contractor shall utilize the specific DBEs listed to perform the work and supply the materials for which each is listed unless the contractor obtains written consent from the Commission as provided in this paragraph; and**

**That, unless consent is provided under this paragraph, the contractor shall not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE.**

We will require the contractor that is awarded the contract to make available upon request a copy of all DBE subcontracts. The subcontractor shall ensure that all subcontracts or an agreement with DBEs to supply labor or materials require that the subcontract and all lower tier subcontractors be performed in accordance with this part's provisions.

In this situation, we will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

### Good Faith Efforts When a DBE is Replaced on a Contract

The Commission will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. We will require the prime contractor to notify the Project Engineer immediately of the DBE's inability or unwillingness to perform and to provide

reasonable documentation. The Project Engineer will then notify the DBE Liaison Officer for approval of any substitution.

In this situation, we will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

We will provide such written consent only if we agree, for reasons stated in our concurrence document, that the prime contractor has good cause to terminate the DBE firm. For purposes of this paragraph, good cause includes the following circumstances:

- (1) The listed DBE subcontractor fails or refuses to execute a written contract;
- (2) The listed DBE subcontractor fails or refuses to perform the work of its subcontract in a way consistent with normal industry standards. Provided however, that good cause does not exist if the failure or refusal of the DBE subcontractor to perform its work on the subcontract results from the bad faith or discriminatory action of the prime contractor;
- (3) The listed DBE subcontractor fails or refuses to meet the prime contractor's reasonable, non-discriminatory bond requirements.
- (4) The listed DBE subcontractor becomes bankrupt, insolvent, or exhibits credit unworthiness;
- (5) The listed DBE subcontractor is ineligible to work on public works projects because of suspension and debarment proceedings pursuant to 2 CFR Parts 180, 215 and 1,200 or applicable state law;
- (6) We have determined that the listed DBE subcontractor is not a responsible contractor;
- (7) The listed DBE subcontractor voluntarily withdraws from the project and provides to us written notice of its withdrawal;
- (8) The listed DBE is ineligible to receive DBE credit for the type of work required;
- (9) A DBE owner dies or becomes disabled with the result that the listed DBE contractor is unable to complete its work on the contract;
- (10) Other documented good cause that we have determined compels the termination of the DBE subcontractor. Provided, that good cause does not exist if the prime contractor seeks to terminate a DBE it relied upon to obtain the contract so that the prime contractor can self-perform the work for which the DBE contractor was engaged or so that the prime contractor can substitute another DBE or non-DBE contractor after contract award.

Before transmitting to the Commission its request to terminate and/or substitute a DBE subcontractor, the prime contractor must give notice in writing to the DBE subcontractor, with a copy to us, of its intent to request to terminate and/or substitute, and the reason for the request.

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

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

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

## **Counting DBE Participation (§26.55)**

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

If the firm is not currently certified as a DBE at the time of the execution of the contract, we will not count the firm's participation toward any DBE goals.

### **DBE Manufacturer**

Count 100% of the value paid for materials furnished which become permanent parts of the project. A manufacturer is a firm that owns and operates the facilities to produce a product required by the contract and purchased by the contractor.

### **DBE Supplier**

Count 60% of the value paid for materials furnished which become permanent parts of the project. A supplier sells goods to the general public and maintains an inventory at an owned or leased warehouse or store. A DBE supplier must earn 20% of its annual gross from non-DBE goal sales to demonstrate it sells goods to the general public.

### **DBE Broker**

Count 100% of the fee or commission received by the DBE for the materials purchased and resold to the contractor which becomes a permanent part of the project. A broker does not manufacture or supply on a regular basis.

### **DBE Trucker**

To count 100% of the amount paid to the DBE trucker they must have at least one fully licensed, insured, and operational truck used on the contract. Trucking must be performed by the DBE, with employees of the DBE, using equipment owned or long-term leased by the DBE. The DBE may also lease trucks from another DBE firm, including an owner operator who is a certified DBE.

The DBE may also lease trucks from a non-DBE firm, including an owner operator. The DBE who leases trucks from a non-DBE is entitled to credit only for the fee or commission it receives

as a result of the lease agreement. The DBE does not receive credit for the total value of the transportation services provided by the lessee, since these services are not provided by a DBE.

The DBE must be responsible for management and supervision of the entire trucking operation. The subcontract must not be a contrived arrangement to meet the DBE goal. The DBE will be considered a broker, and only commissions received will count toward the goal, if the DBE is not in full control or does not have any DBE employees or trucks on the job.

In order for a DBE trucker to be credited with the delivered price of materials/supplies, the DBE trucker must also be certified as a supplier or manufacturer of the material, be responsible for the quality standards of the material, and negotiate the material price and select the source.

### **DBE Contractor**

Count 100% of the amount paid to a DBE contractor for labor and materials provided to perform a defined and clearly measurable portion of the contract. The work must be performed by the DBE's own employees and the DBE must order and pay for all supplies and materials.

### **Construction Monitoring**

The Commission will monitor and document activities and work done by DBE's on all projects to ensure they perform all work as contracted at the time of award. Information documented on Iowa DOT Forms 102115 "Disadvantaged Business Enterprise Information Statement of DBE Commitments" and 102117 "Disadvantaged Business Enterprise Information DBE Project Statement" and/or FAA Disadvantaged Business Enterprises "Utilization Statement" and "Letter of Intent" forms, provided and approved by the Commission, shall apply. Any concerns will be reported to the Project Engineer and prime contractor immediately.

The Project Engineer will be responsible for comparing dollar amounts actually paid to DBE subcontractors at the successful completion of their work and the amount committed at time of award. Discrepancies under that amount will require justification by the Project Engineer (item under runs, item deletions, etc.). Otherwise prime contractors can be penalized dollar for dollar the difference. Repeated violations can result in suspension of their bidding privileges.

### **Request to Subcontract**

Subcontract Request Forms for all subcontractors will be submitted to the Commission, Office of the Airport Director along with the signed contract. A contractor may request up to a 30 day extension. If unforeseen field conditions require additional or a termination of subcontractors an amended or new Subcontract Request Form will be required.

If a DBE subcontractor is terminated for reasons due to an inability or unwillingness to perform, the prime contractor must replace that subcontractor with another DBE or show sufficient documentation of good faith efforts to do so. On contracts with contract goals, the contractor must obtain permission from the Commission prior to substitution of any DBE designated on the DBE Commitment Form.



Usage of DBE contractors on all Commission projects is encouraged. Prime contractors subletting work to DBE's on projects with no goal or subletting work that goes above and beyond the established goal can only be viewed as a step in the right direction and toward the possible reduction or elimination of goals in the future.

### Prime Contractor Assisting DBE Firms

Construction assistance by prime contractors to a DBE subcontractor can be allowed if the situation is the result of an unforeseen emergency or natural disaster. The assistance would have to be short term (1 day or less) and only involve equipment, not workers, and only with the notification of the Project Engineer and the approval of the Commission.

Other forms of assistance, such as technical advice and occasional guidance, are encouraged with the notification of the Project Engineer and the approval of the Commission.

### Final DBE Documentation

Upon completion of the project, the prime contractor shall obtain a certification from each utilized DBE contractor attesting to their actual involvement. The final DBE participation shall be summarized on Iowa DOT Form 102116, "Certification of DBE Accomplishment", or on a similar form provided and approved by the Commission.

### **Certification (§26.61 - §26.91)**

The Commission will utilize the Iowa DOT DBE Program to certify DBE firms. The Iowa DOT program states it will use the certification standards of Subpart D of Part 26 and the certification procedures of Subpart E of Part 26 to determine the eligibility of firms to participate as DBE's in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. The Iowa DOT will make certification decisions based on the facts as a whole.

### Process

The DBE Certification Standards are found in Attachment F to this program. For information about the certification process or to apply for certification, firms should contact:

Civil Rights Administrator  
Iowa DOT  
Office of Contracts  
800 Lincoln Way  
Ames, Iowa 50010  
Phone Number: (515) 239-1414  
Fax Number: (515) 239-1325

In the event the Iowa DOT proposes to remove a DBE's certification, they will follow procedures consistent with §26.87. Attachment F to this program sets forth these procedures in detail. To ensure separation of functions in a removal of certification, the Iowa DOT has determined that

DBE Appeal Committee will serve as the decision-maker in de-certification proceedings. The Iowa DOT has established an administrative "firewall" to ensure that the DBE Appeal Committee will not have participated in any way in the de-certification proceeding against the firm (including in the decision to initiate such a proceeding).

If the Iowa DOT deny a firm's application or decertify it, they may not reapply until 12 months have passed from the action.

### Unified Certification Program (§26.8D)

The Commission participated with the Iowa DOT and other agencies within the State in developing a Unified Certification Program. The Commission has executed the recipient signature page of the Iowa DOT UCP written plan. A copy of the Iowa DOT UCP Agreement is on file at the Office of the Airport Director and listed as Attachment J.

### Certification Appeals (§26.15)

The Commission will utilize the Iowa DOT DBE Program concerning certification appeals. The Iowa DOT states it will continue to offer DBE Applicants who have been denied certification the opportunity to meet with the Iowa DOT DBE Appeal Committee. This committee is composed of 5 DOT employees from outside the Office of Contracts who understand the certification requirements and review the evidence provided to the Affirmative Action Officer, who made the initial determination. The Applicant is offered the opportunity to have a face-to-face meeting with the committee to present their side of the findings. No new evidence is reviewed in the appeal meeting. The proceedings are informal and the decision rendered can be appealed to the DOT.

Such appeals may be sent to:

Department of Transportation  
Office of Civil Rights Certification Appeals  
Branch 400 7th St., SW, Room 2104  
Washington, DC 20590

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

### Recertifications

The Commission will utilize the Iowa DOT DBE Program concerning recertifications of DBE's.

For firms that have certified or reviewed and found eligible under Part 26, they will again review their eligibility every 3 years. These reviews will include the component of filling out a new application conducting an on-site review.

## "No Change" Affidavits and Notices of Change

The Commission will utilize the Iowa DOT DBE Program concerning Notices of Change. The Iowa DOT will require all DBE's to inform them, in a written affidavit, of any change of circumstances that affects its ability to meet the size, disadvantaged status, ownership, or control criteria of 49 CFR Part 26.

The Iowa DOT will also require all owners of all DBE firms they have certified to submit on the anniversary date of their certification a "no change" affidavit meeting the requirements of §26.830(j). The text of this affidavit is the following:

**I swear (or affirm) that there have been no changes in the circumstances of [name of DBE firm] affecting its ability to meet the size, disadvantaged status, ownership, or control requirements of 49 CFR Part 26. There have been no material changes in the information provided with [name of DBE]'s application for certification, except for any changes about which you have provided written notice to the Iowa DOT under §26.83(i). [Name of firm] meets Small Business Administration (SBA) criteria for being a small business concern and its average annual gross receipts (as defined by SBA rules) over the firm's previous 3 fiscal years do not exceed \$16.6 million.**

The Iowa DOT requires DBE's to submit with the affidavit, documentation of the firm's size and gross receipts. They have notified all currently certified DBE firms of these obligations by mail. This notification informed DBE's that to submit the "no change" affidavit, their owners must swear or affirm that they meet all regulatory requirements of Part 26, including personal net worth. Likewise, if a firm's owner knows or should know that he, she, or the firm fails to meet a Part 26 eligibility requirement (e.g., personal net worth); they are obligated to submit a notice of change.

## Personal Net Worth (PNW)

The Commission will utilize the Iowa DOT DBE Program concerning the DBE's Personal Net Worth (PNW). The Iowa DOT will require all disadvantaged owners of applicant firms and have already required currently certified DBE's to submit a statement of PNW.

Attachment G sets forth the Iowa DOT Personal Net Worth Form 650193.

## Bidders List

The Commission will create a bidders list consisting of information about all DBE and non-DBE firms that bid FAA-assisted contracts. The purpose of this requirement is to allow the use of the bidder's list approach to calculating overall goals. The information on the bidder's list will include the name, address, DBE/non-DBE status, age, and annual gross receipts of firms.

The Commission will record with assistance from the project-engineering firm in all requests for plans, proposals, and bidding documents for each project, which is being bid. Any contractor who submits a quote or a bid on a project will need these documents to prepare a quote or bid on the project. The Plan holders File allows us to produce a list of any contractor who received the information needed to quote a project.

### Monitoring Payments to DBE's

The Commission will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award. We will require prime contractors to maintain records and documents of payments to DBE's for 3 years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of the Commission or FAA. This reporting requirement also extends to any certified DBE subcontractor.

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

### Reporting to FAA

The Commission will report DBE participation to FAA on an annual basis, using DOT Form 4630.

### Confidentiality

The Commission will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. Notwithstanding any contrary provisions of state or local law, we will not release personal financial information submitted by a DBE applicant to a third party (other than FAA) without the written consent of the submitter.

## **ATTACHMENTS**

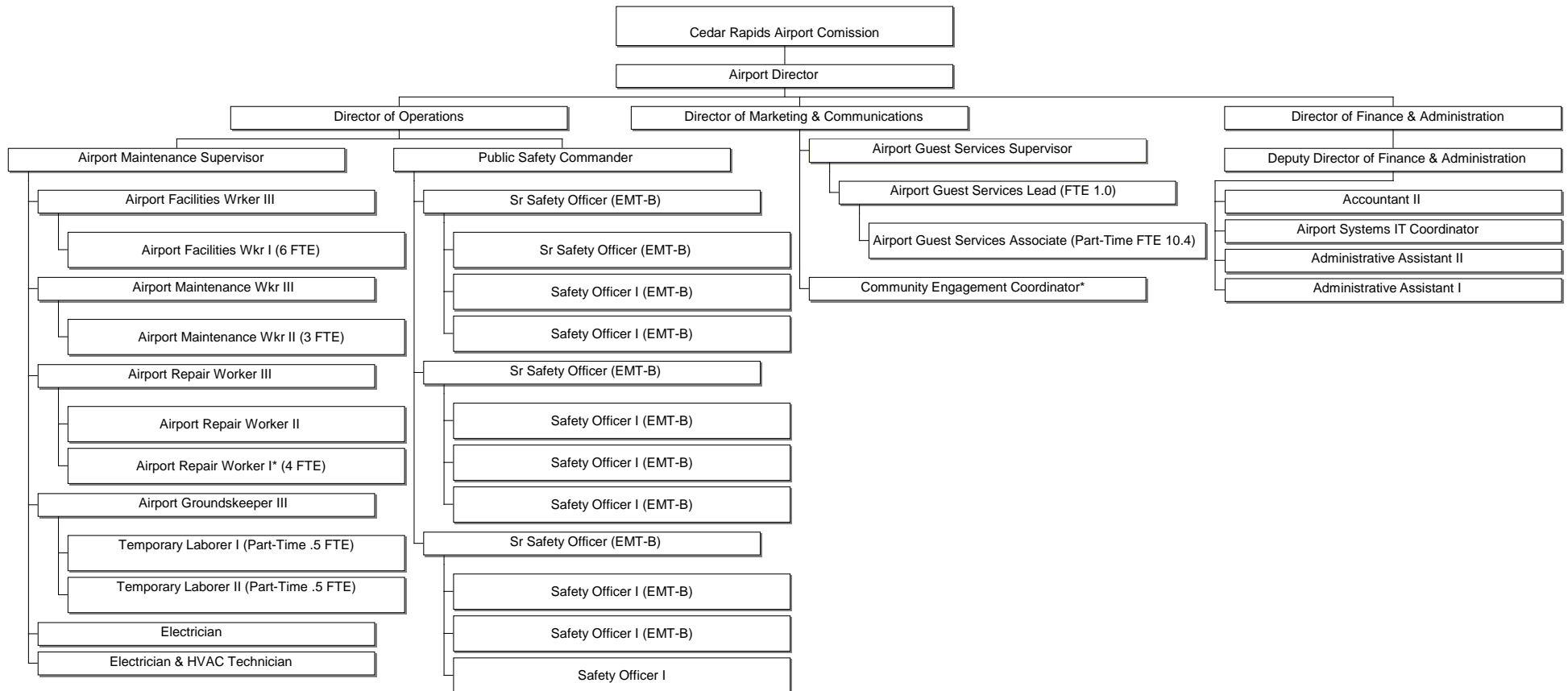
Attachment A Regulations: 49 CFR Part 26 website link  
Attachment B Organizational Chart  
Attachment C Sample Bidder's List Collection Forms  
Attachment D Setting Contract Goals  
Attachment E Good Faith Effort Determination  
Attachment F Iowa DOT Certification Standards  
Attachment G DBE Certification Application Form  
Attachment H DBE Certification Procedures  
Attachment I State's DBE Directory website link  
Attachment J State's UCP Agreement  
Attachment K Small Business Element Program

## ATTACHMENT A

Regulations 49 CFR Part 26, can be found at:  
<http://www.ecfr.gov>

# ATTACHMENT B

## The Eastern Iowa Airport Organization Chart Res. 07-01-20



Title Revisions  
 Salary Plan and/or Grade Revisions  
 Total FTE / Budgeted: 57.4 / 55.4  
 \* 1 FTE Not Budgeted  
 Title revisions and salary plan/pay grade designations to be determined by the Cedar Rapids Airport Commission Labor and Personnel Committee.

**ATTACHMENT C**  
Bidder's List Collection Form

*(SAMPLE BIDDERS LIST COLLECTION FORM)*

Firm Name	Firm Address/ Phone #	DBE or Non-DBE Status (verify via State's UCP Directory)	Age of Firm	Annual Gross Receipts
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million



## BIDDER'S LIST FORM

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

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

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Contact Individual

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Phone Number

Annual Gross Receipts

- ☐ Less than \$500K
- ☐ \$500K - \$1 million
- ☐ \$1-2 million
- ☐ \$2-5 million
- ☐ Greater than \$5 million

Age of Firm

- ☐ Less than 1 year
- ☐ 1- 3 years
- ☐ 4-7 years
- ☐ 8-10 years
- ☐ More than 10 years

\_\_\_\_\_  
Signature of appropriate official

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

## **ATTACHMENT D**

### **Setting Contract Goals**

#### **DBE Goal Setting**

Several weeks prior to a bid letting a goal setting meeting may be held. Those persons attending the goal setting may include the DBE Liaison Officer, the Project Engineers, DBE contractors and Prime contractors. Representatives from FAA and Materials Suppliers may also attend. This is an open meeting and anyone with an interest in the process or in a specific project is welcome to attend.

#### **Criteria for Setting Project Goals**

The following criteria are used as a guide in setting DBE goals:

Set DBE goals for individual projects from 0.00% to 15.00%, in .01% increments

- ◆ Set only on FAA assisted projects.
- ◆ Try to attain the dollar amount of DBE usage represented by the overall goal on all contracts let by the Commission. The percentage of DBE accomplishments, tracked year-to-date from prime contracts awarded to DBE contractors and subcontract request forms will be used to adjust the total amount of DBE goal set per letting. Contract goals will be set to make up the difference in the amount of DBE usage that can be obtained through race neutral means and the overall goal.
- ◆ Set the total dollar amount of the DBE goal on an individual project greater than \$70,000.
- ◆ Balance DBE goals work between industries such as structures, paving, asphalt, and grading.
- ◆ Identify individual items that are normally subcontracted. Commission, Staff, or Project Engineer will share the approximate percentage of the overall contract estimate for review.
- ◆ Consider availability of DBE contractors who are ready, willing, and able to quote the work available to subcontract.
- ◆ Assure at least 3 ways to make a DBE goal. This may be 3 or more items that can be subcontracted to DBE contractors to meet the goal or 3 or more DBE contractors ready, willing, and able to quote on the available subcontract work. Every attempt will be made not to set a DBE goal on a proposal so that there is only 1 way available for bidders to meet that goal.

## ATTACHMENT E

### **Good Faith Effort Determination Based on Calculated Percentage of Bidder Commitments**

Commission has established the following objective measurement of Good Faith Effort (GFE). This will be applied to apparent low bids received on proposals with a contract goal where the DBE Commitment is less than the contract goal.

The Calculated GFE shall be determined by taking 80% of the average of DBE commitments submitted by each bidder. The contract goal percentage will be included in the calculation as if it is an additional bidder. Only that amount of a bidder's DBE goal attainment that does not exceed the established goal shall be used in the calculation. Responsiveness of the low apparent bidder will be determined by comparing the percent of DBE commitment of each bidder to the 80% of the average value. If the bidder's commitment is less than the 80% of the average value, they are non-responsive. If the bidder's commitment is greater than or equal to the 80% of the average value, they are responsive for DBE commitment.

The Calculated GFE shall be determined by the following formula:

- G = Calculated GFE based on the percentage of bidder commitments to the nearest tenth of a percent.
- C = DBE Commitment of each bidder expressed as a percentage of their Bid Total, to the nearest tenth of a percent. The contract goal percentage will be used if the bidder's commitment is greater than the contract goal.
- D = DBE Contract Goal
- N = Number of bidders (not currently in the Annual GFE program)

$$G = \frac{0.80 \left( \frac{\sum C}{N} \right) + D}{n+1}$$

If  $C < G$ , the bid is considered non-responsive due to the DBE commitment.

## **ATTACHMENT F**

### **Iowa DOT Certification Standards**

#### **Burden of Proof**

Each applicant firm has the burden of demonstrating to the Iowa DOT by the preponderance of evidence that the firm is eligible for certification. Preponderance of evidence means the greater weight in the areas of group membership, ownership, control, social, and economic disadvantage.

Applicants who are members of a presumed group do not have to prove social disadvantage but must explain how they have been socially disadvantaged and sign a sworn affidavit attesting to this. The disadvantage must pertain to education, employment, business or access to capital or credit, based on race, sex, color or national origin. Applicants who are not members of a presumed group have the burden of proving to the Iowa DOT by a preponderance of evidence that they are socially and economically disadvantaged.

#### **Eligibility Standards**

**Group Membership (§26.63):** Each applicant who is not readily identifiable as a group member must demonstrate by a preponderance of the evidence that he or she is a member of a presumed group. The applicant must be regarded as a group member by both group members and the general community. The group membership and recognition must be of long standing and not just for a short time before the application.

**Business Size (§26.65):** An applicant firm including all affiliates must meet SBA standards of 13 CFR Part 121 appropriate to the type of work the firm seeks to perform. In any Federal fiscal year, if the firm and all affiliates have gross receipts over the firm's previous 3 fiscal years, in excess of \$16.6 million, the firm is not eligible to be a DBE. A congratulatory letter of completion will be sent to the firm.

**Social Disadvantage (§26.67):** Every applicant, who is readily identifiable, as a protected group member must submit a signed, notarized affidavit. The affidavit should describe how the person has been disadvantaged or discriminated against due to their race, sex, color, or national origin. The disadvantage should pertain to access to education, capital, employment, or business opportunities. Applicants who are not protected group members must provide proof of disadvantage.

**Economic Disadvantage (§26.67):** Each qualifying applicant must have PNW of less than \$1,320,000, excluding the value of the primary residence and the value of their ownership in the applicant company. The PNW statement must have a signed, notarized affidavit swearing to the truth of the figures submitted. If the qualifying applicant's PNW exceeds \$1,320,000, the owner is no longer disadvantaged and the firm is not eligible to be a DBE. A congratulatory letter of completion will be sent to the firm.

Ownership (§26.69): To be an eligible DBE, a firm must be at least 51% owned by socially and economically disadvantaged individuals. The ownership must be real, substantial, and continuing. The contributions of capital or expertise to acquire ownership must be real and substantial.

Examples of unqualified contributions are:

1. A promise to contribute or an unsecured note.
2. A gift.
3. Un-renounced joint assets.
4. Transfers from non-disadvantaged individuals.

Examples of qualified contributions are:

1. A legal settlement, with court documents.
2. Inheritance after a death.
3. Legally transferred assets from a spouse, with court documents.
4. Personally held assets.

Control (§26.71): The socially and economically disadvantaged owners must possess the power to control daily operations and long-term destiny. The owner must hold the highest office, must control the board of directors or be the controlling partner. The disadvantaged owner must have technical competence and experience in the field of operations as well as managerial expertise. Office management, bookkeeping, or clerical expertise is not sufficient to demonstrate control. The owner cannot have other employment or businesses that conflict or require attention during normal business hours. For businesses where other family members are owners or employees, the disadvantaged owner must demonstrate clear control. A franchise is eligible so long as there is no affiliation, restrictions, or common management.

Independence (§26.71): An independent business does not rely on another firm for personnel, facilities, equipment, capital, or other resources. The firm cannot be dependent on a former non-disadvantaged owner. The firm cannot have exclusive or primary dealings with another firm or dealings outside normal industry practice.

Cooperation (§26.73): Every applicant and certified DBE firm shall cooperate fully with all Iowa DOT requests for information. Failure to do so in a timely manner is ground for denial or removal of eligibility.

## **ATTACHMENT G**

See Attached DBE Program Uniform Certification Application



**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?** A transportation agency in your state that performs certification functions will contact you. The agency is a member of a statewide Unified Certification Program (UCP), which is required by the U.S. Department of Transportation. 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, 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.transportation.gov/civil-rights> (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 C.F.R. §26.5 and the Airport Concession Disadvantaged Business Enterprise Program as defined in 49 C.F.R. §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 C.F.R. Parts 180 and 1200, No procurement 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 firms owned by the persons listed has ever been denied certification as a DBE/ACDBE, 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. 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. 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 are responsible for the functions listed for the firm. 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**

State the name, City and State of your firm's bank. Identify the persons able to sign checks on this account. Provide bank authorization and signature cards.

Bonding Information. State your firm's bonding limits both 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.

**Section 5: AIRPORT CONCESSION (ACDBE) APPLICANTS**

Complete the entries in this section if you are applying for ACDBE certification. Indicate in Section A if you operate a concession at the airport, and/or supply a good or service to an airport concessionaire. Indicate in Section B whether the applicant firm owns or operates any off-airport locations, providing the type of business, lease information, address/location, and annual gross receipts generated. Provide similar information in section C for any airport concession locations the firm currently owns or operates. If the applicant firm has any affiliates, provide the requested information in Section D. Indicate whether the ACDBE firm is participating in any joint ventures, and if so, include the original and any amended joint venture agreements.

**AFFIDAVIT & SIGNATURE**

The Affidavit of Certification must accompany your application. 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

I am applying for certification as ☐ DBE ☐ ACDBE

(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 ☐ Gifted  
☐ Merger or consolidation ☐ Other (explain) \_\_\_\_\_

**(6) Is your firm "for profit"?** ☐ Yes  
Federal Tax ID# \_\_\_\_\_

No → **STOP!** If your firm is NOT for-profit, then you do NOT qualify for this program and should not fill out this application.

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

- ☐ Sole Proprietorship  
☐ Limited Liability Partnership  
☐ Partnership ☐ Corporation  
☐ Limited Liability Company ☐ 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 engage 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)

<b>(1) Full Name:</b> _____	<b>(2) Title:</b> _____	<b>(3) Home Phone #:</b> _____
<b>(4) Home Address (Street and Number):</b> _____	<b>City:</b> _____	<b>State:</b> _____
<b>Zip:</b> _____		

<b>(5) Gender:</b> <input type="checkbox"/> Male <input type="checkbox"/> Female  <b>(6) Ethnic group membership</b> (Check all that apply)  <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Asian Pacific <input type="checkbox"/> Native American <input type="checkbox"/> Subcontinent Asian <input type="checkbox"/> Other (specify) _____  <b>(7) U.S. Citizenship:</b> <input type="checkbox"/> U.S. Citizen <input type="checkbox"/> Lawfully Admitted Permanent Resident	<b>(8) Number of years as owner:</b> _____ <b>(9) Percentage owned:</b> _____ % Class of stock owned: _____ Date acquired _____  <b>(10) Initial investment to acquire ownership interest in firm:</b> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;">Type</th> <th style="text-align: left; border-bottom: 1px solid black;">Dollar Value</th> </tr> </thead> <tbody> <tr> <td>Cash</td> <td>\$ _____</td> </tr> <tr> <td>Real Estate</td> <td>\$ _____</td> </tr> <tr> <td>Equipment</td> <td>\$ _____</td> </tr> <tr> <td>Other</td> <td>\$ _____</td> </tr> </tbody> </table> Describe how you acquired your business: <input type="checkbox"/> Started business myself. <input type="checkbox"/> It was a gift from: _____ <input type="checkbox"/> I bought it from: _____ <input type="checkbox"/> I inherited it from: _____ <input type="checkbox"/> Other _____ (Attach documentation substantiating your investment)	Type	Dollar Value	Cash	\$ _____	Real Estate	\$ _____	Equipment	\$ _____	Other	\$ _____
Type	Dollar Value										
Cash	\$ _____										
Real Estate	\$ _____										
Equipment	\$ _____										
Other	\$ _____										

#### 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
<b>(1) Officers of the Company</b>	(a)				
	(b)				
	(c)				
	(d)				
<b>(2) Board of Directors</b>	(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. Complete for all Owners who are responsible for the following functions of the firm** (Attach separate sheets as needed).

A = Always F = Frequently	S = Seldom N = Never	Majority Owner (51% or more)				Minority Owner (49% or less)			
		Name: _____	Title: _____	Percent Owned: _____		Name: _____	Title: _____	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"/>



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

<b>A = Always</b> <b>S = Seldom</b> <b>F = Frequently</b> <b>N = Never</b>	Officer/Director/Manager/Key Personnel				Officer/Director/Manager/Key Personnel			
	Name: _____ Title: _____ Race and Gender: _____ Percent Owned: _____				Name: _____ Title: _____ Race and Gender: _____ 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

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**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:**

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

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

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

**Additional Information:** \_\_\_\_\_



## SECTION 5 - AIRPORT CONCESSION

(ACDBE APPLICANTS ONLY)

A. I am applying for ACDBE certification to: *(check all that apply)*

Operate a concession at an airport      Supply a good or service to an airport concessionaire

B. Does the applicant firm own/operate any off-airport locations? ☐ Yes ☐ No *If Yes, identify the following*

Type of Business (e.g., F&B, News & Gift, Retail, Duty Free, Advertising, etc.)	Lease Term (years)	Lease Start Date	Address / Location	Annual Gross Receipts Generated

C. Does the applicant firm currently own/operate any airport concession locations? ☐ Yes ☐ No *If Yes, supply the following information:*

Airport Name	Concession Type (e.g., F&B, News & Gift, Retail, Duty Free, Advertising, etc.)	Number of Leases	Number of Locations	Annual Gross Receipts Generated	Lease Type (e.g. Direct Lease, Subcontract Management Agreement, etc. enter all that apply to the leases listed)

D. Does the applicant firm have any affiliates? ☐ Yes ☐ No *If Yes, provide the following information concerning any locations owned/operated by affiliate firms.*

Airport Name	Concession Type (e.g., F&B, News & Gift, Retail, Duty Free, Advertising, etc.)	Number of Leases	Number of Locations	Annual Gross Receipts Generated	Lease Type (e.g. Direct Lease, Subcontract Management Agreement, etc. enter all that apply to the leases listed)

E. Is the ACDBE applicant firm a participant in any joint ventures? ☐ Yes ☐ No *If Yes, attach all original and any amended Joint Venture Agreements and any amendments to the agreements.*



## 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 who the applicant firm relies upon to satisfy the Regulation's 51% ownership requirement.
- ☐ 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 decertification's, 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 director's 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 certifying agency 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)
- ☐ 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 H**

### **DBE CERTIFICATION PROCEDURES**

#### **Iowa DOT Procedures**

**Objectives:** Iowa DOT's commitment is to maximize contracting opportunities to bona fide DBE firms and DBE majority controlled joint venture firms. These must be small businesses owned and controlled by one or more socially and economically disadvantaged persons.

**Definitions:** A socially disadvantaged person is one who is a U.S. citizen or legal resident, has been subject to discrimination in education or business, has documented such discrimination and is:

1. Black American
2. Hispanic American
3. Native American
4. Asian-Pacific American
5. Subcontinent-Asian American
6. Woman
7. Others determined to be disadvantaged

An economically disadvantaged person is one who is a member of one of the above-protected groups and who has a PNW of less than \$1,320,000, excluding the value of one personal residence and the value of the ownership in the applicant firm. See Appendix D of 49 CFR Part 26.

An eligible firm is an existing small business (in business over 1 year) at least 51% owned and controlled by 1 or more socially and economically disadvantaged persons.

**Application:** An applicant must complete Iowa DOT Form 650180, an 8 page application and enclose all required documents on the checklist. All incoming applications are checked for completeness and compliance with business size and ownership. Complete applications will receive a decision letter within 90 calendar days. Incomplete applications may be returned.

**Document review:** Each complete application is assigned to an Iowa DOT DBE specialist for an in-depth review. The specialist will evaluate the operational and managerial control through corporation, partnership, and leasing documents review, the financial statements, personal and business tax returns, verify proof of ownership, resume of experience, and the firm's work experience.

**On-site Interview:** An interview is scheduled with the owner(s) at the firm's office. The DBE specialist uses Iowa DOT's on-site review questionnaire and supplements it with areas of concern specific to the firm.

**Job-site Review:** If the firm has any type of job in progress, the DBE specialist will visit the job site, interview employees, look at equipment and speak with other contractors or inspectors at the job site.

Evaluation: At the completion of the review, the DBE specialist will evaluate all information and conduct any final verification. The initial recommendation of the specialist is the first step in the team process. The file then goes to the certification team members. If there are any questions, uncertain issues, a denial, or removal of eligibility, the team meets to discuss and perhaps request further investigation. If all concur, a denial letter is sent. If necessary, the file may be returned to the specialist for further work.

Certification: When a firm is certified, they will be notified in writing, added to the DBE directory and mail list and be given an opportunity to request specific support services to meet their needs. All certifications are for 3 years. At the end of 3 years, the firm must again apply for certification.

Annual Affidavit: Each year on an assigned date every certified DBE firm must submit a signed, sworn notarized statement that the firm meets the size standard and has no changes in ownership or control that would affect eligibility. The statement must be accompanied by supporting documentation, which may include personal tax return, personal financial statement, the company tax return and the company financial statement. Failure to do so by the assigned date will result in removal of eligibility for failure to cooperate.

## Denials

When the application review team recommends denial of a new applicant, the applicant firm is notified in writing, sent certified mail. The letter explains the reason for denial and specifically references the evidence to support each reason for denial.

A denied firm may not reapply for a period of 12 months from the date of the denial letter. The firm may appeal in writing to the Iowa DOT DBE Appeal Committee and if the denial is upheld by the Committee, the applicant can appeal to the U. S. DOT.

## Removal of Eligibility

Complaints: Iowa DOT will accept written complaints from any person alleging that a currently certified DBE firm is ineligible and stating specific reasons for ineligibility. Anonymous or general complaints will not be accepted. The Iowa DOT will thoroughly investigate the complaint and if reasonable cause is found, will notify the DBE and the complainant in writing.

Iowa DOT Initiated: When Iowa DOT has reason to believe a certified DBE firm is ineligible, the DBE will be notified of the finding in writing. The letter will state the reason and cite the evidence.

U.S. DOT Initiated: The U.S. DOT may notify Iowa DOT of reasonable cause to find a certified DBE firm to be ineligible. The Iowa DOT must immediately initiate removal procedures.

Hearing: When a DBE firm receives written notice of intent to remove eligibility, the firm has 10 days to request an informal hearing to refute the allegations. The Iowa DOT must prove by a preponderance of evidence that the firm is ineligible. The Iowa DOT will provide a Tape

Recorder to record the hearing and prepare a transcript. The decision-maker for the appeal hearing will be the Iowa FHWA division staff person with DBE oversight responsibility.

**Decision:** The decision to remove eligibility will be based on circumstances that have changed since certification, evidence that was not available at certification, evidence that was concealed or misrepresented, a change in certification standards or a documentation of erroneous facts.

**Notice of Decision:** Following the decision, the Iowa DOT will notify the DBE firm of the decision and any consequences. The firm remains an eligible DBE throughout the investigation and hearing process. The removal of eligibility becomes effective on the date of the decision letter.

**Effects:** The prime contractor will receive DBE credit for all DBE work that is currently under contract. If there was a bid commitment but no written subcontract was executed yet, the prime contractor must make a good faith effort to find another DBE firm for all or part of the committed amount.

### US DOT Appeal

**Who May Appeal:** Any applicant who has been denied certification by the Iowa DOT or a previously certified firm whose eligibility was removed by the Iowa DOT may appeal. Any complainant in an ineligibility complaint to the Iowa DOT may appeal if the Iowa DOT does not remove eligibility and they believe the finding to be in error.

Where to send Appeals to:

Department of Transportation  
Office of Civil Rights  
400 SW 7th St.  
Room 2401  
Washington, DC 20590

**When:** The complete appeal must be filed within 90 days of the decision letter date.

**What:** The appeal must contain a narrative as to why the Iowa DOT decision was in error and documents to show or prove the error. If you are an applicant who was denied or a DBE whose eligibility was removed, you must disclose in the appeal all other denials or rejections within 1 year of the date of the appeal. Failure to do so is a failure to cooperate.

**Recipient:** The Iowa DOT will provide to the U.S. DOT an administrative record and hearing transcript within 20 days.

### Record Keeping Requirements

The Iowa DOT will provide inspection and supportive services on highway construction projects with DBE participation. Part of this service is maintaining accurate records on the activities and progress of the project while also monitoring the quality of materials and workmanship being



incorporated into the project. To insure prompt and accurate payment for work successfully completed, all project information is kept daily in the field book. This should include working day reports, item progress, payment vouchers, field test results, etc.

## **ATTACHEMENT I**

State of Iowa DBE Directory can be found at:

<http://www.iowadot.gov/civilrights/documents/DBE%20Directory.pdf>

## **ATTACHMENT J**

### **IOWA DEPARTMENT OF TRANSPORTATION (Iowa DOT) UNIFIED CERTIFICATION PROGRAM (UCP) AGREEMENT (Revised 10/18/02)**

#### **Development & Proposal**

The new Disadvantaged Business Enterprise (DBE) requirements contained in 49 CFR Part 26 included a provision for a "one-stop" certification process. The process must be defined and submitted to the Secretary of Transportation for approval within 3 years of publication of the regulations, February 2002. (Attachment J) Failure to develop and execute a UCP agreement will result in a loss of USDOT funding.

#### **Impact on Recipient Programs**

Federal regulations, 49 CFR Part 26, require all USDOT fund recipients implement a UCP within three years. The statewide UCP must establish a single uniform process or "one stop- shopping" for DBE applications, certifications, and development of a single point DBE Directory. All USDOT recipients will be required to ratify the UCP agreement and all DBE certifications by the Iowa DOT will be binding.

The UCP will not establish, recommend or alter any agencies' overall DBE Program, other than to supplement an approved program submittal, DBE goal, or goal methodology.' DBE goal development, administration, monitoring, and reporting remains the sole responsibility of the agency with a USDOT approved DBE Program in accordance with 49 CFR Part 26, subject to any oversight requirements of the lead agency. Any agency that elects not to establish a DBE Program as set forth in 49 CFR Part 26 will be required to adopt and implement the lead agency's program. The lead agency in Iowa is the Iowa DOT for the majority of the recipient's USDOT federal funds.

Firms currently certified through local agencies, will not be decertified from working on local projects with local funds, if they wish to be in the UCP Directory and be available for working on projects with federal funds as certified DBEs they will have to apply and be approved by this office.

#### **Reciprocity**

The Iowa DOT may elect to enter into a written reciprocity agreement; with UCPs in other states or regions.

#### **Process Review**

The Iowa DOT has developed an application letter, approval letter, and certificate of approval. (Attachments B, C, & D) The current DBE application will be used due to the impending application under development by the USDOT.

## **Ratification Process**

All recipients of federal funds administered by the USDOT, either directly or indirectly, must ratify and comply with the UCP agreement. Failure to ratify the agreement may result in the loss of federal funds from the Iowa DOT and/or the USDOT.

All recipients and sub-recipients are bound by the requirements of the UCP and will need to sign the agreement once it is finalized. The Iowa UCP will be implemented immediately upon its approval.

## **Initial Consolidation and Application**

The Iowa DOT will review all firms that make a written request to determine eligibility under 49 CFR Part 26. The Iowa DOT will review any investigative information, the certification file, and any other documentation provided. The Iowa DOT will then make a determination as to whether or not the firm meets the eligibility requirements.

The Iowa DOT is prepared to accept applications for certification from concessionaires at this time. Except for the differences in PNW and AGR information all other certification procedures for the State of Iowa will remain the same.

All requirements of Subparts D and E of 49 CFR Part 26, which outlines certification standards and DBE certification procedures, shall be enforced by the Iowa DOT to determine eligibility for participation as a DBE in U.S. DOT assisted contracts. Certification decisions are based on the facts as a whole, and all certification standards must be met before a firm will be eligible for participation as a DBE. To apply for certification or obtain information about the process, firms should contact:

Iowa D.O.T. Office of Contracts  
EEO Section 800 Lincoln Way  
Ames, Iowa 50010  
Phone: 515-239-1422  
Fax: 515-239-1325

Applications will be processed as received, if the application is complete the process and a decision will be made in 90 days or less, if more information is required of the applicant extensions may be needed.

Applications from outside the State of Iowa will be reviewed and processed provided the applicant is certified in their "home" state and information regarding that certification is available upon request.

Any applicant that is denied certification can appeal that decision to the Iowa DOT Appeals Committee. This committee is comprised of five Iowa DOT employees from outside the Office of Contracts who are appointed by the Director of the Iowa DOT's Highway Division. Members

of this committee serve until they request to be removed or transfer from the area, retire etc. The committee is chaired by the Office of Contracts Assistant Engineer who will not have a vote and will not be considered a part of the committee. The chair and all committee members understand the certification requirements. They shall review all evidence provided by the Iowa DOT's Affirmative Action Officer who made the initial determination, and render a decision. A simple majority of votes constitutes their decision. If the applicant is still denied certification, they will be informed of their right to appeal to U.S. DOT. Such appeals may be sent to:

U.S. Department of Transportation Office of Civil Rights  
Certification Appeals Branch  
400 7th St., SW, Room 2104  
Washington, D.C. 20590

After the effective date of this Agreement, only firms certified based on guidelines prescribed in 49 CFR Part 26 and provisions of this agreement, shall be recognized as certified by the Iowa DOT.

No applicant will be eligible to bid on a project as a DBE until the certification process is complete, the applicant approved, and the applicant being listed in our directory.

### **DBE Directory**

All recipients in the State of Iowa have been informed and will be updated periodically that the only source of DBE Contractors that can be used on Federally assisted contracts in the State of Iowa are listed in our Directory under the Iowa UCP.

Our directory of Certified DBEs is available in print and on the internet at this time. The directory is maintained by staff of the Iowa DOT Office of Contracts, updates and or changes to both versions are made as amendments and are changed or distributed with each monthly letting.

### **Appeals Process**

The Appeals Committee will consist of 5 members. The Appeals Committee will give the firm the opportunity for administrative re-consideration of the eligibility determination. As required in the DBE regulations, a firm may appeal directly to the USDOT, however, if they choose to appeal to the Iowa DOT Appeals Committee, they do **not** forfeit the right to appeal to the USDOT, within the time frame provided in 49 CFR Part 26.

**Initial Certification Applicant Denials** - When a firm is denied certification, a certified letter is sent in which they are given the opportunity to appeal that decision, if they choose to appeal, a hearing will be scheduled before the Appeals Committee as listed above. To do this, they must request an appeal, in writing, within 15 days of their receipt of the letter. If an appeal is requested the firm is contacted within 3 days to schedule the appeal. If the denial is upheld by the Committee, the DBE firm has the right to appeal to the USDOT within 90 days of the notice.

**Denial of Re-Certification and De-Certifications** - When a certified firm is decertified or denied recertification, they are sent a certified letter in which they are given the opportunity to appeal

that decision, to an internal DBE Appeals Committee. To do this, they must request an appeal, in writing, within 15 days of their receipt of the letter.

**Administrative Removal of Eligibility** - In circumstances where a certified firm, or a new applicant firm, has failed to submit required documentation or exceeded Personal Net Worth thresholds, there will be no administrative re-consideration. Those circumstances include:

- Any certified firm that does not submit the annual update required in 49 CFR Part 26 will have certification removed for failure to comply after 45 days from the date the update was due. The update is due March 1<sup>st</sup> of every year. Failure to submit the update is not appealable.
- Any firm previously certified and denied certification due to exceeding the Personal Net Worth cap by the disadvantaged owner is not appealable.
- If any certified firm's disadvantaged owner's Personal Net Worth exceeds the cap within the 3 year period of certification, the eligibility of the firm will be removed. Removal of certification for exceeding Personal Net Worth is not appealable.

### **SIC/NAIC Codes**

The Iowa DOT agrees to certify all firms in compliance with 49 CFR Part 26, including designating specific work types. The Iowa DOT agrees to use the SIC/NAIC codes for those designations.

Any firm may request modification and/or additions to their approved codes by making a written request to the Iowa DOT. The request must include the equipment and experience indicating the firm's ability to perform the particular work type. In addition, the firm must submit documentation of past contracts on which the firm has performed the specific type of work. A sample request application is set out in Attachment E.

During the certification process the department shall compile a list of equipment owned or leased by the applicant, licenses held by key employees if applicable and obtain a statement from the firm explaining what type of work they plan of performing as a certified DBE. This information will be verified during the "on site" visit.

### **3rd Party Challenges**

The Iowa DOT will accept 3rd party challenges to a DBEs certification if it is in writing and signed by the complainant. If after a complete investigation it appears that the complaint has merit the department will notify the DBE and the complainant in writing.

**Iowa DOT Initiated:** When Iowa DOT has reason to believe a certified DBE firm is ineligible, the DBE will be notified of the finding in writing. The letter will state the reason and cite the evidence.

**USDOT Initiated:** The USDOT may notify Iowa DOT of reasonable cause to find a certified DBE firm to be ineligible. The Iowa DOT will immediately initiate removal procedures.

In any case, the DBE firm will receive written notice of intent to remove eligibility, the firm will have 10 days to request an informal hearing to refute the allegations. The Iowa DOT must prove

by a preponderance of evidence that the firm should be considered ineligible. This hearing will take place before the Iowa DOT Appeal Committee. To ensure a separation of functions in all decisions, the members of the DBE appeal committee will not have participated in any way in the proceedings or the decision to initiate proceedings, leading to the proposal to decertify. This separation of functions will be maintained at all times whether the hearing is to decertify an existing DBE or the non approval of a new applicant.

### **Supportive Services**

Assistance is provided to all DBE certified firms in the following areas.

- preparation of the certification application
- information about how to obtain bidding documents and plans
- plan reading
- dealing with contractors
- information about dealing with the Iowa DOT
- assistance in developing loan packages and financial statements

## ATTACHMENTS

### Attachment A

49 CFR Part 26

§26.81 What are the requirements for Unified Certification Programs?

(a) You and all other DOT recipients in your state must participate in a Unified Certification Program(UCP).

(1) Within three years of [insert date 30 days after date of publication in Federal Register], you and the other recipients in your state must sign an agreement establishing the UCP for that state and submit the agreement to the Secretary for approval. The Secretary may, on the basis of extenuating circumstances shown by the recipients in the state, extend this deadline for no more than one additional year.

(2) The agreement must provide for the establishment of a UCP meeting all the requirements of this section. The agreement must specify that the UCP will follow all certification procedures and standards of this part, on the same basis as recipients; that the UCP shall cooperate fully with oversight, review, and monitoring activities of DOT and its operating administrations; and that the UCP shall implement DOT directives and guidance concerning certification matters. The agreement shall also commit recipients to ensuring that the UCP has sufficient resources and expertise to carry out the requirements of this part. The agreement shall include an implementation schedule ensuring that the UCP is fully operational no later than 18 months following the approval of the agreement by the Secretary.

(3) Subject to approval by the Secretary, the UCP in each state may take any form acceptable to the recipients in that state.

(4) The Secretary shall review the UCP and approve it, disapprove it, or remand it to the recipients in the state for revisions. A complete agreement which is not disapproved or remanded within 180 days of its receipt is deemed to be accepted.

(5) If you and the other recipients in your state fail to meet the deadlines set forth in this paragraph (a), you shall have the opportunity to make an explanation to the Secretary why a deadline could not be met and why meeting the deadline was beyond your control.

If you fail to make such an explanation, or the explanation does not justify the failure to meet the deadline, the Secretary shall direct you to complete the required action by a date certain. If you and the other recipients fail to carry out this direction in a timely manner, you are collectively in noncompliance with this part.

(b) The UCP shall make all certification decisions on behalf of all DOT recipients in the state with respect to participation in the DOT DBE Program.

(1) Certification decisions by the UCP shall be binding on all DOT recipients within the state.



- (2) The UCP shall provide "one-stop shopping" to applicants for certification, such that an applicant is required to apply only once for a DBE certification that will be honored by all recipients in the state.
- (3) All obligations of recipients with respect to certification and nondiscrimination must be carried out by UCPs, and recipients may use only UCPs that comply with the certification and nondiscrimination requirements of this part.
- (c) All certifications by UCPs shall be pre-certifications; i.e., certifications that have been made final before the due date for bids or offers on a contract on which a firm seeks to participate as a DBE.
- (d) A UCP is not required to process an application for certification from a firm having its principal place of business outside the state if the firm is not certified by the UCP in the state in which it maintains its principal place of business. The "home state" UCP shall share its information and documents concerning the firm with other UCPs that are considering the firm's application.
- (e) Subject to DOT approval as provided in this section, the recipients in two or more states may form a regional UCP. UCPs may also enter into written reciprocity agreements with other UCPs. Such an agreement shall outline the specific responsibilities of each participant. A UCP may accept the certification of any other UCP or DOT recipient.
- (f) Pending the establishment of UCPs meeting the requirements of this section, you may enter into agreements with other recipients, on a regional or inter-jurisdictional basis, to perform certification functions required by this part. You may also grant reciprocity to other recipient's certification decisions.
- (g) Each UCP shall maintain a unified DBE directory containing, for all firms certified by the UCP (including those from other states certified under the provisions of this section), the information required by §26.31. The UCP shall make the directory available to the public electronically, on the internet, as well as in print. The UCP shall update the electronic version of the directory by including additions, deletions, and other changes as soon as they are made.
- (h) Except as otherwise specified in this section, all provisions of this subpart and subpart D of this part pertaining to recipients also apply to UCPs.

## Attachment B

Thank you for your interest in the Iowa Department of Transportation's Disadvantaged Business Enterprise Program.

The certification process is perhaps the most critical single element of DBE program administration, since it is to determine eligibility for participation in the program. As such, it is a state's first line of protection against program abuse.

In order to be certified, a firm must be:

- A small business as defined by Section 8(d) of the Small Business Act and as amended by TEA-21 of 1998. (*13 CFR, paragraph 121.3-8, lists definitions for small businesses by industry type.*). TEA-21 of 1998 restricts the size of small businesses to \$17.42 million three-year average gross income.
- Owned (*at least 51 percent*) by a socially and economically disadvantaged person or persons; and
- Controlled by a socially and economically disadvantaged person or persons.

To qualify as a Disadvantaged Business Enterprise (DBE) your firm must meet the eligibility standards established in Part 26, Title 49 of the Code of Federal Regulations, published February 2, 1999. Additional requirements were also passed in the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21). The Congress directed the U.S. Secretary of Transportation to establish minimum uniform criteria for state governments to use in certifying that a firm qualifies for participation in the DBE program. As a minimum, according to the Act, the criteria include on-site visits, field interviews, licenses, analysis of stock ownership, listing of equipment, analysis of bonding capacity, listing of work completed, resumes of principal owners, financial capacity, type of work performed, and notarized statement of personal net worth and that each DBE owner is, in fact, socially and economically disadvantaged. A copy of the rules are available upon request from the Iowa Department of Transportation's Office of Contracts.

Upon receipt of the completed Certification Application, the Department will evaluate the information submitted to determine compliance with the above criteria. It is, therefore, imperative that your application and any attached documentation provide evidence of the ownership and control of your firm. You shall also show that your firm has the resources necessary to perform the work you indicated. Only those firms which have been certified under this process can be considered for participation in the Department's DBE Program.

To ensure a timely review of your application, you must answer all questions and submit all requested documentation. If yours is a recently established firm, and portions of the application do not seem applicable, please place (NA) on the questions that do not apply. Failure to complete portions of the application and to submit the requested documentation will delay the certification process.

Sincerely,

EEO Administrator

Certificate No.

# **Disadvantage Business Enterprise Certification**

**This Certifies That**

Has met the requirements under the rules promulgated by the U.S. Department of Transportation pursuant to 49 Code of Federal Regulations, Part 26, and is eligible to participate as a Disadvantaged Business Enterprise in the Iowa Department of Transportation DBE Program

Issue Date:

Expiration Date:

Craig J. Russell, EEO Administrator

Roger E. Bierbaum, P.E., Contracts Engineer

This certification may be revoked by the department upon finding of ineligibility and said company is subject to examination at any time and maybe required to supply additional information for review notwithstanding the issuance of this certificate.

## Attachment D

Date

Co. Name Address City, ST Zip

Dear :

The Iowa Department of Transportation (Iowa DOT) has approved the eligibility of **COMPANY NAME** for credit on Iowa DOT contracts performing a commercially useful function in the area(s) of: **WORK TYPES CERTIFIED FOR**. For record-keeping purposes Iowa DOT is counting **COMPANY NAME** as a Woman/Disadvantaged Business Enterprise (W/DBE). If the firm should develop the resources, including equipment and personnel, to become involved in other areas, you should notify our office before quoting contracts in those other areas.

The certification of eligibility is valid for three years from Month Day, 201? to March 1, 201?. Enclosed with this approval letter is your DBE Certification Certificate. Your firm's name will be retained on our list of certified DBE's.

This determination is based on information provided to the Iowa DOT on the Schedule A Form Application for Determining Disadvantaged Business Enterprise, and the Social and Economic Disadvantaged Forms. Should this information change, you must complete a new application within 10 days of the change. In addition, Iowa DOT reserves the right to rescind this certification, should the information upon which it is based is proven false, inaccurate, or misleading.

You will be required to submit a Recertification Form to renew certification every three years, with Personal Financial Statements each year. These forms will be supplied by the Office of Contracts, EEO Section.

Iowa DOT has the responsibility for providing technical assistance to DBE firms for our highway projects. These services are currently being provided by the Office of Contracts at 515-239-1422. Certified firms are encouraged to utilize this office for assistance.

If you have any questions, please feel free to contact this office.

Sincerely,

Compliance Officer

## Attachment E

### DISADVANTAGED BUSINESS ENTERPRISE Request for Standard Industry Classification (SIC) Code Review

Name of Firm:			
Street Address:			
City:		State:	Zip:
Description of SIC Code Addition Requested			

List and attach documentation of the 5 largest contracts or supply invoices completed for the SIC code requested.

List all equipment you own or lease used to perform the work for the SIC code requested. Copies of current lease agreements or proof of payment must be attached.

Type of Equipment	Make	Model	Year	Date Acquired	Present Value

Please attach any other documentation or information relevant to the review of the SIC code your firm requested. This can include documentation of technical licenses, leases of property or facilities, training or expertise.

Signature	
Printed name	
Title	
Date	

## **AIRPORTS**

Albia	Council Bluffs	Independence	Oskaloosa
Algona	Creston	Iowa City	Ottumwa
Ames	Davenport	Iowa Falls	Pella
Ankeny	Decorah	Jefferson	Perry
Atlantic	Denison	Keokuk	Pocahontas
Audubon	Des Moines	Knoxville	Red Oak
Belle Plaine	Dubuque	Lamoni	Rockwell City
Bloomfield	Emmetsburg	LeMars	Sac City
Boone	Estherville	Mapleton	Sheldon
Burlington	Fairfield	Maquoketa	Shenandoah
Carroll	Forest City	Marshalltown	Sioux City
Cedar Rapids	Fort Dodge	Mason City	Spencer
Centerville	Fort Madison	Monticello	Storm Lake
Chariton	Greenfield	Mount Pleasant	Vinton
Charles City	Grinnell	Muscatine	Washington
Cherokee	Guthrie County	Newton	Waterloo
Clarinda	Hampton	Oelwein	Waverly
Clarion	Harlan	Orange City	Webster City
Clinton	Humboldt	Osceola	West Union
			Winterset

## **TRANSITS**

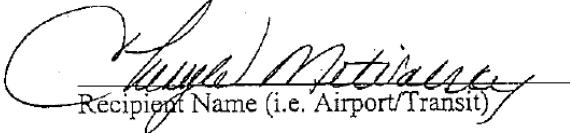
Ames Transit Agency Bettendorf  
Transit System  
Cedar Rapids Five Seasons Transportation & Parking  
Coralville Transit System  
City of Council Bluffs Davenport  
CitiBus  
Des Moines Metropolitan Transit Authority (MTA) Keyline  
Transit - Dubuque  
Iowa City Transit  
University of Iowa - CAMBUS  
Sioux City Transit  
Dodger Area Rapid Transit (DART) - Fort Dodge

**Recipient Signature(s)**

Federal Regulations 49 CFR Part 26 requires all recipients in the state to sign this agreement establishing this document as the UCP for the State of Iowa.

By your signatures, you are completing that agreement. Please obtain all necessary signatures and return this page only to the Iowa Department of Transportation, Office of Contracts, 800 Lincoln Way, Ames, Iowa 50010.

CEDAR RAPIDS AIRPORT COMMISSION

  
\_\_\_\_\_  
Recipient Name (i.e. Airport/Transit)

Cheryle Mitvalsky, Chair  
\_\_\_\_\_  
(Name & Title)

## **ATTACHEMENT K**

### **Small Business Participation Element**

#### Objective

To comply with 49 CRF Part 26.39, the Commission seeks to implement a small business element into its current DBE policy. The Commission is including this element to facilitate competition by and expand opportunities for small businesses. The Commission is committed to taking reasonable steps to eliminate obstacles to small businesses that may preclude their participation in procurements on FAA-assisted contracts. The Commission will meet its objectives using a combination of the methods and strategies:

- ◆ **Set asides:** To comply with Section 26.9 of the State Code of Iowa, the Commission will not use set asides for participation by small businesses on FAA-assisted contracts.
- ◆ **Unbundling:** The Commission, where feasible, may “unbundle” or separate large contracts into smaller contracts which may be more suitable for small business participation. The Commission will conduct contract reviews on each FAA-assisted contract to determine whether portions of the project could be “unbundled” or bid separately. This determination will be made based on the estimated availability of small businesses able to provide specific scopes of work and will consider any economic or administrative burdens which may be associated with unbundling.
- ◆ **Outreach and technical assistance:** The Commission will provide outreach and technical assistance to small businesses through advertising FAA-assisted contracting opportunities through various outlets, including the local newspaper and trade publications as well as on its website; and conducting pre-bid meetings on FAA-assisted contracts to assist small businesses understand the project and interpret the bid documents and procedures.

As described above, the Commission will utilize several methods to facilitate small business participation. In each FAA-assisted contract, the DBE Liaison Officer will document the method in which the small business element will be implemented (i.e. unbundling and/or outreach and technical assistance) and the process by which those methods were considered.

#### Definitions

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



2. Disadvantaged Business Enterprise: A for-profit small business (as defined by the Small Business Administration): (i) that is at least fifty-one percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which fifty-one percent of the stock is owned by one or more such individuals; (ii) whose socially and economically disadvantaged owners do not exceed the personal net worth (PNW) described in 49 CFR Part 26. The current PNW cap is \$1.32 million; (iii) whose average annual gross receipts, as defined by SBA regulations over the firm's previous three fiscal years is less than \$23.98 million; whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it; (iv) and has been certified as a DBE by the Iowa Department of Transportation (IDOT) in accordance with 49 CFR 26.

#### Certification and Verification Procedures

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

1. IDOT DBE Certification: DBE certification by the IDOT that stipulates a firm has met all the requirements in accordance with 49 CFR Part 26.
2. IDOT Small Business: Defines an eligible small business as any enterprise under a single management with either fewer than twenty employees or an annual gross income of less than \$4 million based on a three-year average. There is no ethnic or gender limitations.
3. SBA 8(a) Business Development Certification: As described in 13 CFR Parts 121 and 124 with submittal of three years of business tax returns.

#### Implementation Schedule

The Commission approved the Small Business Participation element of the DBE Program at its meeting on February 27, 2012, and will implement it within nine months of the FAA's approval of this element.