

# **DBE PROGRAM FOR COUNTY AIRPORTS**

## **Public Works Department**

### **Contra Costa County**

#### **Section 26.1, 26.23 Objectives/Policy Statement**

Contra Costa County (County), owner of Buchanan Field and Byron Airports, has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26 ("Part 26"). All references to "Section" refer to subparts in Part 26). The County has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the County has signed an assurance that it will comply with 49 CFR Part 26. The County's DBE Program for County Airports applies to County airport projects that receive Federal Aviation Administration (FAA) funding. It supersedes the County DBE Program adopted by the Board of Supervisors on December 8, 2015, as applied to County airports. The County DBE Program adopted by the Board of Supervisors on December 8, 2015, will continue to apply to County projects that receive Federal Highway Administration (FHWA) funds, unless it is superseded by a revised program adopted by the Board of Supervisors.

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

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

The County's Public Works Director ("Director") has been designated as the DBE Liaison Officer (DBELO). In that capacity, the Director is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the County in its financial assistance agreements with the DOT.

This policy statement has been made available to the County's Board of Supervisors and to all relevant County departments. The County will post this policy statement on the publicly viewed Public Works and Airport web pages and make it available to both DBE and non-DBE businesses that perform work for the County on DOT-assisted contracts.

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Brian Balbas, Public Works Director

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Date

## **SUBPART A – GENERAL REQUIREMENTS**

### **Section 26.1 Objectives**

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

### **Section 26.3 Applicability**

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

### **Section 26.5 Definitions**

Defined terms used in this program have the meaning given them in Section 26.5. For more details on 49 CFR Part 26 and links to related websites, see Attachment 1.

### **Section 26.7 Non-discrimination Requirements**

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

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

### **Section 26.11 Record Keeping Requirements**

#### **1. Reporting to DOT: 26.11(b)**

The County will report DBE participation to DOT/FAA as follows:

The County will transmit to FAA annually on December 1, the “Uniform Report of DBE Awards or Commitments and Payments” form, found in Appendix B to Part 26. The County will also report the DBE contractor firm information either on the FAA DBE Contractor’s Form or other similar format. The County will begin using the revised Uniform Report of DBE Awards or Commitments and Payments for reporting FY 2019 reports due December 1, 2019.

#### **2. Bidders List: 26.11(c)**

The County will create and maintain a bidders list. The purpose of the list is to provide as accurate data as possible about the universe of DBE and non-DBE contractors and subcontractors who seek to work on County 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.

The County will collect this information in the following ways:

A copy of the data collection form is included as Attachment 3 "Bidders List Application." This form is posted and downloadable on the Public Works and Airport websites. Lists are maintained and updated by the individual divisions using them.

### **Section 26.13 Federal Financial Assistance Agreement**

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

1. Assurance: 26.13(a) Each financial assistance agreement the County signs with a DOT operating administration (or a primary recipient) will include the following assurance:

"Assurance: 26.13(a) The recipient 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 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 recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq. )."

*[Note: The above language is to be used verbatim, as it is stated in 26.13(a).]*

2. Contract Assurance: 26.13(b) The County will ensure that the following clause is included in each contract the County signs with a contractor and each subcontract the prime contractor signs with a subcontractor:

"Contract Assurance (26.13) The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:

- (1) Withholding monthly progress payments;
- (2) Assessing sanctions;
- (3) Liquidated damages; and/or
- (4) Disqualifying the contractor from future bidding as non-responsible."

[Note: The above language is used verbatim, as it is stated in 26.13(b) in the Special Conditions of each contract/agreement.]

## **SUBPART B - ADMINISTRATIVE REQUIREMENTS**

### **Section 26.21 DBE Program Updates**

The County is required to have a DBE program meeting the requirements of Part 26 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. The County is not eligible to receive DOT financial assistance unless DOT has approved the County's DBE program and the County is in compliance with it and Part 26. The County will continue to carry out its program until all funds from DOT financial assistance have been expended. The County does not have to submit regular updates of our program, as long as the County remains in compliance. However, the County will submit significant changes in the program for approval.

### **Section 26.23 Policy Statement**

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

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

The Department has designated the following individual as our DBE Liaison Officer:

*Brian Balbas  
Public Works Director  
255 Glacier Drive  
Martinez, CA 94553  
(925) 313-2000  
Brian.balbas@pw.cccounty.us*

In that capacity and in coordination with other appropriate officials, the DBELO is ultimately responsible for developing, implementing and monitoring the DBE program and ensuring that the County complies with all provisions of 49 CFR Part 26. The DBELO relies on Department staff from several divisions including the Airports, Design/Construction, Transportation, Contracts Administration and County Counsel to assist in the administration of the program. DBELO has direct, independent access to the Public Works Director concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment 2 to this Program.

Department staff fulfills the following duties and responsibilities of the DBELO:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all Department divisions to set overall annual goals.



4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
6. Analyzes Department's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the County Administrative Officer\Board of Supervisors on DBE matters and achievement.
9. Determines contractor compliance with good faith efforts.
10. Plans and participates in DBE training seminars.
11. Provides outreach to DBEs and community organizations to advise them of opportunities.

#### **Section 26.27 DBE Financial Institutions**

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

Information on the availability of such institutions can be obtained from the DBE Liaison Officer. The California Department of Transportation (Caltrans) Disadvantaged Business Enterprise Program may offer assistance to the DBE Liaison Officer.

#### **Section 26.29 Prompt Payment Mechanisms**

The County has established, as part of its DBE Program, a contract clause requiring prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 10 days from receipt of each payment made by the County to the prime contractor.

The County will ensure prompt and full payment of retainage from the prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed. The County will use the following method to comply with this requirement:

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

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

### Prompt Payment

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

"Prompt Payment (26.29) - The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 10 days from the receipt of each payment the prime contractor receives from the County. The prime contractor agrees further to return retainage payments to each subcontractor within 30 days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the County. This clause applies to both DBE and non-DBE subcontractors."

### Monitoring Payments to DBEs

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

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

### **Section 26.31      Directory**

The County will refer interested persons to the Unified Certification Program DBE directory available from the Caltrans Disadvantaged Business Enterprise Program's website at [www.dot.ca.gov/hq/bep](http://www.dot.ca.gov/hq/bep). See Attachment 4 for additional information.

### **Section 26.33      Over-concentration**

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

### **Section 26.35      Business Development Programs**

The County has not established a business development program.

## **Section 26.37      Monitoring and Enforcement Mechanisms**

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

1. The County will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.107.
2. The County will implement similar action under its own legal authorities, including responsibility determinations in future contracts. Attachment 7 lists the regulations, provisions, and contract remedies available in the event of non-compliance with the DBE regulation by a participant in its DBE Program.
3. The County 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.
4. The Department will assign a Resident Engineer (RE) or Contract Administrator to monitor and track actual DBE participation through contractor and subcontractor reports of payments in accordance with the following:

### **A. After Contract Award**

After the contract award the County will review the award documents for the portion of items each DBE and first tier subcontractor will be performing and the dollar value of that work. With these documents the RE/Contract Administrator will be able to determine the work to be performed by the DBEs or subcontractors listed.

### **B. Preconstruction Conference**

A preconstruction conference will be scheduled between the RE/Contract Administrator and the contractor or their representative to discuss the work each DBE subcontractor will perform.

Before work can begin on a subcontract, the local agency will require the contractor to submit a completed "Subcontracting Request," Exhibit 16-B of the Caltrans Local Assistance Program Manual (LAPM) or equivalent. When the RE/Contract Administrator receives the completed form, it will be checked for agreement of the first-tier subcontractors and DBEs. The RE/Contract Administrator will not approve the request when it identifies someone other than the DBE or first tier subcontractor listed in the previously completed "List of Subcontractors and DBEs" form in the Proposal and the "Local Agency-Bidder DBE Information (Construction Contracts)," Exhibit 15-G of the LAPM or equivalent. The "Subcontracting Request" will not be approved until any discrepancies are resolved. If an issue cannot be resolved at that time, or there is some other concern, the RE/Contract Administrator will require

the contractor to eliminate the subcontractor in question before signing the subcontracting request. A change in the DBE or first tier subcontractor may be addressed during a substitution process at a later date.

Suppliers, vendors, or manufacturers listed on the "Local Agency-Bidder DBE Information (Construction Contracts)," Exhibit 15-G of the LAPM or equivalent will be compared by the RE/Contract Administrator to those listed in the completed "Notice of Materials to be Used", Exhibit 16-I of the LAPM or equivalent. Differences must be resolved by either making corrections or requesting a substitution.

Substitutions will be subject to the Subletting and Subcontracting Fair Practices Act (FPA). Local agencies will require contractors to adhere to the provisions within Subletting and Subcontracting Fair Practices Act (State Law) Sections 4100-4144. FPA requires the contractor to list all subcontractors in excess of one half of one percent (0.5%) of the contractor's total bid or \$10,000, whichever is greater. The statute is designed to prevent bid shopping by contractors. The FPA explains that a contractor may not substitute a subcontractor listed in the original bid except with the approval of the awarding authority.

The RE/Contract Administrator will give the contractor a blank Exhibit 17-F of the LAPM, "Final Report Utilization of Disadvantaged Business Enterprises, First Tier Subcontractors" and will explain to them that the document will be required at the end of the project, for which payment can be withheld, in conformance with the contract.

### C. Construction Contract Monitoring

The RE will ensure that the RE's staff (inspectors) knows what items of work each DBE is responsible for performing. Inspectors will notify the RE immediately of apparent violations.

When a firm other than the listed DBE subcontractor is found performing the work, the RE will notify the contractor of the apparent discrepancy and potential loss of payment. Based on the contractor's response, the RE will take appropriate action: The DBE Liaison Officer will perform a preliminary investigation to identify any potential issues related to the DBE subcontractor performing a commercially useful function. Any substantive issues will be forwarded to the Caltrans Disadvantaged Business Enterprise Program. If the contractor fails to adequately explain why there is a discrepancy, payment for the work will be withheld and a letter will be sent to the contractor referencing the applicable specification violation and the required withholding of payment.

If the contract requires the submittal of a monthly truck document, the contractor will be required to submit "Monthly DBE Trucking Verification," Exhibit 16-Z of the LAPM, or equivalent, to the RE showing the owner's name; California Highway Patrol CA number; and the DBE certification number of the owner of the truck for each truck used during that month for which DBE participation will be claimed. The trucks will be listed by California Highway Patrol CA number in the daily diary



or on a separate piece of paper for documentation. The numbers are checked by inspectors regularly to confirm compliance.

Providing evidence of DBE payment is the responsibility of the contractor.

#### D. Substitution

When a DBE substitution is requested, the RE/Contract Administrator will request a letter from the contractor explaining why substitution is needed. The RE/Contract Administrator must review the letter to be sure names and addresses are shown, dollar values are included, and reason for the request is explained. If the RE/Contract Administrator agrees to the substitution, the RE/Contract Administrator will notify, in writing, the DBE subcontractor regarding the proposed substitution and procedure for written objection from the DBE subcontractor in accordance with the Subletting and Subcontracting Fair Practices Act. If the contractor is not meeting the contract goal with this substitution, the contractor must provide the required good faith effort to the RE/Contract Administrator for local agency consideration.

If there is any doubt in the RE/Contract Administrator's mind regarding the requested substitution, the RE/Contract Administrator may contact the DLAE for assistance and direction.

#### E. Record Keeping and Final Report Utilization of Disadvantaged Business Enterprises

The contractor shall maintain records showing the name and address of each first-tier subcontractor. The records shall also show:

- 1) The name and business address, regardless of tier, of every DBE subcontractor, DBE vendor of materials and DBE trucking company.
- 2) The date of payment and the total dollar figure paid to each of the firms.
- 3) The DBE prime contractor shall also show the date of work performed by their own forces along with the corresponding dollar value of the work claimed toward DBE contract goal, if applicable.

When a contract has been completed the contractor will provide a summary of the records stated above. The DBE utilization information will be documented on "Final Report Utilization of Disadvantaged Business Enterprises, First Tier Subcontractors," Exhibit 17-F of the LAPM or equivalent. The RE will compare the completed Exhibit 17-F to the contractor's completed "Local Agency Bidder DBE Information (Construction Contracts)," Exhibit 15-G of the LAPM or equivalent, and, if applicable, to the completed "Subcontracting Request," Exhibit 16-B of the LAPM. The DBEs shown on the completed Exhibit 17-F should be the same as those originally listed unless an authorized substitution was allowed, or the contractor used more DBEs and they were added. The dollar amount should reflect any changes made in planned work done by the DBE. The contractor will be required to explain in writing why the names of the subcontractors, the work items or dollar figures



are different from what was originally shown on the completed Exhibit 15-G when:

- a. There have been no changes made by the RE.
- b. The contractor has not provided a sufficient explanation in the comments attached to the completed Exhibit 17-F.

The explanation is to be attached to the completed Exhibit 17-F for submittal to the RE. The RE is to file the completed Exhibit 17-F in the project records.

The RE/Contract Administrator will keep track of the DBE certification status on the Internet at [www.dot.ca.gov/hq/bep](http://www.dot.ca.gov/hq/bep) and keep the RE informed of changes that affect the contract. The RE will require the contractor to act in accordance with existing contractual commitments regardless of decertification.

Attachment 6 includes blank Caltrans Exhibits 15-G, 17-F

### **Section 26.39      Fostering small business participation.**

The County has created a small business element to this program to facilitate competition by small business concerns. Under this program, the County is taking all reasonable steps to eliminate obstacles to participation by small businesses, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors.

The County's small business element is incorporated as Attachment 10 to this DBE Program. Fostering small business participation is a requirement of good faith implementation of our DBE program.

## **SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING**

### **Section 26.43      Set-asides or Quotas**

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

### **Section 26.45      Overall Goals**

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

<b>Airport Type</b>	<b>Region</b>	<b>Date Due (Goal Period)</b>	<b>Next Goal Due (Goal Period)</b>
<b>Non-Hub Primary</b>	<b>All Regions</b>	<b>August 1, 2018 (2019/2020/2021)</b>	<b>August 1, 2021 (2022/2023/2024)</b>

The DBE goals will be established in accordance with the 2-step process as specified in 49 CFR Part 26.45. If the County does not anticipate awarding DOT/FAA funded prime contracts the cumulative total value of which exceeds \$250,000 during any of the years within the three-year reporting period, the County will not develop an overall goal; however, this DBE Program will remain in effect and the County will seek to fulfill the objectives outlined in 49 CFR Part 26.1 and 26.45(c).

*Step 1.* The first step is to determine the relative availability of DBEs in the market area, “base figure”. We will use DBE Directories and Census Bureau Data for specified counties. We will then adjust the “base figure” percentage so that it reflects as accurately as possible the DBE participation the recipient would expect in the absence of discrimination based on past participation, a disparity study and/or information about barriers to entry to past competitiveness of DBEs on Contracts.

Any methodology the County chooses will be based on demonstrable evidence of local market conditions and be designed to ultimately attain a goal that is rationally related to the relative availability of DBEs in our market. The County understands that the exclusive use of a list of prequalified contractors or plan holders, or a bidders list that does not comply with the requirements of paragraph (c)(2) of Section 26.45, is not an acceptable alternative means of determining the availability of DBEs.

*Step 2.* Once the County has calculated a base figure, the County will examine all of the evidence available in our jurisdiction to determine what adjustment, if any, is needed to the base figure to arrive at our overall goal. If the evidence does not suggest an adjustment is necessary, then no adjustment will be made.

When establishing the overall goal, the County's program provides for consultation and publication, in accordance with 49 CFR Part 26.45 (g)(1). The program includes consultation with minority, women's and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the County's efforts to establish a level playing field for the participation of DBEs. The consultation will include a scheduled, direct, interactive exchange (e.g., a face-to-face meeting, video conference, teleconference) with as many interested stakeholders as possible focused on obtaining information relevant to the County's goal setting process, and it will occur before the County is required to submit our goal methodology to the operating administration for review pursuant to paragraph (f) of Section 26.45. The County will document in our goal submission the consultation process that the County engaged in. Notwithstanding paragraph (f)(4) of Section 26.45, the County will not implement our proposed goal until the County has complied with this requirement.

In addition, the County will publish a notice announcing our proposed overall goal before submission to the operating administration on August 1. The notice will be posted on our official internet web site and may be posted in any other sources (e.g., minority-focused media, trade association publications). If the proposed goal changes following review by the operating administration, the revised goal will be posted on our official internet web site. The County will inform the public that the proposed overall goal and its rationale are available for inspection during normal business hours at our principal airport office and that the County and DOT/FAA will accept comments on the goals for 30 days from the date of the notice. Notice of the comment period will include the addresses to which comments may be sent (including offices and websites) where the proposal may be reviewed. **The public comment period will not extend the August 1 deadline.**

Our Overall Three-Year DBE Goal submission to DOT/FAA will include a summary of information and comments received, if any, during this public participation process and our responses.

The County will begin using our overall goal on October 1 of the reporting period, unless the County has received other instructions from DOT.

#### Section 26.45 (e) - Project Goals

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



If the County establishes a goal on a project basis, the County will begin using our goal by the time of the first solicitation for a DOT-assisted contract for the project.

#### Section 26.45(f) - Prior Operating Administration Concurrent

The County understands that we are not required to obtain prior operating administration concurrence with our overall goal. However, if the operating administration's review suggests that our overall goal has not been correctly calculated or that our method for calculating goals is inadequate, the operating administration may, after consulting with us, adjust our overall goal or require that we do so. The adjusted overall goal is binding. In evaluating the adequacy or soundness of the methodology used to derive the overall goal, the U.S. DOT operating administration will be guided by the goal setting principles and best practices identified by the Department of Transportation in guidance issued pursuant to Section 26.9.

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 5 to this Program.

#### **Section 26.47      Failure to meet overall goals.**

The County 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 Part 26.

If the County 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, the County will do the following in order to be regarded by the Department of Transportation 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;
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;
3. The County will prepare, within 90 days of the end of the fiscal year, the analysis and corrective actions developed under paragraph (c)(1) and (2) of Section 26.47. We will retain copy of analysis and corrective actions in records for a minimum of three years and will make it available to FAA upon request.

### **Section 26.51(a-c) Breakout of Estimated Race-Neutral & Race-Conscious Participation**

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

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

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under Section 26.39 of Part 26.
2. Providing assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs, and other small businesses, obtain bonding and financing);
3. Providing technical assistance and other services;
4. Carrying out information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate); and
5. Providing services to help DBEs, and other small businesses, improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency.

A breakout analysis of estimated race-neutral and race-conscious participation can be found in Attachment 5 to this program.

### **Section 26.51(d-g) Contract Goals**

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

If our approved projection under paragraph (c) of Section 26.45 indicates that we can meet our entire overall goal for a given year through race-neutral means, we will implement our program without setting contract goals during that year, unless it becomes necessary in order meet our overall goal.



*(Example to paragraph (f) (1): The County's overall goal for Year 1 is 12 percent. The County estimates that it can obtain 12 percent or more DBE participation through the use of race-neutral measures, without any use of contract goals. In this case, the County does not set any contract goals for the contracts that will be performed in Year 1. However, if part way through Year 1, the County DBE awards or commitments are not at a level that would permit it to achieve its overall goal for Year 1, the County could begin setting race-conscious DBE contract goals during the remainder of the year as part of its obligation to implement its program in good faith).*

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

The County will express our contract goals as a percentage of the total amount of a DOT-assisted contract.

## **Section 26.53      Good Faith Efforts Procedures**

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

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to Part 26. See Attachment 6 for forms related to this section.

The County treats bidders'/ offerors' compliance with good faith effort requirements as a matter of responsiveness. A responsive proposal is meeting all the requirements of the advertisement and solicitation.

The Department of Public Works Contract Administrator ("Contract Administrator") is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive.

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

### Information to be submitted (26.53(b))

In our solicitations for DOT/FAA-assisted contracts for which a contract goal has been established, we will require the following:

1. All bidders or offerors will be required to submit the following information to the Agency, at the time provided in paragraph (b)(3) of Section 26.53:

- (a) The names and addresses of DBE firms that will participate in the contract;

- (b) A description of the work that each DBE will perform. To count toward meeting a goal, each DBE firm must be certified in a NAICS code applicable to the kind of work the firm would perform on the contract;
  - (c) The dollar amount of the participation of each DBE firm participating;
  - (d) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet a contract goal; and
  - (e) Written confirmation from each listed DBE firm that it is participating in the contract in the kind and amount of work provided in the prime contractor's commitment.
  - (f) If the contract goal is not met, evidence of good faith efforts (see Appendix A of Part 26). The documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract; and
2. The County will require that the bidder/offeror present the information required by paragraph (b)(2) of Section 26.53; under sealed bid procedures, as a matter of **responsiveness**, or with initial proposals, under contract negotiation procedures.

#### Administrative Reconsideration (26.53(d))

Within 10 business days of being informed by County that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official:

Contra Costa County  
Public Works Department  
255 Glacier Drive  
Martinez, CA 94553  
Attn: DBE Administrative Reconsideration  
(925) 313-2000  
[admin@pw.cccounty.us](mailto:admin@pw.cccounty.us)

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

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do so. The County will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to FAA, FHWA, Caltrans, or the Department of Transportation.

Good Faith Efforts when a DBE is Replaced on a Contract (26.53(f)(g))

The County will require the contractor that is awarded the contract to make available a copy of all DBE subcontracts. The subcontractor shall ensure that all subcontracts or agreements with DBEs to supply labor or materials require that the subcontract and all lower tier subcontracts be performed in accordance with Part 26's provisions.

In this situation, the prime contractor will be required to obtain the Director's, or designee's, prior written approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

The County will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. The prime contractor is required to notify the Contract Administrator immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation. The County will require that a prime contractor not terminate a DBE subcontractor listed in response to paragraph (b)(2) of Section 26.53 (or an approved substitute DBE firm) without the Director's, or designee's, prior written consent.

The Director will provide such written consent only if the Director agrees, 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. The County has determined that the listed DBE subcontractor is not a responsible contractor;
7. The listed DBE subcontractor voluntarily withdraws from the project and provides to Director written notice of its withdrawal;
8. The listed DBE is ineligible to receive DBE credit for the type of work required;
9. A DBE owner dies or becomes disabled with the result that the listed DBE contractor is unable to complete its work on the contract;
10. Other documented good cause that the County 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 Director 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 the Director, of its intent to request to terminate and/or substitute, and the reason for the request.

The prime contractor must give the DBE five days to respond to the prime contractor's notice and advise the Department and the contractor of the reasons, if any, why it objects to the proposed termination of its subcontract and why the Director should not approve the prime contractor's action. If required in a particular case as a matter of public necessity (e.g., safety), the Director, or designee, 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.

The County will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE. These good faith efforts shall be directed at finding another DBE to perform at least the same amount of work under the contract as the DBE that was terminated, to the extent needed to meet the contract goal that the County established for the procurement. The good faith efforts shall be documented by the contractor. If we request documentation from the contractor under this provision, the contractor shall submit the documentation to us within 7 days, which may be extended for an additional 7 days if necessary at the request of the contractor, and the recipient shall provide a written determination to the contractor stating whether or not good faith efforts have been demonstrated.

The County will include in each prime contract the contract clause required by Section 26.13(b) stating that failure by the contractor to carry out the requirements of Part 26 is a material breach of the contract and may result in the termination of the contract or such other remedies set forth in that section that the County deems appropriate if the prime contractor fails to comply with the requirements of this section.

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.

## **Section 26.55      Counting DBE Participation**

The County will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55. The County 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 in accordance with the standards of subpart D of Part 26 at the time of the execution of the contract, the County will not count the firm's participation toward any DBE goals, except as provided for in 26.87(j).

## **SUBPART E – CERTIFICATION PROCEDURES**

### **Section 26.81 Unified Certification Programs**

Only certified DBE firms as shown on the Unified Certification Program DBE Directory (available from the Caltrans Disadvantaged Business Enterprise Program's website at [www.dot.ca.gov/hq/bep](http://www.dot.ca.gov/hq/bep)) will participate as DBEs in this DBE Program. See Attachment 8 and 9 for DBE Certification Application Form and related links.

## **SUBPART F – COMPLIANCE AND ENFORCEMENT**

### **Section 26.109 Information, Confidentiality, Cooperation and Intimidation or Retaliation**

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

Notwithstanding any provision of Federal or state law, the County will not release any information that may reasonably be construed as confidential business information to any third party without the written consent of the firm that submitted the information. This includes applications for DBE certification and supporting information. However, the County will transmit this information to DOT in any certification appeal proceeding under Section 26.89 of Part 26 or to any other state to which the individual's firm has applied for certification under Section 26.85 of Part 26.

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

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



The Disadvantaged Business Enterprise Program for County Airports is approved by:

CONTRA COSTA COUNTY APPROVALS

FORM APPROVED BY COUNTY COUNSEL

By: Kathleen M. Andrus  
Deputy County Counsel

APPROVED BY COUNTY ADMINISTRATOR

By: \_\_\_\_\_  
Designee

Date: \_\_\_\_\_

The Disadvantaged Business Enterprise Program for County Airports is accepted by:

FEDERAL AVIATION ADMINISTRATION

By: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

Date: \_\_\_\_\_

## ATTACHMENTS

- Attachment 1 Regulations: 49 CFR Part 26 or website link
- Attachment 2 Organizational Chart
- Attachment 3 Bidder's List Collection Form
- Attachment 4 DBE Directory or link to DBE Directory
- Attachment 5 Overall Goal Calculations
- Attachment 6 Demonstration of Good Faith Efforts or Good Faith Effort Plan - Forms 1 & 2
- Attachment 7 DBE Monitoring and Enforcement Mechanisms
- Attachment 8 DBE Certification Application Form
- Attachment 9 State's UCP Agreement
- Attachment 10 Small Business Element Program

## ATTACHMENT 1

Regulations: 49 CFR Part 26, or link to website

1. U.S. Government Publishing Office:  
<http://www.ecfr.gov/cgi-bin/text-idx?SID=4ffe314da0f3bc8b18fc4cbf2e0990bf&mc=true&node=pt49.1.26&rgn=div5>
2. U.S. Department of Transportation Website:  
<http://www.dot.gov/osdbu/disadvantaged-business-enterprise>.
3. U.S. Department of Transportation "49 CFR Part 26 Sample Disadvantaged Business Enterprise Program":  
<http://www.dot.gov/osdbu/disadvantaged-business-enterprise/49-cfr-part-26-sample-disadvantaged-business>
4. FAA "Program Guidance for DBE Administrators":  
[https://www.faa.gov/about/office\\_org/headquarters\\_offices/acr/bus\\_ent\\_program/dbe\\_program\\_admin/](https://www.faa.gov/about/office_org/headquarters_offices/acr/bus_ent_program/dbe_program_admin/)

United States  
Department of Transportation

## Disadvantaged Business Enterprise (DBE) Program

### Overview

The U.S. Department of Transportation's DBE (disadvantaged business enterprise) program provides a vehicle for increasing the participation by MBEs in state and local procurement. DOT DBE regulations require state and local transportation agencies that receive DOT financial assistance, to establish goals for the participation of DBEs. Each DOT-assisted State and local transportation agency is required to establish annual DBE goals, and review the scopes of anticipated large prime contracts throughout the year and establish contract-specific DBE subcontracting goals.

In addition to establishing goals, state and local recipients also certify the eligibility of DBE firms to participate in DOT-assisted projects. Some groups are presumed to be socially and economically disadvantaged for the purposes of participation in this program. In 1987 Congress added women to the groups presumed to be disadvantaged. The main objectives of the DBE Program are:

- To ensure that small disadvantaged business enterprises (DBE) can compete fairly for federally funded transportation-related projects.
- To ensure that only eligible firms participate as DBEs.
- To assist DBE firms in competing outside the DBE Program.

There has been, since 1983, a statutory provision requiring DOT to ensure that at least 10% of the funds authorized for the highway and transit financial assistance programs be expended with DBEs. DOT has established a single DBE goal, encompassing both firms owned by women and minority group members.

To be certified as a DBE, a firm must be a small business owned and controlled by socially and economically disadvantaged individuals. Certifiers make the determinations based upon on-site visits, personal interviews, reviews of licenses, stock ownership, equipment, bonding capacity, work completed, resume of principal owners and financial capacity.

All offices within the Office of the Secretary (OST) and Operating Administrations (OA) involved in program operation and oversight share important responsibilities in ensuring nondiscrimination in the award and administration of DOT's federally assisted contracts. These responsibilities require systematic coordination to ensure: (1) the DBE program is administered properly, (2) all regulatory provisions are appropriately implemented by DOT recipients, and (3) information about the program and its operation is communicated by the Department in a consistent, unified way to all parties and stakeholders.

These offices include elements from the Office of the Secretary-the Departmental Office of Civil Rights (DOCR), the Office of the General Counsel (OGC), and the Office of Small Disadvantaged Business Utilization (OSDBU) - as well as from the three OAs distributing financial assistance to

DOT recipients - the [Federal Aviation Administration \(FAA\)](#), the [Federal Highway Administration \(FHWA\)](#), and the [Federal Transit Administration \(FTA\)](#). The DOCR will act as the lead office in OST for the DBE program. In this capacity, the DOCR will coordinate the Department's oversight of the DBE program.

## Most Popular Services

- [State DOT and DBE Program websites](#)
- [DBE Certification Forms](#)
- [Official Q&As on DBE Program Regulations 49 CFR 26](#)
- [Official Q&As on DBE Program Regulations 49 CFR 23](#)
- [DBE Program Points of Contact](#)
- [DBE Appeal Decisions](#)

## Additional References

- [DBE Program Reauthorization Provision](#)
- [Guidance For DBE Program Administrators](#)
- [Background on the DBE Program](#)
- [DBE Program Archives](#)
- [Reporting DBE Program Fraud](#)

Updated: Thursday, April 23, 2015

## *Related Links*

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- [2014 DBE Program Final Rule](#)
- [DBE Program Points of Contact](#)
- [Official Q&As on DBE Program Regulations 49 CFR 23](#)
- [Official Q&As on DBE Program Regulations 49 CFR 26](#)
- [DBE Certification Forms](#)
- [DBE Appeal Decisions](#)

## *Related Documents*

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- [Disadvantaged Business Enterprise \(DBE\) Program Unified Certification Program](#)

## *Contact Us*

---

### **Office of Small and Disadvantaged Business Utilization**

U.S. Department of Transportation

1200 New Jersey Ave. SE

W56-485

Washington, DC 20590

United States



Phone: 202-366-1930

Alt: 800-532-1169

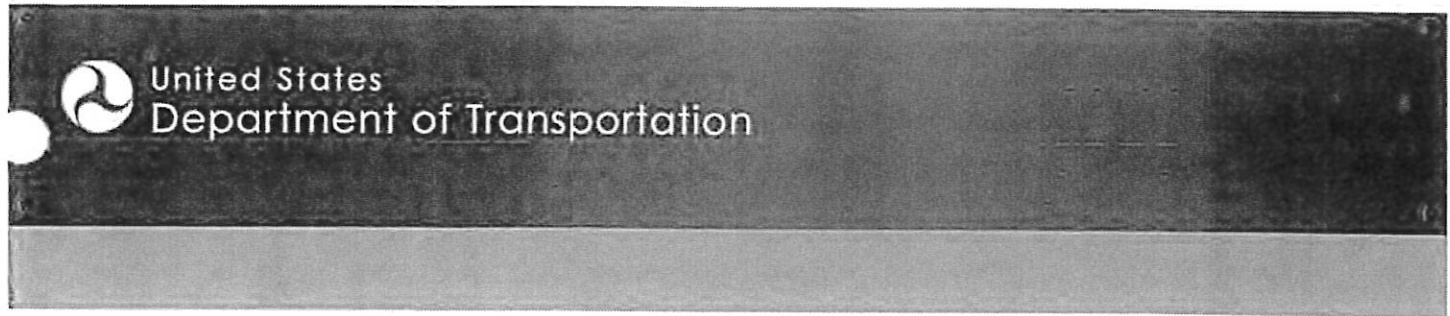
Fax: 202-366-7228

Business Hours:

8:00am-5:00pm ET, M-F

*Share*

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# 49 CFR Part 26 Sample Disadvantaged Business Enterprise Program

## Overview

The Department of Transportation (DOT) has prepared this sample program to help recipients comply with 49 CFR Part 26, the DOT DBE rule. We published Part 26 in the Federal Register on February 2, 1999, and it became effective March 4 (64 F.R. 5096). It made extensive revisions to DOT's DBE program, formally administered under 49 CFR Part 23.

This sample program supersedes guidance issued by the operation administrations under former part 23. It does not address the separate DBE program for airport concessionaires, which continues to be administered in accordance with 49 CFR Part 23.

We are providing this sample DBE program for informational purposes, and recipients are not required to use it or its format. However, recipients may wish to use it as a guide in preparing their program documents. Recipients may customize the sample program to fit their circumstances. The three DOT operating administrations with DBE program responsibilities - the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and the Federal Aviation Administration (FAA) - may provide additional guidance for program matters that are specific to their programs. This sample program should, however, lead to greater consistency among recipients' submissions.

At a number of points, the sample program refers to provisions of part 26. Recipients may quote referenced portions of the rule in their program if they wish, but they are not required to do so. The sample program also provides language for some documents that are part of the program (e.g. policy statements, contract clauses). Except where otherwise noted, recipients are not required to use this language, and may use their own language as long as it meets regulatory requirements.

In the sample program, we have put instructions and notes in italics. Recipients would not put this italicized material into their program documents.

You may obtain an electronic version of this document, the DBE regulation themselves and other DOT guidance [here](http://www.dot.gov/osdbu/disadvantaged-business-enterprise/49-cfr-part-26-sample-disadvantaged-business).

*The General Counsel of the Department of Transportation has reviewed this document and approved it as consistent with the language and intent of 49 CFR part 26.*



## Office of Civil Rights

About ACR

EEO Complaints of  
Discrimination Program

EEO Affirmative Programs

Airport Disadvantaged  
Business Enterprise Program

General DBE Program

Program Guidance for  
DBE Program  
Administrators

DBE and ACDBE Program  
Training Conferences

How to Become Certified as a  
DBE

Where to Find Airport DBE  
Business Opportunities

How to Contact FAA DBE  
Staff

Mandatory DBE/ACDBE  
Certification Training Program

Outreach Program

Airport Civil Rights Programs

EEO Policies, Laws &  
Regulations

Feedback Box

Training

FAA Home Offices Office of Civil Rights Airport Disadvantaged Business Enterprise Program Program Guidance for DBE Program Administrators

## Program Guidance for DBE Program Administrators



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Three operating administrations within the U.S. Department of Transportation (DOT) have a Disadvantaged Business Enterprise (DBE) program. These are the Federal Aviation Administration (FAA), the Federal Highway Administration (FHWA), and the Federal Transit Administration (FTA). As such, the Office of Small and Disadvantaged Business Utilization (OSDBU) within DOT maintains the Department's main DBE web site, which includes Guidance for DBE Program Administrators.

### Additional guidance from FAA

- Part 26 Final Rule – Effective 8/9/12 (PDF)
- Sample ACDBE Plan (MS Word)
- Sample DBE Program (MS Word)
- Reporting DBE Participation
  - FAA dbE-Connect Reporting System
- Airport Concession Disadvantaged Business Enterprise
  - Joint Venture Guidance (MS Word)
  - Principles for Evaluating Long-term, Exclusive Agreements in the ACDBE Program (PDF)

Page last modified: December 01, 2014 12:19:30 PM EST

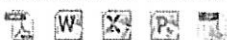
<b>FAA for...</b> Pilots Mechanics Other Aviation Professionals Travelers Educators & Students	<b>Aeronautical Navigation Products</b> Airport Diagrams Airport/Facility Directory ( <a href="#">d-A/FD</a> ) National Flight Data Center (NFDC) Terminal Procedures ( <a href="#">d-TPP</a> )	<b>Our Safety Culture</b> FAA Mission The Foundation of Everything We Do  <b>Regulations &amp; Guidelines</b> Advisory Circulars (ACs) Airworthiness Directives (ADs) – Current Only	<b>Stay Connected</b>   
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<b>Aircraft Certificates</b> Type Certificate Data Sheets (TCDS) Supplemental Type Certificates	<b>Accidents &amp; Incidents</b> Accident & Incident Data Preliminary Accident & Incident Data		



U.S. Department of Transportation  
Federal Aviation Administration  
800 Independence Avenue, SW  
Washington, DC 20591  
1-866-TELL-FAA (1-866-835-5322)

#### Readers & Viewers



#### Web Policies

Web Policies & Notices  
Privacy Policy  
Accessibility

#### Government Sites

DOT.gov  
USA.gov  
Plainlanguage.gov  
Recovery.gov  
Regulations.gov  
Data.gov

#### Frequently Asked Questions

All Questions

#### Contact Us

Contact FAA  
Office of Inspector General (OIG) Hotline  
Freedom of Information Act (FOIA)



ATTACHMENT 2

Organizational Chart

**Contra Costa County  
Public Works Department  
255 Glacier Drive  
Martinez, CA 94553  
(925) 313-2000**

**Brian Balbas**  
Public Works Director  
(925) 313-2000  
admin@pw.cccounty.us

(DBE Liaison)

# Department Divisions and Functions

**Michele Wara**  
Executive Secretary  
(925) 313-2202  
michele.wara@pw.cccounty.us

**Warren Lai**  
Deputy Director  
(925) 313-2180  
warren.lai@pw.cccounty.us

**Linda Zimmerman**  
Secretary-Advanced  
(925) 313-2204  
linda.zimmerman@pw.cccounty.us

**Joe Yee**  
Deputy Director  
(925) 313-2104  
joe.yee@pw.cccounty.us

**Steve Kowalewski**  
Chief Deputy Director  
(925) 313-2225  
steve.kowalewski@pw.cccounty.us

**Mike Carlson**  
Deputy Director  
(925) 313-2321  
mike.carlson@pw.cccounty.us

**Linda Zimmerman**  
Secretary-Advanced  
(925) 313-2204  
linda.zimmerman@pw.cccounty.us

**Carrie Ricci**  
Deputy Director  
(925) 313-2335  
carrie.ricci@pw.cccounty.us

**Facilities Services  
Kevin Lachapelle**  
Division Manager  
(925) 313-7082  
kevin.lachapelle@pw.cccounty.us

- Maintain & Repair County Facilities
- Minor Tenant Improvements
- Install & Maintain HVAC- Security Systems & Fire Alarms
- Traffic Signal Maintenance
- Landscape Maintenance
- Pest Control

**Capital Projects  
Ramesh Kantaria**  
Division Manager  
(925) 313-2144  
ramesh.kantaria@pw.cccounty.us

- County Cap Proj Mgmt Svcs
- Building Tenant Improvements
- Parks, landscape Imp.
- Sitework, utilities
- Seismic/struct/mech/elect upgrades
- Design, advertise/bid/award, construction management
- Design-Build, Const Mgr-at est
- Risk, programming, cost planning
- Energy management projects and services

**Design/Construction  
Kevin Enigh**  
Division Manager  
(925) 313-2233  
kevin.enigh@pw.cccounty.us

- Advertise/Administer Const Contracts for Trans & FC Infra
- Test Construction Materials
- Inspect Subdivision Const
- Inspect Permit Construction
- Prepare Contract Plans & Specs for Rd, FC & Air Cap Imp Proj
- Inspection Program

**Custodial Services  
Derrick West**  
Division Manager  
(925) 313-7096  
derrick.west@pw.cccounty.us

- Building Cleaning Services
- Lighting Replacement
- Custodial Contract Management

**Fleet Services  
Carlos Velasquez**  
Division Manager  
(925) 313-7072  
carlos.velasquez@pw.cccounty.us

- Vehicle repair & maintenance
- Vehicle purchase & disposal
- GPS management

**Maintenance  
Allison Knapp**  
Division Manager  
(925) 313-7008  
allison.knapp@pw.cccounty.us

- Road Maintenance
- County Drainage Maintenance
- Flood Control District Maintenance
- Weed Abatement
- Encroachments

**Materials Management  
Stan Burton**  
Division Manager  
(925) 313-7078  
stan.burton@pw.cccounty.us

- Recycling
- Document Shredding
- Surplus
- Furniture Moves

**Airports  
Keith Freitas**  
Director of Airports  
(925) 681-4200  
keith.freitas@airport.cccounty.us

- Operations
- Development
- Property Management

**Print & Mail  
Dale Morseman**  
Division Manager  
(925) 646-5520  
dale.morseman@pw.cccounty.us

- Print Shop
- Graphic Design
- Copy Center
- Mail Processing
- Inter-Office Mail Delivery

**Environmental  
Ave Brown**  
Division Mgr  
(925) 313-2311  
ave.brown@pw.cccounty.us

- Prepare Project Environmental Docs.
- Prepare CEQA Documents
- Prepare NEPA Documents
- Obtain regulatory permits

**Engineering Services  
Slava Gospodchikov**  
Division Mgr  
(925) 313-2316  
slava.gospodchikov@pw.cccounty.us

- Assessment District Develop & Coordination
- Land Develop Application Review & Plan Review
- Public Works Permits
- Maintain Field Maps and Records
- Central Permit Desk
- Underground Svcs Alert Areas
- Special Districts Service
- Sanitary District Eng.
- County Surveyor
- Record Map & Drawing Review

**Flood Control  
Clean Water  
Tim Jensen**  
Division Mgr  
(925) 313-2390  
tim.jensen@pw.cccounty.us

- Drainage Area Fees
- Capital Improvement Prog.
- Feasibility Studies
- Development Review
- Rain/Stream Gauge Data
- Floodplain Management
- Watershed Program
- CCC Clean Water Program

**Transportation  
Engineering  
Jerry Fahy**  
Division Mgr  
(925) 313-2276  
jerry.fahy@pw.cccounty.us

- Cap Rd Imp & Presv Prog
- Area of Benefit
- Grant Applications
- State Projects Coordination
- Advance Planning
- Traffic System Management
- Underground Utility District Administration
- State Route 4 Bypass

**Administrative Services  
Vacant**  
Services Officer  
(925) 313-....  
.....@pw.cccounty.us

**Kristen Hardeman**  
Secretary-Journey  
(925) 313-2340  
kristen.hardeman@pw.cccounty.us

**Personnel  
Labor Relations  
Administrative Support  
Staff Development/Training  
Safety  
Clerical Services**

**Purchasing  
David Gould**  
Purchasing Mgr  
(925) 313-2151  
david.gould@pw.cccounty.us

- Procurement Services
- Manage Contracts
- Purchase Contracts
- Manage Purchasing Agreements
- Administer County Procurement Program

**Dept Comm & Media Relations  
Coordinator  
Steve Padilla**  
(925) 313-2115  
steve.padilla@pw.cccounty.us

- Contract Administration
- Pipeline Franchises
- Records
- Accreditation Program

**Finance  
Diana Oyler**  
Chief of Fiscal Svcs  
(925) 313-2122  
diana.oyler@pw.cccounty.us

- Fiscal Management
- Contract Administration
- Accts Payable/Receivable
- Claims Processing
- Purchasing
- Fee & Indemnity Collections
- Trust Funds
- Capital Projects Accounting
- Utility Bills

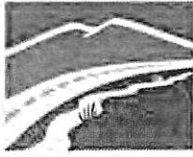
**Information Technology  
Mark Wharton**  
Network Admin II  
(925) 313-2243  
mark.wharton@pw.cccounty.us

**Barry Schamach**  
Information Systems Project Manager  
(925) 313-2185  
barry.schamach@pw.cccounty.us

- Computer Mapping
- GIS Program
- Computer Operations
- Drafting Support
- Database Admin
- Systems Analysis

**DBELO**  
**Brian Balbas**  
Public Works Director  
255 Glacier Drive  
Martinez, CA 94553  
(925) 313-2000  
EMAIL: brian.balbas@pw.cccounty.us

**ATTACHMENT 3**  
Bidder's List Collection Form



Contra Costa County  
Public Works  
Department

Julia R. Bueren, Director  
Deputy Directors  
Brian M. Balbas  
Stephen Kowalewski  
Stephen Silveira  
Joe Yee

DESIGN/CONSTRUCTION DIVISION

**BIDDERS LIST APPLICATION**

Firms who wish to be added to our bidders list for road, flood control, and airport construction contracting opportunities should return the completed form to the address above, Attention: Design/Construction Division. Fax or Email is acceptable. Firms interested in building construction should contact Capital Projects Division, (925) 313-2000.

Firm Name: \_\_\_\_\_ Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: (\_\_\_\_) \_\_\_\_\_ Fax No.: (\_\_\_\_) \_\_\_\_\_ E-mail Address: \_\_\_\_\_

(Required to receive bid notices)

Business Type: ☐ Contractor ☐ Subcontractor ☐ Materials Supplier/Manuf. ☐ Trucker ☐ Building Exchange

In what year did your business start under its current name? (Required for DBE's under 49 CFR Part 26) Year \_\_\_\_\_

Gross Annual Receipts: What was your firm's average gross annual receipts for the last three years?  
(DBEs are required to provide this information under 49 CFR Part 26)

☐ Less than \$1 Million

☐ Less than \$10 Million

☐ More than \$16.6 Million

☐ Less than \$5 Million

☐ Less than \$16.6 Million

California Contracting License(s) Held:

CLASSIFICATION

LICENSE NO.

\_\_\_\_\_

\_\_\_\_\_

Type of Firm (Please check all that apply):

- ☐ <sup>MB</sup> Minority Owned Business (MBE) --Certifying Agency: \_\_\_\_\_
- ☐ <sup>WB</sup> Women Owned Business (WBE) --Certifying Agency: \_\_\_\_\_
- ☐ <sup>SB</sup> Small Business Enterprise (SBE) --(As defined by State of California)--Certifying Agency: \_\_\_\_\_
- ☐ <sup>DBE</sup> Disadvantaged Business Enterprise (DBE) -- CUCP Certification No.: \_\_\_\_\_  
(Must be certified by a California Unified Certification Program participating agency)
- ☐ <sup>LB</sup> Local Business Enterprise (LBE) -- i.e. headquartered in Contra Costa County
- ☐ <sup>DVB</sup> Disabled Veteran Business Enterprise (DVBE)--Certifying Agency: \_\_\_\_\_

Type of Work Interested in (Please check all that apply):

- ☐ <sup>RC</sup> Roadway Construction/Reconstruction/Overlay/Paving/Grading (AC&PCC)
- ☐ <sup>ST</sup> Reinforced Concrete Structures (Bridges, Retaining Walls, etc...)
- ☐ <sup>SR</sup> Storm Damage Repair (Landslide, Erosion and Embankment Repairs, etc...)
- ☐ <sup>RS</sup> Road Surface Treatments (Slurry Seals, Microsurfacing, Pavement Rejuvenating Agent, etc...)
- ☐ <sup>TS</sup> Traffic Signal Construction/Modification
- ☐ <sup>FI</sup> Frontage Improvements (Sidewalks, Curb Ramps, Bike Paths, etc...)
- ☐ <sup>LS</sup> Landscaping and Irrigation
- ☐ <sup>SD</sup> Storm Drain (Pipelines, Culverts, Drainage Structures, etc...)
- ☐ <sup>AI</sup> Airport Improvements (Runway and Taxiway Construction/Rehabilitation)
- ☐ <sup>OO</sup> Other (Please Specify): \_\_\_\_\_

Department Use  
Only  
Date Received:

ID # \_\_\_\_\_

"Accredited by the American Public Works Association"

255 Glacier Drive Martinez, CA 94553-4825

TEL: (925) 313-2000 • FAX: (925) 313-2333

Email: admin@pw.cccounty.us



## **ATTACHMENT 4**

### **California (Caltrans) DBE Directory**

#### **Section 26.31 Directory**

The Contra Costa County Public Works Department will refer interested persons to the Unified Certification Program DBE directory available from the Caltrans Disadvantaged Business Enterprise Program's website at [www.dot.ca.gov/hq/bep](http://www.dot.ca.gov/hq/bep).

## **ATTACHMENT 5**

Contra Costa County Airports Disadvantaged Business Enterprise (DBE)  
Overall DBE Goal and Methodology for Federal Fiscal Years  
(FFY) 2019-2021  
(Covering the period of October 1, 2018 to September 30, 2021)

**CONTRA COSTA COUNTY AIRPORTS  
DISADVANTAGED BUSINESS ENTERPRISE (DBE)  
OVERALL DBE GOAL AND METHODOLOGY  
FOR  
FEDERAL FISCAL YEARS (FFY) 2019-2021  
(Covering the period of October 1, 2018 to September 30, 2021)**

## **I. INTRODUCTION**

The Contra Costa County Airports (the County) is required to develop and submit a Disadvantaged Business Enterprise (DBE) Overall Goal for DBE participation as a condition of receiving federal assistance, pursuant Moving Ahead for Progress in the 21<sup>st</sup> Century; 49 CFR Part 26 “Participation by Disadvantaged Business Enterprises in U.S. Department of Transportation Programs” and the Federal Aviation Administration (FAA) Master Funding Agreement.

## **II. BACKGROUND**

Effective March 3, 2010, the United States Department of Transportation (“DOT”) issued a final rule affecting the implementation and management of the Department’s Disadvantaged Business Enterprise (“DBE”) program. The final rule, required submission of a goal-setting methodology on a three-year cycle. Pursuant to this final rule, the County is still required to conduct an annual review to account for changes that may warrant an adjustment to the overall goal or make an adjustment based on changed circumstances (i.e. significant change in the legal standards governing the DBE program, new contracting opportunities presented by the availability of new or different grant opportunities, etc.) to ensure the goal and program as a whole are narrowly tailored throughout the goal period. Under the three-year schedule, the County’s DBE goal and methodology submission is due to FAA on August 1, 2018 for proposed FAA funded contracting activities for Federal Fiscal Years (FFY) 2019/21.

**The County herein presents its Proposed Overall DBE Goal Methodology for FFY 2019/21 goal period, which resulted in a 7% Overall DBE Goal.**

## **III. DOT-ASSISTED CONTRACTING PROGRAM FOR FFY 2019-2021**

*Table 1* represents the Contra Costa County Airports’ (the County) U.S. DOT-assisted (FAA) contracting program, which includes projects considered in preparing its ***Proposed Overall DBE Goal-Setting Methodology***. The projects have viable subcontracting possibilities and corresponding availability of DBEs, a required criterion for Overall Goal consideration, and are anticipated to be awarded within the respective goal period.

**Table 1**

<b>PROJECT</b>	<b>Total Estimated Cost (Federal Share)</b>
Buchanan - Design New ARFF Equipment Storage Bay	\$237,500
Buchanan Construction - Overlay/Reconstruction of RWY 14L/32R	\$3,990,000
Buchanan - Construction of new ARFF Equipment Storage Bay	\$2,850,000
Buchanan - Design Engineering and Enviro Analysis for Reconstruct/Overlay of Txwy Golf and Runway 01L Run-up	\$190,000
Buchanan - Construction of Asphalt Pavement Reconstruct/Overlay Txwy Golf and Runway 01L Run-up	\$1,140,000
<b>TOTAL</b>	<b>\$8,407,500</b>

**Table 2** provides a summary of work grouped into one (3) primary categories: Construction, Professional Services and Materials and Supplies, utilizing the North American Industry Classification System (NAICS) work categories and comparable 2016 Census Business Patterns NAICS Work Codes. **Table 2** also serves to identify the estimated Federal Dollar Share and the Percent of Federal funding, as follows:

**Table 2**

<b>CONTRACT CATEGORY</b>	<b>NAICS CUCP DATABASE</b>	<b>ESTIMATED FEDERAL DOLLAR SHARE</b>	<b>% OF FEDERAL FUNDING</b>
<b>Construction</b>	237110, 237310, 238110, 238120, 238130, 238160, 238170, 238210, 238220, 238310, 238320, 238910, 238990, 484110, 484220	\$6,074,775.00	72.25%
<b>Professional Services</b>	541310, 541330, 541350, 541370, 541380, 541512, 541611, 541620, 541990	\$1,645,875.00	19.58%
<b>Materials &amp; Supplies</b>	423320, 423390	\$686,850.00	8.17%
<b>TOTAL</b>		<b>\$8,407,500</b>	<b>100%</b>

#### IV. GOAL METHODOLOGY

##### *Step 1: Determination of a Base Figure (26.45)<sup>1</sup>*

To establish Contra Costa County Airports' (County) Base Figure of the relative availability of DBEs to all comparable firms (DBE and Non-DBEs) available to propose on the County's FFYs 2019-2021 DOT-assisted contracting opportunities projected to be solicited during the respective goal period; the County followed one of the five prescribed federal goal-setting methodologies in accordance with 49 CFR Part 26 regulations. This was accomplished by accessing the *California Unified Certification Program (CUCP) Directory of Certified DBE Firms* and the

<sup>1</sup> §26.45 represents Title 49 CFR Part 26 regulatory referenced section.



**2016 U.S. Census Bureau County Business Patterns (CBP) Database.** Comparisons were made within the County's market area (defined as Alameda County, Contra Costa County, Marin County, Napa County, Sacramento County, San Francisco County, San Joaquin County, San Mateo County, Santa Clara County, Solano County, Sonoma County, and Stanislaus County) and by specified industries and types of businesses identified in Table 2. The County local market area represents where the substantial majority of the County of Contra Costa Airports' contracting dollars are expended and/or where the substantial majority of contractors and subcontractors bids or quotes are received.

The County of Contra Costa Airports made a concerted effort to ensure that the scope of businesses included in the numerator was as close as possible to the scope included in the denominator. For corresponding detail of all work category classifications grouped, refer to Table 3.

- ⇒ **For the numerator:** *California UCP DBE Database of Certified Firms*
- ⇒ **For the denominator:** *2016 U.S. Census Bureau's Business Pattern Database (CBP)*

To determine the relative availability of DBEs, the County divided the numerator<sup>2</sup> representing the ratio of ready, willing and able DBE firms, by the denominator<sup>3</sup> representing all firms (DBE and Non-DBEs) available in each work category, see below:

$$\frac{\text{Number of Ready, Willing and Able DBEs}}{\text{Number of All Available Firms}} = \text{DBE Availability \%}$$

(Including DBEs and Non-DBEs)

To determine the appropriate weighting percent by NAICS, the estimated dollar value by NAICS was divided by the total estimated federal dollars for FFY 2019/21. The weighting percent by NAICS was then multiplied by the DBE Availability % to determine the Base Figure % by NAICS, see below:

$$\text{Weighting} \quad \times \quad \text{DBE Availability \%} \quad = \quad \text{Base Figure \% by NAICS}$$

To determine the Step 1 Base Figure, the County added together all Base Figure % by NAICS in Table 3 below, resulting in a 24.69% that was multiplied by 70%, (to account for 30% Prime performance required on most of the County's contracts) to produce a Step 1 Base Figure of 17%.

---

<sup>1</sup> 26.45 represents Title 49 CFR Part 26 regulatory goal setting methodology reference.

<sup>2</sup> Numerator represents all DBE firms established within the County's market area.

<sup>3</sup> Denominator represents all comparable available established firms within the County's market area.

**Table 3**

CATEGORY OF WORK	NAICS CODES	Weighting*	DBE Availability %	Base Figure % by NAICS
Water and Sewer Line and Related Structures Construction	237110	1.22%	42.99%	0.52%
Highway, Street and Bridge Construction	237310	4.95%	91.86%	4.55%
Poured Concrete Foundation and Structure Contractors	238110	9.49%	21.81%	2.07%
Structural Steel and Precast Concrete Contractors	238120	1.69%	67.03%	1.14%
Framing Carpentry Contractors	238130	6.78%	14.45%	0.98%
Roofing Contractors	238160	0.85%	2.33%	0.02%
Siding Contractors	238170	0.51%	7.04%	0.04%
Electrical Contractors	238210	5.76%	5.23%	0.30%
Plumbing, Heating, and Air-Conditioning Contractors	238220	3.39%	1.53%	0.05%
Drywall and Insulation Contractors	238310	0.51%	3.88%	0.02%
Painting and Wall Covering Contractors	238320	0.51%	2.68%	0.01%
Site Preparation Contractors	238910	14.68%	23.04%	3.38%
All Other Specialty Trade Contractors	238990	13.90%	20.19%	2.81%
Brick, stone and related construction Material Merchant Wholesalers	423320	6.10%	39.47%	2.41%
Other Construction Material Merchant Wholesaler (stripes/markings)	423390	2.07%	37.04%	0.77%
General Freight Trucking, Local	484110	6.19%	15.05%	0.93%
Specialized Freight Trucking, Local	484220	1.83%	37.16%	0.68%
Architectural Services	541310	1.78%	8.15%	0.15%
Engineering Services	541330	5.51%	13.74%	0.76%
Building Inspection Services	541350	0.34%	47.31%	0.16%
Surveying and Mapping (except Geophysical) Services	541370	0.05%	63.16%	0.03%
Testing Laboratories	541380	1.66%	22.83%	0.38%
Computer System Design Services (CADD)	541512	0.25%	8.93%	0.02%
Administrative Management and General Management Consulting Services	541611	7.37%	21.73%	1.60%
Environmental Consulting Services	541620	0.95%	60.37%	0.57%
All Other Professional, Scientific, and Technical Services (Surveying)	541990	1.66%	21.10%	0.35%
Total:		100%		24.69%
Base Figure 24.69% *70% (30% Prime to Perform Factor) = 17.29% 17% (Rounded to the nearest whole number)				

### ***Step 2: Adjusting the Base Figure***

Upon establishing the Base Figure, Contra Costa County Airports (County) reviewed and assessed other known evidence potentially impacting the relative availability of DBEs within the County's market area, in accordance with prescribed narrow tailoring provisions set forth under 49 CFR Part 26.45 Step 2; DBE Goal Adjustment guidelines.

Evidence considered in making an adjustment to the Base Figure included the County's *Past DBE Goal Attainments, Disparity Studies, and Other Evidence*, as follows:

#### ***A. Past DBE Goal Attainments***

The following table below reflects the demonstrated capacity of DBEs (measured by historical DBE participation) on FTA-assisted contracts awarded by the County within the last three (3) Federal Fiscal Years:

**Table 4**

	Year	Attainment
Byron	FFY 2015*	21%
Buchanan		0%
Byron	FFY 2016	0%
Buchanan		4%
Byron	FFY 2017	0%
Buchanan		28%
	Median of Past Awards = 0%, 0%, <u>0%, 4%</u> , 21%, 28% = Average of two middle numbers: 0+4=4/2= 2% <b>Median Past Participation = 2%</b>	

*\*FFY 2018 still in progress as of the date of methodology preparation, so FFY 2015 was used in lieu of FFY 2018*

The County considered an adjustment to the Base Figure based on the median DBE participation on DOT-assisted contracts completed within the past three FFYs (2015/17). The median established for the past three years is below the Base Figure derived from Step 1; therefore, an adjustment to the Base Figure based on the County's past DBE goal participation has been made. As three years of DBE Participation data was reviewed and the years reviewed included projects with a similar variety in scope to the scopes projected for the 2019/21 period, the County can reasonably assume that the rates of DBE participation reflected are an accurate reflection of DBE capacity to perform in the 2019/21 overall goal period. The adjustment is calculated in accordance with FTA guidance by averaging the Base Figure with the Median DBE Past participation, as shown below.

17% Base Figure + 2% Median Past Participation = 19%
$19/2 = 9.5\%$
<b>Adjusted Base Figure: 10%</b>

The formula resulted in a downward adjustment to Base Figure based from 17% to 10%.

#### ***B. Evidence from Disparity Studies***

The County Contra Costa Airports (County) did not find it feasible to conduct its own independent availability/disparity study; however, the County identified three (3) disparity studies in the assessment of whether a Race-Conscious DBE Program should be adopted by the County. This was done in conformance with FAA's recommendation for recipients to utilize relevant State or local disparity studies as a basis for developing race-conscious goals, to assist recipients with meeting the requirements pertaining to the Western Paving Ruling. The three identified Disparity Studies were the Caltrans Disparity Study, The Los Angeles County Metropolitan Transportation Authority (Metro) Disparity Study and the Reno-Tahoe Airport Authority Disparity Study.

The first Disparity Study considered was that of the California Department of Transportation (Caltrans), completed in 2016 due to the timeliness of the contracts reviewed. The Caltrans Disparity Study reviewed Construction and Engineering contracts state-wide between the years



January 1, 2011 to December 31, 2014. Overall, certified DBEs received 6.4 percent of the relevant contracting dollars that Caltrans and subrecipient local agencies awarded during the study period. As the Caltrans' Disparity Study included thousands of contracts from areas outside of the County's market area as well as projects that had no relation to the scopes included in this methodology the County opted to not utilize this Disparity Study to apply an adjustment to their base figure or their current race-neutral DBE application measures.

The second Disparity Study taken into consideration was the 2015 Reno-Tahoe Airport Authority Disparity Study which was anticipated to be complete in 2016 but at the time this goal methodology was developed information was still not published. As this study and the accompanying analysis is not yet available the County did not utilize this Disparity Study to make an adjustment to the base figure.

The third Disparity Study taken into consideration was the Burbank-Glendale-Pasadena Airport Authority (BGPAA) Disparity Study, completed in 2012 due to the similarity of contract types reviewed. Disparity analysis results indicated that most racial/ethnic and gender groups showed disparities on contracts where race- and gender-conscious measures were not in place during the study period. Since August 2006, BGPAA has solely used neutral means and has fallen considerably short of its annual goals for DBE participation. — BBC identified substantial disparities between the utilization of minority-owned firms in BGPAA contracts and what might be expected based upon the availability analysis (substantial disparities for each racial and ethnic group in the Federal DBE Program). Minority-owned firms were underutilized in BGPAA contracts even when the DBE contract goals program was in place. As a result, the Disparity Study recommended the use of contract DBE goals.

As the Disparity Study satisfies the legal standards established by the Ninth Circuit Court of Appeals in *Western States Paving Co., Inc. v. Washington State Department of Transportation*, and guidance from the U.S. Department of Transportation/Federal Transit Administration (FTA) concerning the implementation of race-conscious application, the County has elected to utilize this study as a basis for implementation of a race-conscious component of their Overall DBE goal. The County will ensure that the use of race-conscious goals is narrowly tailored and consistent with other relevant legal standards.

The County will continue to review applicable Disparity Studies as they become available and apply the appropriate adjustments to their Race-neutral/Race-Conscious DBE goal application.

#### ***D. Other Evidence***

The Federal DBE Program suggests that federal aid recipients also examine "other factors" when determining whether to make any step-2 adjustments to their base figures.

To ensure the County of Contra Costa Airports (County) DBE goal was tailored and best represents the DBEs available to perform within the County's market area and within the scopes identified, the County considered three like Agency DBE goals whose methodology utilized similar projects descriptions.

The County first considered Norman Y. Mineta San Jose International Airport's (SJC) Overall DBE Goal for FFY 2017/2019 due to its market area (defined as Santa Clara and Alameda



counties) and the scopes (5 of the 8 NAICS identified by SJC are included in the County's methodology) included within its Overall DBE Goal-Setting Methodology. SJC's methodology included a base figure of 11.13% that was adjusted in consideration of the FFY 2015 Past DBE Attainments (1.48%) to 6.30%.

The County considered The Port of Oakland's (OAK) Overall DBE Goal for FFY 2017/2019 due to its market area (defined as Contra Costa and Alameda counties) and the scopes (pavement and taxiway projects represented 94.8% of the projected dollars) included within its Overall DBE Goal-Setting Methodology. OAK's methodology included a base figure of 11.22% that was adjusted in consideration of the average of past DBE Attainments achieved (4.8%) to 8.01%.

The County considered San Francisco International Airport's (SFO) Overall DBE Goal for FFY 2017/2019 due to its market area (defined as Contra Costa, Alameda, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma counties) and the scopes (pavement and taxiway projects represented 52% of the projected dollars) included within its Overall DBE Goal-Setting Methodology. SFO's methodology included a base figure of 9.25% that was adjusted in consideration of the average of past DBE Attainments achieved (11.57%) to 10.41%.

The County has found it reasonable to conclude the Median Past DBE Attainments of SJC, OAK and SFO which include nearby market areas and similar project scopes could be utilized to project the types of DBE attainments that the County may be able to achieve. In consideration of this, the County has made an adjustment to the base figure as depicted below:

*Table 5*

Recipient	Median Past Participation
Norman Y. Mineta San Jose International Airport (SJC)	1.48%
The Port of Oakland	4.8%
San Francisco International Airport's (SFO)	11.57%
Median of % Past Attainments = $1.48 + 4.8 + 11.57 = 17.85\%$ = <b>4.8%</b>	

Median of % Past Attainments = 4.8%

Median of % Past Attainments + Adjusted Base Figure =  $4.8\% + 10\% = 14.8\%$

Base Figure Adjusted =  $\frac{14.8\%}{2} = 7.4\%$

Adjusted Base Figure = 7% (rounded)

Given the above, the adjusted goal for FY 2019-2021 is 7%.

## **OVERALL DBE GOAL AND PROJECTION OF RACE-NEUTRAL AND RACE-CONSCIOUS PARTICIPATION:**

**The Overall DBE Goal for FFY 2019-2021 for the County Contra Costa Airports' FAA-assisted contracts is 7%.** The Overall Goal is expressed as a percentage of all DOT-assisted funds that County of Contra Costa Airports will expend in applicable DOT-assisted contracts in the given federal fiscal years.

The goal further serves to identify the relative availability of DBE's based on evidence of ready willing, and able DBE's to all comparable firms, which are known to be available to compete for and perform on the County of Contra Costa Airports' DOT-assisted contracts.

## V. RACE-NEUTRAL/RACE-CONSCIOUS BREAKOUT ANALYSIS

The County of Contra Costa Airports (County) will implement race conscious measures, coupled with race-neutral measures based on the results received from the County's analysis of its past utilization data and an examination of similar market area Disparity Studies.

### A. Consideration of the Amount by which the County has Exceeded Goals in the Past

DOT has identified the amount a recipient has exceeded their overall goals in the past years as a useful tool in projecting the race/gender-neutral participation one can expect in future Federal Fiscal Years.

The following table reflects the demonstrated capacity of DBEs on FTA-assisted contracts completed by the County within the last three (3) Federal Fiscal Years:

**Table 6**

	Overall DBE Goal by Period	RN/RC Application Period	Federal Fiscal Year	DBE Attainment	% Goal Exceeded
Byron	12.79%	RN	FFY 2015*	21%	8%
Buchanan	5.64%	RC		0%	-6%
Byron	3.13%	RN	FFY 2016	0%	-3%
Buchanan	12.28%	RC		4%	-8%
Byron**			FFY 2017		
Buchanan	12%	RN		28%	16%
% Goals Exceeded in numerical Order: -3%, -8%, <b>-6%</b> , 8%, 16% <b>-6% Median Amount Goals have been Exceeded</b>					

\*FFY 2018 still in progress as of the date of methodology preparation, so FFY 2015 was used in lieu of FFY 2018

\*\*Excluded from analysis as goal information was not available

The County's Historical Past race-neutral participation above the DBE goal produced a median of 0% DBE Participation (as illustrated in the table above). As the County's historical DBE Participation does not exceed the projected DBE goal valid during the attainment periods, it is reasonable to conclude that the FFY 2019/21 goal cannot be met race-neutrally based on this factor.

### B. Past Participation by DBE Prime Contractors

DOT has identified that the amount of past participation obtained through the use of DBE primes should be considered achieved race/gender-neutrally and that those attainments can be used as a basis for estimating a similar level of race/gender-neutral participation in the next overall goal period.



Therefore, the County considered the amount of past DBE participation (based on awards) obtained through the use of DBE primes in FFYs 2015, 2016 and 2017 below:

**Table 7**

	FFY	Total Dollar Value Awarded to DBE Prime	Total Dollar Value of Awarded Contracts
Byron	2017	\$ 0	\$ 0
Buchanan		\$ 0	\$ 527,129
Byron	2016	\$ 0	\$ 0
Buchanan		\$ 0	\$ 1,583,965
Byron	2015	\$ 0	\$ 834,506
Buchanan		\$ 0	\$0
Totals:		\$0	\$2,945,600.00
% DBE Prime Participation			0%

The County found that 0% of the DBE participation during FFYs 2015 through 2017 was produced by the utilization of DBE primes. This value was developed by dividing the total dollars awarded to DBE Primes (\$0) by the total dollars awarded on all Primes contracts (\$2,945,600) within FFYs 2015 through 2017, as displayed in the table above. The County confirmed that the projects completed during FFYs 2015 through 2017 were similar to the types of projects being procured in the upcoming overall goal period, a required criterion for consideration in utilizing DBE prime participation to validate race-neutral application. As 0% DBE participation was achieved on like-projects during the attainment period reviewed the County concluded that this rate of DBE participation would be an accurate reflection of DBE prime capacity in the primary types of work projected to be performed in the coming overall goal period.

### **C. Consider Past Participation by DBE Subcontractors on Contracts without Goals**

DOT has identified that the amount of past participation obtained through the use of DBE subcontractors on contracts without DBE goals should be considered achieved race/gender-neutrally and that those attainments can be used as a basis for estimating a similar level of race/gender-neutral participation in the next overall goal period. Therefore, the County considered the amount of past DBE subcontractor participation on contracts without DBE goals in FFYs 2015, 2016 and 2017 below:

**Table 8**

	FFY	Total Dollar Value Awarded to DBE Subs on RN Contracts	Total Dollar Value of Awarded Contracts without Goals
Byron	2017	\$ 0	\$ 0
Buchanan		\$ 94,380	\$ 372,186
Byron	2016	\$ 0	\$ 0
Buchanan**			
Byron	2015	\$ 162,000	\$ 752,606
Buchanan**			
Totals:		\$256,380	\$1,124,792
% DBE Prime Participation			22.79% = 23%*

\*Rounded to the nearest whole number

\*\*Excluded from analysis as participation was achieved with race-conscious measures

A DBE participation value of 23% was derived by the utilization of DBE firms in the Race-Neutral (RN) periods above. Although the County reviewed a three-year period to provide a sufficient sampling of performance on past projects, closer examination uncovered that the 2015 FFY included RC participation, so this participation was excluded from the analysis. The County confirmed that the projects completed during FFYs 2015 through 2017 were similar to the types of projects being procured in the upcoming overall goal period, a required criterion for consideration in utilizing race-neutral DBE subcontractor participation to validate race-neutral application. As 23% DBE participation was achieved on like-projects during the attainment period reviewed the County concluded that this rate of DBE participation would be an accurate reflection of DBE subcontractor's capacity to perform race-neutrally in the 2019/21 overall goal period.

#### **D. Consider MBE/WBE/DBE Participation Pursuant to Race/Gender-Neutral State or Local Programs.**

The County monitors DBE participation but does not currently track MBE/WBE/DBE participation on Race/Gender-Neutral or Local Programs. The County will consider methods of tracking this information in the future for use in considering the proper race/gender-neutral application.

#### **E. Past History of Inability to Achieve Goals**

DOT has identified that a recipient's past inability to meet their goals in the past years as a powerful indicator that the recipient may be justified in applying race-/gender-conscious measures to achieve their goals in future Federal Fiscal Years. The following table below reflects the demonstrated capacity of DBEs (measured by historical DBE participation) on FTA-assisted contracts awarded by the County within the last three (3) Federal Fiscal Years:

**Table 9**

	Overall DBE Goal by Period	RN/RC Application Period	Federal Year	Fiscal	DBE Attainment	% Beneath Goal
Byron	12.79%	RN	FFY 2015*		21%	8.21%
Buchanan	5.64%	RC			0%	-5.64%
Byron	3.13%	RN	FFY 2016		0%	-3.13%
Buchanan	12.28%	RC			4%	-8.28%
Byron**			FFY 2017			
Buchanan	12%	RN			28%	16%
% Goals Exceeded in numerical Order: -8.28%, -5.64%, <b>-3.13%</b> , 8.21%,16% <b>-3% Median Past History of Inability to Achieve Goals</b>						

\*FFY 2018 still in progress as of the date of methodology preparation, so FFY 2015 was used in lieu of FFY 2018

\*\*Excluded from analysis as participation was achieved with race-conscious measures

The County's historical DBE participation produced a shortfall in their ability to meet goals in Federal Fiscal Years 2015 through 2017.

As three years of DBE Participation data was reviewed for projects with similar scopes and values to the projects in the upcoming goal period, the County can reasonably assume that the rates of DBE participation reflected are an accurate reflection of DBE capacity to perform race-neutrally in the 2019/21 overall goal period. The County has applied this to the proposed DBE Goal to project the necessary race-conscious/race-neutral breakout, as illustrated below:



% Goals Exceeded in Past = -6%  
RN DBE Prime Participation = 0%  
RN DBE Subcontractor Participation = 23%  
Past Inability to Meet Goal (Median below goal) = -3%  
 $-6\% + 0\% + 23\% + -3\% = 11\%$   
 $14\% / 4 = 3.5\%$  (Average RN Participation)  
**4% RN Projection (Rounded to the nearest whole number)**

**DBE Goal: 7%**  
**RN Application 4% / RC Application 3%**

Consistent with the FAA guidance provided and the reasons delineated above the County has found it advisable to implement the race-neutral/race-conscious breakout illustrated above to meet the proposed Overall DBE Goal in accordance with 49 CFR Part 26.51.

**F. Monitor DBE Participation to Determine Whether an Adjustment to the Use of Race/Gender-Conscious Measures is Necessary**

The County will continue to monitor its DBE participation during the overall goal period to determine whether the application of race-neutral/race-conscious measures to meet the proposed Overall DBE Goal remains on target. The County will adjust the application of race/gender-neutral and race/gender-conscious measures, as necessary to ensure they meet the maximum feasible portion the overall goal by using race/gender-neutral means of facilitating DBE participation.

**VI. PUBLIC PARTICIPATION AND FACILITATION**

In accordance with Public Participation Regulatory Requirements of Title 49 CFR Part 26, minority, women, local business chambers, and community organizations within the County's market area were consulted and provided an opportunity to review the goal analysis and provide input. The County prepared Outreach Consultation Letters advising the aforementioned business community of the proposed DBE goal analysis and its availability for review and comment on the County's website.

The County issued a Public Notice publishing the County's Overall Goal for the FFY 2019/21 FAA-assisted contracts on their website. The Notice informed the public that the proposed goal and rationale were available for inspection on the County's website and that the County would accept comments on the goal analysis for 30 days from the date of the Public Notice. Additionally, the Public Notice requested participation from the public in a forum to discuss and share their valuable experience and input pertaining to effects of discrimination on opportunities for DBE's in the County's market area. The public was informed that the County would give full consideration to all comments and input received as a part of the consultation process and would assess its impact on the Proposed Overall DBE Goal. The final Overall Goal submitted to FAA for approval will remain on the County's website through the life of the goal period.

As a follow-up, the County invited the public as well as identified minority, women and general contractor groups and organizations within the County's market area to attend a public forum (December 20, 2018) from 9:00am to 11:00 am), in order to provide testimony and any additional information regarding effects of discrimination on opportunities for DBE's in the County's market

area. The County identified 310 of these groups and organizations for direct solicitation to participate in the public forum, review the proposed goal and share their valuable experience and input.

Additionally, the County consults and will continue to consult with minority groups and organizations year-round via event attendance and facilitation to directly solicit the public in-person regarding input they have on DBE opportunities.

Comment review produced one, therefore an adjustment to the goal was not necessary.

**PUBLIC NOTICE**  
**County Contra Costa Airports**

**NOTICE IS HEREBY GIVEN**, that the County Contra Costa Airports, (herein referred to as the “County”) has established a Proposed Overall Disadvantaged Business Enterprise (DBE) Goal of 7% for Federal Fiscal Years (FFYs) 2019/2021. The County proposes to meet 4% of the goal through the use of race-neutral measures and the remaining 3% through the use of race-conscious measures. The DBE goal is applicable to FTA-assisted contracts scheduled to be solicited and awarded during the period of October 1, 2018 through September 30, 2021.

The County’s Proposed Overall Goal and its rationale (developed in response to DOT’s Disadvantaged Business Enterprise Program Regulations published under Title 49 CFR Part 26) are available for inspection and public review on the County’s website at: <http://www.co.contra-costa.ca.us/4694/Airports>.

The County will accept comments for thirty (30) days from the date of this Notice. Comments can be forwarded to the County via the website above. Comments may also be forwarded to the Regional Civil Rights Officer, U.S. Department of Transportation, Federal Transportation Administration, Region IX, 201 Mission Street, Suite 2210, San Francisco, California 94105-1800.

# Contra Costa Times

175 Lennon Lane, Suite 100  
Walnut Creek, CA 94598  
925-943-8019

3730177

CONTRA COSTA COUNTY AIRPORTS  
ATTN: DIRECTOR OF AIRPORTS OFC.  
550 SALLY RIDE DR.  
CONCORD, CA 94520

## PROOF OF PUBLICATION

FILE NO. DBE FFYs 2019/2021

In the matter of

### Contra Costa Times

I am a citizen of the United States. I am over the age of eighteen years and I am not a party to or interested in the above entitled matter. I am the Legal Advertising Clerk of the printer and publisher of the Contra Costa Times, a newspaper published in the English language in the City of Walnut Creek, County of Contra Costa, State of California.

I declare that the Contra Costa Times is a newspaper of general circulation as defined by the laws of the State of California as determined by court decree dated October 22, 1934, Case Number 19764. Said decree states that the Contra Costa Times is adjudged to be a newspaper of general circulation for the City of Walnut Creek, County of Contra Costa and State of California. Said order has not been revoked.

I declare that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

**12/08/2018**

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Executed at Walnut Creek, California.  
On this 8th day of December, 2018.

Signature

Legal No. 0006266115

### PUBLIC NOTICE Contra Costa County Airports

**NOTICE IS HEREBY GIVEN**, that the County Contra Costa Airports, (herein referred to as the "County") has established a Proposed Overall Disadvantaged Business Enterprise (DBE) Goal of 7% for Federal Fiscal Years (FFYs) 2019/2021. The County proposes to meet 4% of the goal through the use of race-neutral measures and the remaining 3% through the use of race-conscious measures. The DBE goal is applicable to FTA-assisted contracts scheduled to be solicited and awarded during the period of October 1, 2018 through September 30, 2021. The County's Proposed Overall Goal and its rationale (developed in response to DOT's Disadvantaged Business Enterprise Program Regulations published under Title 49 CFR Part 26) are available for inspection and public review on the County's website at: <http://www.co.contra-costa.ca.us/4694/Airports>.

The County will accept comments for thirty (30) days from the date of this Notice. Comments can be forwarded to the County via the website above. Comments may also be forwarded to the Regional Civil Rights Officer, U.S. Department of Transportation, Federal Transportation Administration, Region IX, 201 Mission Street, Suite 2210, San Francisco, California 94105-1800.

**CCT #6266115; Dec. 8, 2018**



## ATTACHMENT 6

### Demonstration of Good Faith Efforts

1. For Construction Contracts:  
Caltrans Exhibit 15-G and 17-F are provided with the Bidders DBE Good Faith Effort Booklet as part of the solicitation documentation.
2. For Consulting Contracts:  
Caltrans Exhibit 10-O1 and 10-O2 are provided with the Consultants DBE Good Faith Effort Booklet as part of the solicitation documentation.

## EXHIBIT 15-G CONSTRUCTION CONTRACT DBE COMMITMENT

1. Local Agency: \_\_\_\_\_ 2. Contract DBE Goal: \_\_\_\_\_
3. Project Description: \_\_\_\_\_
4. Project Location: \_\_\_\_\_
5. Bidder's Name: \_\_\_\_\_ 6. Prime Certified DBE: ☐ 7. Bid Amount: \_\_\_\_\_
8. Total Dollar Amount for ALL Subcontractors: \_\_\_\_\_ 9. Total Number of ALL Subcontractors: \_\_\_\_\_

10. Bid Item Number	11. Description of Work, Service, or Materials Supplied	12. DBE Certification Number	13. DBE Contact Information (Must be certified on the date bids are opened)	14. DBE Dollar Amount
Local Agency to Complete this Section			15. TOTAL CLAIMED DBE PARTICIPATION	\$
21. Local Agency Contract Number: _____ 22. Federal-Aid Project Number: _____ 23. Bid Opening Date: _____ 24. Contract Award Date: _____  Local Agency certifies that all DBE certifications are valid and information on this form is complete and accurate.				%
25. Local Agency Representative's Signature _____ 26. Date _____ 27. Local Agency Representative's Name _____ 28. Phone _____ 29. Local Agency Representative's Title _____			IMPORTANT: Identify all DBE firms being claimed for credit, regardless of tier. Names of the First Tier DBE Subcontractors and their respective item(s) of work listed above must be consistent, where applicable with the names and items of the work in the "Subcontractor List" submitted with your bid. Written confirmation of each listed DBE is required.  16. Preparer's Signature _____ 17. Date _____ 18. Preparer's Name _____ 19. Phone _____ 20. Preparer's Title _____	

DISTRIBUTION: 1. Original – Local Agency  
2. Copy – Caltrans District Local Assistance Engineer (DLAE). Failure to submit to DLAE within 30 days of contract execution may result in de-obligation of federal funds on contract. Include additional copy with award package.

ADA Notice: For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814

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INSTRUCTIONS – CONSTRUCTION CONTRACT DBE COMMITMENT

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CONTRACTOR SECTION

1. **Local Agency** - Enter the name of the local or regional agency that is funding the contract.
2. **Contract DBE Goal** - Enter the contract DBE goal percentage as it appears on the project advertisement.
3. **Project Location** - Enter the project location as it appears on the project advertisement.
4. **Project Description** - Enter the project description as it appears on the project advertisement (Bridge Rehab, Seismic Rehab, Overlay, Widening, etc).
5. **Bidder's Name** - Enter the contractor's firm name.
6. **Prime Certified DBE** - Check box if prime contractor is a certified DBE.
7. **Bid Amount** - Enter the total contract bid dollar amount for the prime contractor.
8. **Total Dollar Amount for ALL Subcontractors** - Enter the total dollar amount for all subcontracted contractors. SUM = (DBEs + all Non-DBEs). Do not include the prime contractor information in this count.
9. **Total number of ALL subcontractors** - Enter the total number of all subcontracted contractors. SUM = (DBEs + all Non-DBEs). Do not include the prime contractor information in this count.
10. **Bid Item Number** - Enter bid item number for work, services, or materials supplied to be provided.
11. **Description of Work, Services, or Materials Supplied** - Enter description of work, services, or materials to be provided. Indicate all work to be performed by DBEs including work performed by the prime contractor's own forces, if the prime is a DBE. If 100% of the item is not to be performed or furnished by the DBE, describe the exact portion to be performed or furnished by the DBE. See LAPM Chapter 9 to determine how to count the participation of DBE firms.
12. **DBE Certification Number** - Enter the DBE's Certification Identification Number. All DBEs must be certified on the date bids are opened.
13. **DBE Contact Information** - Enter the name, address, and phone number of all DBE subcontracted contractors. Also, enter the prime contractor's name and phone number, if the prime is a DBE.
14. **DBE Dollar Amount** - Enter the subcontracted dollar amount of the work to be performed or service to be provided. Include the prime contractor if the prime is a DBE. See LAPM Chapter 9 for how to count full/partial participation.
15. **Total Claimed DBE Participation - \$:** Enter the total dollar amounts entered in the "DBE Dollar Amount" column. **%:** Enter the total DBE participation claimed ("Total Claimed DBE Participation Dollars" divided by item "Bid Amount"). If the total % claimed is less than item "Contract DBE Goal," an adequately documented Good Faith Effort (GFE) is required (see Exhibit 15-H DBE Information - Good Faith Efforts of the LAPM).
16. **Preparer's Signature** - The person completing the DBE commitment form on behalf of the contractor's firm must sign their name.
17. **Date** - Enter the date the DBE commitment form is signed by the contractor's preparer.
18. **Preparer's Name** - Enter the name of the person preparing and signing the contractor's DBE commitment form.
19. **Phone** - Enter the area code and phone number of the person signing the contractor's DBE commitment form.
20. **Preparer's Title** - Enter the position/title of the person signing the contractor's DBE commitment form.

LOCAL AGENCY SECTION

21. **Local Agency Contract Number** - Enter the Local Agency contract number or identifier.
22. **Federal-Aid Project Number** - Enter the Federal-Aid Project Number.
23. **Bid Opening Date** - Enter the date contract bids were opened.
24. **Contract Award Date** - Enter the date the contract was executed.
25. **Local Agency Representative's Signature** - The person completing this section of the form for the Local Agency must sign their name to certify that the information in this and the Contractor Section of this form is complete and accurate.
26. **Date** - Enter the date the DBE commitment form is signed by the Local Agency Representative.
27. **Local Agency Representative's Name** - Enter the name of the Local Agency Representative certifying the contractor's DBE commitment form.
28. **Phone** - Enter the area code and phone number of the person signing the contractor's DBE commitment form.
29. **Local Agency Representative Title** - Enter the position/title of the Local Agency Representative certifying the contractor's DBE commitment form.

[illegible]

List all first-tier subcontractors/subconsultants and DBEs regardless of tier whether or not the firms were originally listed for goal credit. If actual DBE utilization (or item of work) was different than that approved at the time of award, provide comments on an additional page. List actual amount paid to each entity. If no subcontractors/subconsultants were used on the contract, indicate on the form.

<p>award, provide comments on an additional page. List actual amount paid to each entity. If the subcontractors/subsidiaries were used on the contract, indicate on this form.</p>			
<p><b>I CERTIFY THAT THE ABOVE INFORMATION IS COMPLETE AND CORRECT</b></p>			
17. Contractor/Consultant Representative's Signature	18. Contractor/Consultant Representative's Name	19. Phone	20. Date
<p><b>I CERTIFY THAT THE CONTRACTING RECORDS AND ON-SITE PERFORMANCE OF THE DBE(S) HAS BEEN MONITORED</b></p>			
21. Local Agency Representative's Signature	22. Local Agency Representative's Name	23. Phone	24. Date

**DISTRIBUTION:** Original – Local Agency, Copy – Caltrans District Local Assistance Engineer. Include with Final Report of Expenditures

**ADA NOTICE:** For individuals with sensory disabilities, this document is available in alternate formats. For information, call (916) 445-1233. Local Assistance Procedures Manual TTY 711, or write to Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.



**INSTRUCTIONS – FINAL REPORT-UTILIZATION OF DISADVANTAGED BUSINESS ENTERPRISES (DBE) AND FIRST-TIER SUBCONTRACTORS**

1. **Local Agency Contract Number** - Enter the Local Agency contract number or identifier.
2. **Federal-Aid Project Number** - Enter the Federal-Aid Project Number.
3. **Local Agency** - Enter the name of the local or regional agency that is funding the contract.
4. **Contract Completion Date** - Enter the date the contract was completed.
5. **Contractor/Consultant** - Enter the contractor/consultant's firm name.
6. **Business Address** - Enter the contractor/consultant's business address.
7. **Final Contract Amount** - Enter the total final amount for the contract.
8. **Contract Item Number** - Enter contract item for work, services, or materials supplied provided. Not applicable for consultant contracts.
9. **Description of Work, Services, or Materials Supplied** - Enter description of work, services, or materials provided. Indicate all work to be performed by DBEs including work performed by the prime contractor/consultant's own forces, if the prime is a DBE. If 100% of the item is not to be performed or furnished by the DBE, describe the exact portion to be performed or furnished by the DBE. See LAPM Chapter 9 to determine how to count the participation of DBE firms.
10. **Company Name and Business Address** - Enter the name, address, and phone number of all subcontracted contractors/consultants. Also, enter the prime contractor/consultant's name and phone number, if the prime is a DBE.
11. **DBE Certification Number** - Enter the DBE's Certification Identification Number. Leave blank if subcontractor is not a DBE.
12. **Contract Payments** - Enter the subcontracted dollar amount of the work performed or service provided. Include the prime contractor/consultant if the prime is a DBE. The Non-DBE column is used to enter the dollar value of work performed by firms that are not certified DBE or for work after a DBE becomes decertified.
13. **Date Work Completed** - Enter the date the subcontractor/subconsultant's item work was completed.
14. **Date of Final Payment** - Enter the date when the prime contractor/consultant made the final payment to the subcontractor/subconsultant for the portion of work listed as being completed.
15. **Original DBE Commitment Amount** - Enter the "Total Claimed DBE Participation Dollars" from Exhibits 15-G or 10-O2 for the contract.
16. **Total** - Enter the sum of the "Contract Payments" Non-DBE and DBE columns.
17. **Contractor/Consultant Representative's Signature** - The person completing the form on behalf of the contractor/consultant's firm must sign their name.
18. **Contractor/Consultant Representative's Name** - Enter the name of the person preparing and signing the form.
19. **Phone** - Enter the area code and telephone number of the person signing the form.
20. **Date** - Enter the date the form is signed by the contractor's preparer.
21. **Local Agency Representative's Signature** - A Local Agency Representative must sign their name to certify that the contracting records and on-site performance of the DBE(s) has been monitored.
22. **Local Agency Representative's Name** - Enter the name of the Local Agency Representative signing the form.
23. **Phone** - Enter the area code and telephone number of the person signing the form.
24. **Date** - Enter the date the form is signed by the Local Agency Representative.

# **Contra Costa County**

## **Public Works Department**



### **Bidder's Disadvantaged Business Enterprise (DBE) Good Faith Efforts Booklet**

For use in bidding federally funded County projects subject to the Disadvantaged Business Enterprise (DBE) Program.

For questions about this booklet or any components of the DBE Good Faith Effort, please contact the County's Design/Construction Division Affirmative Action Liaison at (925) 313-2000.

## EXHIBIT 10-O1 CONSULTANT PROPOSAL DBE COMMITMENT

1. Local Agency: \_\_\_\_\_ 2. Contract DBE Goal: \_\_\_\_\_
3. Project Description: \_\_\_\_\_
4. Project Location: \_\_\_\_\_
5. Consultant's Name: \_\_\_\_\_ 6. Prime Certified DBE: ☐

7. Description of Work, Service, or Materials Supplied	8. DBE Certification Number	9. DBE Contact Information	10. DBE %	
<b>Local Agency to Complete this Section</b>		<b>11. TOTAL CLAIMED DBE PARTICIPATION</b>	<b>%</b>	
17. Local Agency Contract Number: _____ 18. Federal-Aid Project Number: _____ 19. Proposed Contract Execution Date: _____  Local Agency certifies that all DBE certifications are valid and information on this form is complete and accurate.				
20. Local Agency Representative's Signature _____ 21. Date _____ 22. Local Agency Representative's Name _____ 23. Phone _____ 24. Local Agency Representative's Title _____		<b>IMPORTANT:</b> Identify all DBE firms being claimed for credit, regardless of tier. Written confirmation of each listed DBE is required.  12. Preparer's Signature _____ 13. Date _____ 14. Preparer's Name _____ 15. Phone _____ 16. Preparer's Title _____		

DISTRIBUTION: Original – Included with consultant's proposal to local agency.

## INSTRUCTIONS – CONSULTANT PROPOSAL DBE COMMITMENT

### CONSULTANT SECTION

1. **Local Agency** - Enter the name of the local or regional agency that is funding the contract.
2. **Contract DBE Goal** - Enter the contract DBE goal percentage as it appears on the project advertisement.
3. **Project Description** - Enter the project description as it appears on the project advertisement (Bridge Rehab, Seismic Rehab, Overlay, Widening, etc.).
4. **Project Location** - Enter the project location as it appears on the project advertisement.
5. **Consultant's Name** - Enter the consultant's firm name.
6. **Prime Certified DBE** - Check box if prime contractor is a certified DBE.
7. **Description of Work, Services, or Materials Supplied** - Enter description of work, services, or materials to be provided. Indicate all work to be performed by DBEs including work performed by the prime consultant's own forces, if the prime is a DBE. If 100% of the item is not to be performed or furnished by the DBE, describe the exact portion to be performed or furnished by the DBE. See LAPM Chapter 9 to determine how to count the participation of DBE firms.
8. **DBE Certification Number** - Enter the DBE's Certification Identification Number. All DBEs must be certified on the date bids are opened.
9. **DBE Contact Information** - Enter the name, address, and phone number of all DBE subcontracted consultants. Also, enter the prime consultant's name and phone number, if the prime is a DBE.
10. **DBE %** - Percent participation of work to be performed or service provided by a DBE. Include the prime consultant if the prime is a DBE. See LAPM Chapter 9 for how to count full/partial participation.
11. **Total Claimed DBE Participation %** - Enter the total DBE participation claimed. If the total % claimed is less than item "Contract DBE Goal," an adequately documented Good Faith Effort (GFE) is required (see Exhibit 15-H DBE Information - Good Faith Efforts of the LAPM).
12. **Preparer's Signature** - The person completing the DBE commitment form on behalf of the consultant's firm must sign their name.
13. **Date** - Enter the date the DBE commitment form is signed by the consultant's preparer.
14. **Preparer's Name** - Enter the name of the person preparing and signing the consultant's DBE commitment form.
15. **Phone** - Enter the area code and phone number of the person signing the consultant's DBE commitment form.
16. **Preparer's Title** - Enter the position/title of the person signing the consultant's DBE commitment form.

### LOCAL AGENCY SECTION

17. **Local Agency Contract Number** - Enter the Local Agency contract number or identifier.
18. **Federal-Aid Project Number** - Enter the Federal-Aid Project Number.
19. **Proposed Contract Execution Date** - Enter the proposed contract execution date.
20. **Local Agency Representative's Signature** - The person completing this section of the form for the Local Agency must sign their name to certify that the information in this and the Consultant Section of this form is complete and accurate.
21. **Date** - Enter the date the DBE commitment form is signed by the Local Agency Representative.
22. **Local Agency Representative's Name** - Enter the name of the Local Agency Representative certifying the consultant's DBE commitment form.
23. **Phone** - Enter the area code and phone number of the person signing the consultant's DBE commitment form.
24. **Local Agency Representative Title** - Enter the position/title of the Local Agency Representative certifying the consultant's DBE commitment form.



## EXHIBIT 10-O2 CONSULTANT CONTRACT DBE COMMITMENT

1. Local Agency: \_\_\_\_\_ 2. Contract DBE Goal: \_\_\_\_\_
3. Project Description: \_\_\_\_\_
4. Project Location: \_\_\_\_\_
5. Consultant's Name: \_\_\_\_\_ 6. Prime Certified DBE: ☐ 7. Total Contract Award Amount: \_\_\_\_\_
8. Total Dollar Amount for ALL Subconsultants: \_\_\_\_\_ 9. Total Number of ALL Subconsultants: \_\_\_\_\_

10. Description of Work, Service, or Materials Supplied	11. DBE Certification Number	12. DBE Contact Information	13. DBE Dollar Amount
<b>Local Agency to Complete this Section</b> 20. Local Agency Contract Number: _____ 21. Federal-Aid Project Number: _____ 22. Contract Execution Date: _____ Local Agency certifies that all DBE certifications are valid and information on this form is complete and accurate.			14. TOTAL CLAIMED DBE PARTICIPATION \$ _____ % _____
23. Local Agency Representative's Signature _____ 24. Date _____ 25. Local Agency Representative's Name _____ 26. Phone _____ 27. Local Agency Representative's Title _____		IMPORTANT: Identify all DBE firms being claimed for credit, regardless of tier. Written confirmation of each listed DBE is required. 15. Preparer's Signature _____ 16. Date _____ 17. Preparer's Name _____ 18. Phone _____ 19. Preparer's Title _____	

DISTRIBUTION: 1. Original – Local Agency  
 2. Copy – Caltrans District Local Assistance Engineer (DLAE). Failure to submit to DLAE within 30 days of contract execution may result in de-obligation of federal funds on contract.

ADA Notice: For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

## INSTRUCTIONS – CONSULTANT CONTRACT DBE COMMITMENT

### CONSULTANT SECTION

1. **Local Agency** - Enter the name of the local or regional agency that is funding the contract.
2. **Contract DBE Goal** - Enter the contract DBE goal percentage as it appears on the project advertisement.
3. **Project Description** - Enter the project description as it appears on the project advertisement (Bridge Rehab, Seismic Rehab, Overlay, Widening, etc).
4. **Project Location** - Enter the project location as it appears on the project advertisement.
5. **Consultant's Name** - Enter the consultant's firm name.
6. **Prime Certified DBE** - Check box if prime contractor is a certified DBE.
7. **Total Contract Award Amount** - Enter the total contract award dollar amount for the prime consultant.
8. **Total Dollar Amount for ALL Subconsultants** - Enter the total dollar amount for all subcontracted consultants. SUM = (DBEs + all Non-DBEs). Do not include the prime consultant information in this count.
9. **Total number of ALL subconsultants** - Enter the total number of all subcontracted consultants. SUM = (DBEs + all Non-DBEs). Do not include the prime consultant information in this count.
10. **Description of Work, Services, or Materials Supplied** - Enter description of work, services, or materials to be provided. Indicate all work to be performed by DBEs including work performed by the prime consultant's own forces, if the prime is a DBE. If 100% of the item is not to be performed or furnished by the DBE, describe the exact portion to be performed or furnished by the DBE. See LAPM Chapter 9 to determine how to count the participation of DBE firms.
11. **DBE Certification Number** - Enter the DBE's Certification Identification Number. All DBEs must be certified on the date bids are opened.
12. **DBE Contact Information** - Enter the name, address, and phone number of all DBE subcontracted consultants. Also, enter the prime consultant's name and phone number, if the prime is a DBE.
13. **DBE Dollar Amount** - Enter the subcontracted dollar amount of the work to be performed or service to be provided. Include the prime consultant if the prime is a DBE. See LAPM Chapter 9 for how to count full/partial participation.
14. **Total Claimed DBE Participation - \$:** Enter the total dollar amounts entered in the "DBE Dollar Amount" column. **%:** Enter the total DBE participation claimed ("Total Participation Dollars Claimed" divided by item "Total Contract Award Amount"). If the total % claimed is less than item "Contract DBE Goal," an adequately documented Good Faith Effort (GFE) is required (see Exhibit 15-H DBE Information - Good Faith Efforts of the LAPM).
15. **Preparer's Signature** - The person completing the DBE commitment form on behalf of the consultant's firm must sign their name.
16. **Date** - Enter the date the DBE commitment form is signed by the consultant's preparer.
17. **Preparer's Name** - Enter the name of the person preparing and signing the consultant's DBE commitment form.
18. **Phone** - Enter the area code and phone number of the person signing the consultant's DBE commitment form.
19. **Preparer's Title** - Enter the position/title of the person signing the consultant's DBE commitment form.

### LOCAL AGENCY SECTION

20. **Local Agency Contract Number** - Enter the Local Agency contract number or identifier.
21. **Federal-Aid Project Number** - Enter the Federal-Aid Project Number.
22. **Contract Execution Date** - Enter the date the contract was executed.
23. **Local Agency Representative's Signature** - The person completing this section of the form for the Local Agency must sign their name to certify that the information in this and the Consultant Section of this form is complete and accurate.
24. **Date** - Enter the date the DBE commitment form is signed by the Local Agency Representative.
25. **Local Agency Representative's Name** - Enter the name of the Local Agency Representative certifying the consultant's DBE commitment form.
26. **Phone** - Enter the area code and phone number of the person signing the consultant's DBE commitment form.
27. **Local Agency Representative Title** - Enter the position/title of the Local Agency Representative certifying the consultant's DBE commitment form.

# **Contra Costa County**

## **Public Works Department**



### **Consultant's Disadvantaged Business Enterprise (DBE) Good Faith Efforts Booklet**

For use in submitting Statement of Qualifications (SOQs) or Proposals on federally funded County projects subject to the County's Disadvantaged Business Enterprise (DBE) Program.

For questions about this booklet, or any components of the DBE Good Faith Effort, please contact Adelina Huerta, Contra Costa County Public Works, Design Construction Division at (925)313-2305.

## ATTACHMENT 7

### DBE Monitoring and Enforcement Mechanisms

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

1. Breach of contract action, pursuant to the terms of the contract;
2. Breach of contract action, pursuant to California Civil Code Section 3300-3322.
3. The Public Works Department will assign a Resident Engineer (RE) or Contract Administrator to monitor and track actual DBE participation through contractor and subcontractor reports of payments in accordance with the following:

#### A. After Contract Award

After the contract award the Public Works Department will review the award documents for the portion of items each DBE and first tier subcontractor will be performing and the dollar value of that work. With these documents the RE/Contract Administrator will be able to determine the work to be performed by the DBEs or subcontractors listed.

#### B. Preconstruction Conference

A preconstruction conference will be scheduled between the RE/Contract Administrator and the contractor or their representative to discuss the work each DBE subcontractor will perform.

Before work can begin on a subcontract, the local agency will require the contractor to submit a completed "Subcontracting Request," Exhibit 16-B of the Caltrans Local Assistance Program Manual (LAPM) or equivalent. When the RE/Contract Administrator receives the completed form it will be checked for agreement of the first tier subcontractors and DBEs. The RE/Contract Administrator will not approve the request when it identifies someone other than the DBE or first tier subcontractor listed in the previously completed "List of Subcontractors and DBEs" form in the Proposal and the "Local Agency-Bidder DBE Information (Construction Contracts)," Exhibit 15-G of the LAPM or equivalent. The "Subcontracting Request" will not be approved until any discrepancies are resolved. If an issue cannot be resolved at that time, or there is some other concern, the RE/Contract Administrator will require the contractor to eliminate the subcontractor in question before signing the subcontracting request. A change in the DBE or first tier subcontractor may be addressed during a substitution process at a later date.

Suppliers, vendors, or manufacturers listed on the "Local Agency-Bidder DBE Information (Construction Contracts)," Exhibit 15-G of the LAPM or equivalent will be compared by the RE/Contract Administrator to those listed in the completed "Notice of Materials to be Used", Exhibit 16-I of the LAPM or equivalent. Differences must be resolved by either making corrections or requesting a substitution.

Substitutions will be subject to the Subletting and Subcontracting Fair Practices Act (FPA). Local agencies will require contractors to adhere to the provisions within Subletting and Subcontracting Fair Practices Act (State Law) Sections 4100-4144. FPA requires the contractor to list all subcontractors in excess of one half of one percent (0.5%) of the contractor's total bid or \$10,000, whichever is greater. The statute is designed to prevent bid shopping by contractors. The FPA explains that a contractor may not substitute a subcontractor listed in the original bid except with the approval of the awarding authority.



The RE/Contract Administrator will give the contractor a blank Exhibit 17-F of the LAPM, "Final Report Utilization of Disadvantaged Business Enterprises, First Tier Subcontractors" and will explain to them that the document will be required at the end of the project, for which payment can be withheld, in conformance with the contract.

#### C. Construction Contract Monitoring

The RE will ensure that the RE's staff (inspectors) knows what items of work each DBE is responsible for performing. Inspectors will notify the RE immediately of apparent violations.

When a firm other than the listed DBE subcontractor is found performing the work, the RE will notify the contractor of the apparent discrepancy and potential loss of payment. Based on the contractor's response, the RE will take appropriate action: The DBE Liaison Officer will perform a preliminary investigation to identify any potential issues related to the DBE subcontractor performing a commercially useful function. Any substantive issues will be forwarded to the Caltrans Disadvantaged Business Enterprise Program. If the contractor fails to adequately explain why there is a discrepancy, payment for the work will be withheld and a letter will be sent to the contractor referencing the applicable specification violation and the required withholding of payment.

If the contract requires the submittal of a monthly truck document, the contractor will be required to submit "Monthly DBE Trucking Verification," Exhibit 16-Z of the LAPM, or equivalent, to the RE showing the owner's name; California Highway Patrol CA number; and the DBE certification number of the owner of the truck for each truck used during that month for which DBE participation will be claimed. The trucks will be listed by California Highway Patrol CA number in the daily diary or on a separate piece of paper for documentation. The numbers are checked by inspectors regularly to confirm compliance.

Providing evidence of DBE payment is the responsibility of the contractor.

#### D. Substitution

When a DBE substitution is requested, the RE/Contract Administrator will request a letter from the contractor explaining why substitution is needed. The RE/Contract Manager must review the letter to be sure names and addresses are shown, dollar values are included, and reason for the request is explained. If the RE/Contract Administrator agrees to the substitution, the RE/Contract Manager will notify, in writing, the DBE subcontractor regarding the proposed substitution and procedure for written objection from the DBE subcontractor in accordance with the Subletting and Subcontracting Fair Practices Act. If the contractor is not meeting the contract goal with this substitution, the contractor must provide the required good faith effort to the RE/Contract Manager for local agency consideration.

If there is any doubt in the RE/Contract Administrator's mind regarding the requested substitution, the RE/Contract Administrator may contact the DLAE for assistance and direction.

#### E. Record Keeping and Final Report Utilization of Disadvantaged Business Enterprises

The contractor shall maintain records showing the name and address of each first-tier subcontractor. The records shall also show:

1. The name and business address, regardless of tier, of every DBE subcontractor, DBE vendor of materials and DBE trucking company.
2. The date of payment and the total dollar figure paid to each of the firms.

3. The DBE prime contractor shall also show the date of work performed by their own forces along with the corresponding dollar value of the work claimed toward DBE contract goal, if applicable.

When a contract has been completed the contractor will provide a summary of the records stated above. The DBE utilization information will be documented on "Final Report Utilization of Disadvantaged Business Enterprises, First Tier Subcontractors," Exhibit 17-F of the LAPM or equivalent. The RE will compare the completed Exhibit 17-F to the contractor's completed "Local Agency Bidder DBE Information (Construction Contracts)," Exhibit 15-G of the LAPM or equivalent, and, if applicable, to the completed "Subcontracting Request," Exhibit 16-B of the LAPM or equivalent. The DBEs shown on the completed Exhibit 17-F should be the same as those originally listed unless an authorized substitution was allowed, or the contractor used more DBEs and they were added. The dollar amount should reflect any changes made in planned work done by the DBE. The contractor will be required to explain in writing why the names of the subcontractors, the work items or dollar figures are different from what was originally shown on the completed Exhibit 15-G when:

- a) There have been no changes made by the RE/Contract Administrator.
- b) The contractor has not provided a sufficient explanation in the comments section of the completed Exhibit 17-F.

The explanation will be attached to the completed Exhibit 17-F for submittal to the RE. The RE will file this in the project records.

The RE/Contract Administrator will keep track of the DBE certification status on the Internet at [www.dot.ca.gov/hq/bep](http://www.dot.ca.gov/hq/bep) and keep the RE informed of changes that affect the contract. The RE will require the contractor to act in accordance with existing contractual commitments regardless of decertification.

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

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

## CIVIL CODE

### SECTION 3300-3322

[3300.] Section Thirty-three Hundred. For the breach of an obligation arising from contract, the measure of damages, except where otherwise expressly provided by this Code, is the amount which will compensate the party aggrieved for all the detriment proximately caused thereby, or which, in the ordinary course of things, would be likely to result therefrom.

3301. No damages can be recovered for a breach of contract which are not clearly ascertainable in both their nature and origin.

3302. The detriment caused by the breach of an obligation to pay money only, is deemed to be the amount due by the terms of the obligation, with interest thereon.

3304. The detriment caused by the breach of a covenant of "seizin," of "right to convey," of "warranty," or of "quiet enjoyment," in a grant of an estate in real property, is deemed to be:

1. The price paid to the grantor; or, if the breach is partial only, such proportion of the price as the value of the property affected by the breach bore at the time of the grant to the value of the whole property;
2. Interest thereon for the time during which the grantee derived no benefit from the property, not exceeding five years;
3. Any expenses properly incurred by the covenantee in defending his possession.

3305. The detriment caused by the breach of a covenant against incumbrances in a grant of an estate in real property is deemed to be the amount which has been actually expended by the covenantee in extinguishing either the principal or interest thereof, not exceeding in the former case a proportion of the price paid to the grantor equivalent to the relative value at the time of the grant of the property affected by the breach, as compared with the whole, or, in the latter case, interest on a like amount.

3306. The detriment caused by the breach of an agreement to convey an estate in real property, is deemed to be the price paid, and the expenses properly incurred in examining the title and preparing the necessary papers, the difference between the price agreed to be paid and the value of the estate agreed to be conveyed at the time of the breach, the expenses properly incurred in preparing to enter upon the land, consequential damages according to proof, and interest.

3317. The detriment caused by a carrier's delay in the delivery of freight, is deemed to be the depreciation in the intrinsic value of the freight during the delay, and also the depreciation, if any, in the market value thereof, otherwise than by reason of a depreciation in its intrinsic value, at the place where it ought to have been delivered, and between the day at which it ought to have been delivered, and the day of its actual delivery.

3318. The detriment caused by the breach of a warranty of an agent's authority, is deemed to be the amount which could have been recovered and collected from his principal if the warranty had been complied with, and the reasonable expenses of legal proceedings taken, in good faith, to enforce the act of the agent against his principal.

3319. (a) In each written contract for private works of improvement entered into on or after January 1, 1996, the contracting party and the design professional may agree to contractual provisions that include a late payment penalty, in lieu of any interest otherwise due. The terms of the late payment penalty shall be specifically set forth in the written contract.

(b) The penalty authorized pursuant to subdivision (a) shall be separate from, and in addition to, the design professionals liens provided by Chapter 3 (commencing with Section 8300) of Title 2 of Part 6 of Division 4, mechanics liens provided by Chapter 4 (commencing with Section 8400) of Title 2 of Part 6 of Division 4, and stop payment notices provided by Chapter 5 (commencing with Section 8500) of Title 2 of Part 6 of Division 4.

(c) None of the rights or obligations created or permitted by this section between design professionals and contracting parties shall apply to construction loan funds held by a lender pursuant to a construction loan agreement.

(d) For purposes of this section, the following definitions apply:

(1) "Contracting party" means any person or entity entering into a written contract with a design professional for professional design services for a private work of improvement.

(2) "Design professional" means a person licensed as an architect pursuant to Chapter 3 (commencing with Section 5500) of Division 3 of the Business and Professions Code, registered as a professional engineer pursuant to Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code, or licensed as a land surveyor pursuant to Chapter 15 (commencing with Section 8700) of Division 3 of the Business and Professions Code.

3320. (a) In each contract for public works of improvement, entered into on or after January 1, 1996, the public agency shall pay to the prime design professional any progress payment within 30 days of receipt of a written demand for payment in accordance with the contract, and the final retention payment within 45 days of receipt of a written demand for payment in accordance with the contract. If the public agency disputes in good faith any portion of the amount due, it may withhold from the payment an amount not to exceed 150



notices on public works provided by Chapter 4 (commencing with Section 9350) of Title 3 of Part 6 of Division 4.

(d) None of the rights or obligations created by this section between prime design professionals and subconsultant design professionals shall apply to construction loan funds held by a lender pursuant to a construction loan agreement.

(e) For purposes of this section:

(1) "Public agency" means the state, any county, any city, any city and county, any district, any public authority, any public agency, any municipal corporation, or other political subdivision or political corporation of the state.

(2) "Design professional" means a person licensed as an architect pursuant to Chapter 3 (commencing with Section 5500) of Division 3 of the Business and Professions Code, registered as a professional engineer pursuant to Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code, or licensed as a land surveyor pursuant to Chapter 15 (commencing with Section 8700) of Division 3 of the Business and Professions Code.

(3) "Prime design professional" means a design professional having a written contract directly with the public agency.

(4) "Subconsultant design professional" means a design professional having a written contract with a prime design professional.

3322. (a) (1) A broker of construction trucking services shall pay all transportation charges submitted by a motor carrier of property in dump truck equipment by the 25th day following the last day of the calendar month in which the transportation was performed, if the charges, including all necessary documentation, are submitted by the fifth day following the last day of the calendar month in which the transportation was performed. If there is a good faith dispute over a portion of the charges claimed, the broker may withhold payment of an amount not to exceed 150 percent of the estimated cost of the disputed amount.

(2) A broker who violates paragraph (1) shall pay to the motor carrier of property in dump truck equipment a penalty of 2 percent per month on the improperly withheld amount.

(3) In an action for the collection of moneys not paid in accordance with paragraph (1), the prevailing party shall be entitled to his or her attorney's fees and costs.

(b) For purposes of subdivision (a), the following definitions apply:

(1) A "broker of construction trucking services" means any person, excluding a licensed contractor, that, as a principal or agent, arranges for transportation services to be provided by an independent contractor motor carrier of property in dump truck equipment and who is responsible for paying the transportation charges of the motor carrier.

(2) A "motor carrier of property in dump truck equipment" means a motor carrier of property permitted by the Department of Motor Vehicles that hauls any type of construction commodity or material in dump truck equipment.

(c) Subdivision (a) only applies if a motor carrier of property is in compliance with Division 14.85 (commencing with Section 36000) of the Vehicle Code at the time the dump truck transportation work is performed.

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION  
**SUBCONTRACTING REQUEST**  
DC-CEM-1201 (REV. 4/94) (OLD HC-45) CT# 7541-3514-7

FRONT

See Instructions  
On Back

CONTRACTOR NAME		COUNTY	ROUTE			
BUSINESS ADDRESS		CONTRACT NO.				
CITY/STATE		ZIP CODE	FEDERAL AID PROJECT NO. (From Special Provisions)			
SUBCONTRACTOR (Name, Business Address, Phone)	BID ITEM NUMBER(S)	% OF BID ITEM SUBBED	CHECK IF: (See Categories Below) (1) (2) (3)		DESCRIBE WORK WHEN LESS THAN 100% OF WORK IS SUBBED	\$ AMOUNT BASED ON BID \$ AMOUNT
<b>Categories:</b> 1) Specialty      2) Listed Under Fair Practices Act      3) Certified DBE/MBE/WBE/DVBE						

I Certify That:

- The Standard Provisions for labor set forth in the contract apply to the subcontracted work.
- If applicable, (Federal Aid Projects only) Section 14 (Federal Requirements) of the Special Provisions have been inserted in the subcontracts and shall be incorporated in any lower-tier subcontract. Written contracts have been executed for the above noted subcontracted work.

CONTRACTOR'S SIGNATURE

DATE

NOTE: This section is to be completed by the Resident Engineer

1. Total of bid items ..... \$ \_\_\_\_\_
2. Specialty items (previously requested) ..... \$ \_\_\_\_\_
3. Specialty items (this request) ..... \$ \_\_\_\_\_
4. Total (lines 2+3) ..... \$ \_\_\_\_\_
5. Contractor must perform with own forces (lines 1 minus 4) x \_\_\_\_\_ % ..... \$ \_\_\_\_\_
6. Bid items previously subcontracted ..... \$ \_\_\_\_\_
7. Bid items subcontracted ( this request) ..... \$ \_\_\_\_\_
8. Total (lines 6+7) ..... \$ \_\_\_\_\_
9. Balance of work Contractor to perform (lines 1 minus 8) ..... \$ \_\_\_\_\_

RESIDENT ENGINEER'S SIGNATURE

APPROVED

DATE

CEM-1201 (HC-46 REV. 4/94)

COPY DISTRIBUTION:

1. Original - Contractor
2. Copy - local agency Resident Engineer
3. Copy - local agency Labor Compliance Officer
4. Contractor's Information Copy

Back

## INSTRUCTIONS FOR COMPLETING SUBCONTRACTING REQUEST FORM

*All First-tier subcontractors must be included on a subcontracting request.*

Submit in accordance with Section 8-1.01 of the *Caltrans Standard Specifications*. Type or print requested information. Information copy is to be retained by the contractor. Submit other copies to project's Resident Engineer. After approval, the original will be returned to the contractor.

When an entire item is subcontracted, the value to be shown is the contractor's bid price.

When a portion of an item is subcontracted, describe the portion, and show the % of bid item and value.

### THIS FORM IS NOT TO BE USED FOR SUBSTITUTIONS.

Prior to submittal of Form CEM-1201 involving a replacement Subcontractor, submit a separate written request for approval to substitute a listed subcontractor. Section 4107 of the Government Code covers the conditions for substitution.

Submit a separate written request for approval of any DBE/MBE/WBE/DVBE substitution. Include appropriate backup information and state what efforts were made to accomplish the same dollar value of work by other certified DBE/MBE/WBE/DVBEs.

NOTE: For contractors who will be performing work on railroad property, it is necessary for the contractor to complete and submit the Certificate of Insurance (State Form DH-OS-A10A) naming the subcontractor as insured. *No work shall be allowed which involves encroachment on railroad property until the specified insurance has been approved.*

**ATTACHMENT 8**  
DBE Certification Application Form

<http://www.dot.gov/osdbu/disadvantaged-business-enterprise/dbe-uniform-certification-application>

*(New form October 2, 2014)*





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

***Roadmap for Applicants***

**1. Should I apply?**

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

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

**2. How do I apply?**

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

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

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

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

**5. Where can I find more information?**

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

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

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

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



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

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

**Section 1: CERTIFICATION INFORMATION**

**A. Basic Contact Information**

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

**B. Prior/Other Certifications and Applications**

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

**Section 2: GENERAL INFORMATION**

**A. Business profile:**

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

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

**B. Relationships and Dealings with Other Businesses**

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



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

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

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

### Section 3: MAJORITY OWNER INFORMATION

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

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

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

#### B. Additional Owner Information

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

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

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

### Section 4: CONTROL

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

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



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

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

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

## **C. Inventory: Indicate firm inventory in these categories:**

### **(1) Equipment and Vehicles**

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

### **(2) Office Space**

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

### **(3) Storage Space**

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

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

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

## **E. Financial / Banking Information**

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

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

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

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

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

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

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

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

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

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

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

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

## **AIRPORT CONCESSION (ACDBE) APPLICANTS**

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

## **AFFIDAVIT & SIGNATURE**

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



## Section 1: CERTIFICATION INFORMATION



### A. Basic Contact Information

- (1) Contact person and Title: \_\_\_\_\_ (2) Legal name of firm: \_\_\_\_\_
- (3) Phone #: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ (4) Other Phone #: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ (5) Fax #: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_
- (6) E-mail: \_\_\_\_\_ (7) Firm Websites: \_\_\_\_\_
- (8) Street address of firm (No P.O. Box): \_\_\_\_\_ City: \_\_\_\_\_ County/Parish: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_
- (9) Mailing address of firm (if different): \_\_\_\_\_ City: \_\_\_\_\_ County/Parish: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

### B. Prior/Other Certifications and Applications

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

☐ DBE ☐ ACDBE Names of certifying agencies: \_\_\_\_\_

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

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

Date \_\_\_\_/\_\_\_\_/\_\_\_\_ State/UCP Member: \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_ State/UCP Member: \_\_\_\_\_

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

(a) Denied certification or decertified as a DBE, ACDBE, 8(a), SDB, MBE/WBE firm? ☐ Yes ☐ No

(b) Withdrawn an application for these programs, or debarred or suspended or otherwise had bidding privileges denied or restricted by any state or local agency, or Federal entity? ☐ Yes ☐ No

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

## Section 2: GENERAL INFORMATION

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

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

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

(5) Method of acquisition (Check all that apply):

- ☐ Started new business ☐ Bought existing business ☐ Inherited business ☐ Secured concession  
☐ Merger or consolidation ☐ Other (explain) \_\_\_\_\_



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

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

- ☐ Sole Proprietorship      ☐ Limited Liability Partnership  
☐ Partnership      ☐ Corporation  
☐ Limited Liability Company      ☐ Joint Venture (Identify all JV partners \_\_\_\_\_)  
☐ Applying as an ACDBE      ☐ 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.

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

☐ Yes ☐ No If Yes, explain \_\_\_\_\_

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

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

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



### Section 3: MAJORITY OWNER INFORMATION

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

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

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

(5) Gender: ☐ Male ☐ Female

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

- ☐ Black ☐ Hispanic  
☐ Asian Pacific ☐ Native American  
☐ Subcontinent Asian  
☐ Other (specify) \_\_\_\_\_

(7) U.S. Citizenship:

- ☐ U.S. Citizen  
☐ Lawfully Admitted Permanent Resident

(8) Number of years as owner: \_\_\_\_\_

(9) Percentage owned: \_\_\_\_\_ %

Class of stock owned: \_\_\_\_\_

Date acquired \_\_\_\_\_

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

Describe how you acquired your business:

- ☐ Started business myself  
☐ It was a gift from: \_\_\_\_\_  
☐ I bought it from: \_\_\_\_\_  
☐ I inherited it from: \_\_\_\_\_  
☐ Other \_\_\_\_\_

(Attach documentation substantiating your investment)

### B. Additional Owner Information

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

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

If Yes, identify: Name of Business: \_\_\_\_\_ Function/Title: \_\_\_\_\_

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

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

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

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

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

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

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



### Section 3: OWNER INFORMATION, Cont'd.

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

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

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

(5) Gender: ☐ Male ☐ Female

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

- ☐ Black ☐ Hispanic  
☐ Asian Pacific ☐ Native American  
☐ Subcontinent Asian  
☐ Other (specify) \_\_\_\_\_

(7) U.S. Citizenship:

- ☐ U.S. Citizen  
☐ Lawfully Admitted Permanent Resident

(8) Number of years as owner: \_\_\_\_\_

(9) Percentage owned: \_\_\_\_\_ %

Class of stock owned: \_\_\_\_\_

Date acquired \_\_\_\_\_

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

Describe how you acquired your business:

- ☐ Started business myself  
☐ It was a gift from: \_\_\_\_\_  
☐ I bought it from: \_\_\_\_\_  
☐ I inherited it from: \_\_\_\_\_  
☐ Other \_\_\_\_\_

(Attach documentation substantiating your investment)

### B. Additional Owner Information

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

(3)(a) Does this owner own or work for any other firm(s) that has a relationship with this firm? (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.) ☐ Yes ☐ No  
Identify the name of the business, and the nature of the relationship, and the owner's function at the firm:

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

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

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

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

## Section 4: CONTROL



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

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

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

☐ Yes ☐ No If Yes, identify for each:

Person: \_\_\_\_\_ Title: \_\_\_\_\_  
 Business: \_\_\_\_\_ Function: \_\_\_\_\_

Person: \_\_\_\_\_ Title: \_\_\_\_\_  
 Business: \_\_\_\_\_ Function: \_\_\_\_\_

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

☐ Yes ☐ No If Yes, identify for each:

Firm Name: \_\_\_\_\_ Person: \_\_\_\_\_  
 Nature of Business Relationship: \_\_\_\_\_

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

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

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 control the following functions for 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
_____	_____	_____
_____	_____	_____

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

**AIRPORT CONCESSION (ACDBE) APPLICANTS ONLY MUST COMPLETE THIS SECTION**

Identify the following information concerning the ACDBE applicant firm:

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

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

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



## AFFIDAVIT OF CERTIFICATION

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

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

I \_\_\_\_\_ (full name printed),  
swear or affirm under penalty of law that I am  
\_\_\_\_\_ (title) of the applicant firm  
\_\_\_\_\_ and that I  
have read and understood all of the questions in this  
application and that all of the foregoing information and  
statements submitted in this application and its attachments  
and supporting documents are true and correct to the best of  
my knowledge, and that all responses to the questions are full  
and complete, omitting no material information. The responses  
include all material information necessary to fully and  
accurately identify and explain the operations, capabilities and  
pertinent history of the named firm as well as the ownership,  
control, and affiliations thereof.

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

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

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

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

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

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

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

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

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

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

Signature \_\_\_\_\_  
(DBE/ACDBE Applicant) (Date) \_\_\_\_\_

### NOTARY CERTIFICATE



## UNIFORM CERTIFICATION APPLICATION SUPPORTING DOCUMENTS CHECKLIST

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

### Required Documents for All Applicants

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

### Partnership or Joint Venture

- ☐ Original and any amended Partnership or Joint Venture Agreements

### Corporation or LLC

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

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

### Optional Documents to Be Provided on Request

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

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

### Suppliers

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



## ATTACHMENT 9

### State's UCP Agreement

The Public Works Department does not have an agreement with the State of California but instead chooses to utilize the database provided through the California Department of Transportation (Caltrans) at the Disadvantaged Business Enterprise Program's website at <http://www.dot.ca.gov/hq/bep>.

ATTACHMENT 10

Small Business Element Program

**ATTACHMENT 10**  
Small Business Element

*On December 13, 1999 the Contra Costa County Board of Supervisors approved the County-wide Small Business Enterprise Program. The Public Works Department participates in this program and incorporates its elements into all contracts.*

*The Public Works Department includes the Small Business Enterprise and Outreach Program sheet (attached) with each of its contracts. The information gathered here is tabulated and reported to the County Administrators Office twice per year. The Small Business Program goal is to award 50% of all contracts within the program threshold to SBE, MBE, WBE, LBE, DBE, DVBE, WBE, DVBE or OBE businesses.*

## SMALL BUSINESS ENTERPRISE and OUTREACH PROGRAMS

FROM:

Deputy/Division Head (please print)

Deputy/Division Head (signature)

Form Prepared By

Phone Number

☐ New

☐ Renewal

☐ Amendment

Explain

Company Name

Type of Product

WO# / PO# / ERR#

Dollar Amount

**The Small Business Enterprise (SBE) Program applies to** Construction contracts of \$175,000 or less, and Purchasing Transactions and Professional/Personal service contracts of \$100,000 or less.

**The Outreach Program applies to:** Construction contracts that exceed \$100,000, Purchasing Transactions that exceed \$10,000, and Professional/Personal service contracts that exceed \$2,500.

**CATEGORY** (check one): ☐ Professional Service ☐ Personal Service ☐ Purchase ☐ Construction  
**TYPE OF PAYMENT** (check one): ☐ Contract ☐ Purchase Order ☐ Warrant Request ☐ Credit Card

\* IS THIS REQUEST EXEMPT FROM THE SBE/OUTREACH PROGRAM? \*

- ☐ **YES** (please check appropriate box below – you do not have to complete the rest of this form)  
☐ **NO** (please complete the rest of this form)

----- CHECK ONE -----

- |  |   |
|--|---|
| <input type="checkbox"/> Vendor Chosen by Purchasing (No Outreach)<br><input type="checkbox"/> Association dues and membership fees<br><input type="checkbox"/> Lodging<br><input type="checkbox"/> Public transportation, bridge tolls<br><input type="checkbox"/> Utility installation fees<br><input type="checkbox"/> Legal notices<br><input type="checkbox"/> Contracts between divisions within a department<br><input type="checkbox"/> Clean Water Program – Tom Dalziel's group <b>only</b> .<br><input type="checkbox"/> Landfills for trash collected on County roadways | <input type="checkbox"/> Publications<br><input type="checkbox"/> Postage & national courier companies, ie. Federal Express, UPS<br><input type="checkbox"/> Registration and conference booths<br><input type="checkbox"/> Permits, fees & licenses paid to government agencies<br><input type="checkbox"/> Pre-employment screening & fitness for duty exams<br><input type="checkbox"/> Purchases or contracts with other public agencies<br><input type="checkbox"/> Contracts between two different department<br><input type="checkbox"/> Contracts with private non-profit organizations and agencies<br><input type="checkbox"/> State Route 4 Bypass Authority |
|--|---|

\* PLEASE CHECK ALL APPLICABLE ITEMS LISTED BELOW \*

- ☐ **Small Business Enterprise (SBE):** independently owned & operated, not dominant in its field of operation, principal office located in California, has 100 or less employees, average annual gross receipts of 10 million dollars or less over the previous 3 years, or is a manufacturer with 100 or less employees. State certified SBEs qualify for participation in the County's SBE Program.
- ☐ **Minority Business Enterprise (MBE):** Business entity that is at least 51% owned by one or more minority persons.
- ☐ **Women Business Enterprise (WBE):** Business entity that is at least 51% owned by one or more women.
- ☐ **Local Business Enterprise (LBE):** Is a business that has its main office or principal place of business within the boundaries of Contra Costa County.
- ☐ **Disadvantage Business Enterprise (DBE):** A small business owned (at least 51%) and controlled by socially and economically disadvantaged individuals. Used primarily for state or federally funded projects.
- ☐ **Disabled Veteran Business Enterprise (DVBE):** is a business entity at least 51% owned by one or more disabled veterans. The disabled Veteran must be a California resident have a service-connected disability of at least 10% or more and be an honorably discharged veteran of the U.S. Military, Naval or Air Services.
- ☐ **Other Business Enterprise (OBE):** Is any business which does not qualify as a Minority or Women Business Enterprise
- ☐ **None of the above.**

**SOLICITATION FORM**

- ☐ Solicitation form attached  
☐ Form NOT attached, explain below  
☐ This is an amendment/renewal/novation  
 Is an SBE Vendor within program threshold

Date form prepared

**SELF CERTIFICATION FORM**

- ☐ Self Certification form attached  
☐ Vendor found on BidSync or other Auth. Site

Date

Category

Screen shot – County website 06302015

Contra Costa County, CA Official Website - Windows Internet Explorer

costa.ca.us/4266/Equal-Employment-Opportunity-Office

ins Local A... APWA - Self Assessment Business Search - Californ... Check a License - Contrac... UPS Suggested Sites Web Slice Gallery

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Equal Employment Opportunity Programs

Equal Employment Opportunity Contacts

County Practices and Procedures

Forms

Hiring Outreach Oversight Committee

State and Federal EEO Resources

Live Chat

CCTV

Online Payments

Jobs

County Home • Government • County Administration • Divisions • Risk Management • Equal Employment Opportunity Office

## Equal Employment Opportunity Office

### Overview

The Equal Employment Opportunity (EEO) Office ensures that County employees, applicants, and vendors are provided a professional environment which is free from discrimination and/or harassment. This office also ensures non-discrimination in the execution of contracts while promoting positive external customer relations.

- The goal of the EEO Office is for the County's Workforce data to reflect the diversity of the County's Census Residential Labor Force. In order to assess the diversity in County employment, we compare the labor force data (race, sex, ethnicity, and job classification) from the most recent U.S. Census Report to the County's workforce data. The County makes every effort to achieve this goal by targeting recruitment and employment efforts which result in diverse applicant pools of qualified candidates. Currently, the County's diverse workforce is the result of the leadership of the Board of Supervisors and the commitment of the County Administrator, Department Heads, managers, supervisors, employees, unions, and community groups and organizations.
- The County values the contributions of businesses in the County's Contracting Programs for construction, purchasing and professional/personal services. These efforts promote the County's commitment to ensuring full and equitable participation for County contracts by minorities, women, and other businesses. The County is dedicated to increasing the participation of Small Business Enterprises (SBE), Disadvantaged Business Enterprises (DBE) and Disabled Veteran Business Enterprises (DVBE) in both Federal and State contracting and procurement.

### Contact Us

Antoine J. Wilson  
Equal Employment  
Opportunity Officer

2530 Arnold Dr.  
Suite 140  
Martinez, CA 94553

Ph: 925-335-1455  
Fx: 925-335-1420  
925-335-1421

Hours  
Monday - Friday  
8 a.m. - 5 p.m.

Internet | Protected Mode: On



Screen Shot – EEO Website – SBE Programs

A Official Website - Windows Internet Explorer

/4517/Small-Business-Enterprise-Programs

A - Self Assessment Business Search - Californ... Check a License - Contrac... UPS Suggested Sites Web Slice Gall

**CALIFORNIA**  
**CONTRA COSTA**  
*County*

Site Tools < Share

Home Departments

Government Doing Business Environment Community

Help Me Find

Good Faith Effort Documentation Booklet

Disadvantaged Business Enterprise (DBE)

Live Chat

CCTV

Online Payments

Jobs

County Home > Government > County Administration > Divisions > Risk Management > Equal Employment Opportunity Office > Equal Employment Opportunity Programs > Contracting Programs > Small Business Enterprise Programs

### Small Business Enterprise Programs

Contra Costa County values the contributions of small business in the County and has developed programs to assist in the solicitation and awarding of contracts. The Board of Supervisors has adopted these programs to enable small and local businesses to compete for a share of the County's purchasing transactions.

The Board of Supervisors has set a goal of awarding at least 50% of eligible product and service dollars to small businesses. The Small Business Enterprise (SBE) Program applies to: (1) county-funded construction contracts of \$175,000 or less; (2) purchasing transactions of \$100,000 or less; and (3) professional/personal service contracts of \$100,000 or less. Businesses included under these programs include:

- [Small Business Enterprise \(SBE\)](#)
- [Disadvantaged Business Enterprise \(DBE\)](#)
- [Disabled Veteran Business Enterprise \(DVBE\)](#)
- [Local Business Enterprise \(LBE\)](#)
- [Minority Business Enterprise \(MBE\)](#)
- [Women Business Enterprise \(WBE\)](#)

The SBE Programs objective is to have at least 50% or more of the total eligible dollar base amounts be awarded to SBEs. For Contra Costa County's Small Business Enterprise Program, a SBE is an eligible Small Business Enterprise, as defined by the California Government Code, Section 14837, Chapter 3.5 must be:

- Independently owned and operate business, which is not dominant in its field of operation
- Principal office of which is located in California
- Officers of which are domiciled in California, and which together with affiliates, has 100 or fewer employees
- Average annual gross receipts of fourteen million dollars (\$14,000,000) or less over the previous three tax years, or a manufacturer with 100 or fewer employees

Internet