



Fulton County Board of Commissioners
Agenda Item Summary

18-1032

BOC Meeting Date
 12/19/2018

Requesting Agency

Purchasing and Contract Compliance

Commission Districts Affected

All Districts

Requested Action *(Identify appropriate Action or Motion, purpose, cost, timeframe, etc.)*

A RESOLUTION IMPLEMENTING FULTON COUNTY'S DISADVANTAGED BUSINESS ENTERPRISE PROGRAM PLAN FOR FULTON COUNTY AIRPORT; AND FOR OTHER PURPOSES.

Requirement for Board Action *(Cite specific Board policy, statute or code requirement)*

Is this Item related to a Strategic Priority Area? *(If yes, note strategic priority area below)*

Yes All People trust government is efficient, effective, and fiscally sound

Is this a purchasing item?

Yes

Summary & Background

(First sentence includes Agency recommendation. Provide an executive summary of the action that gives an overview of the relevant details for the item.)

See attached Resolution and DBE Plan

Agency Director Approval		County Manager's Approval
Typed Name and Title	Phone	
Signature	Date	

Revised 03/12/09 (Previous versions are obsolete)

Contract & Compliance Information

(Provide Contractor and Subcontractor details.)

Solicitation Information	NON-MFBE	MBE	FBE	TOTAL
No. Bid Notices Sent:				
No. Bids Received:				

Total Contract Value	.
Total M/FBE Values	.
Total Prime Value	.

Fiscal Impact / Funding Source *(Include projected cost, approved budget amount and account number, source of funds, and any future funding requirements.)*
 No funding impact

Exhibits Attached *(Provide copies of originals, number exhibits consecutively, and label all exhibits in the upper right corner.)*
 Exhibit 1: Resolution
 Exhibit 2: DBE Plan for Fulton County Airport

Source of Additional Information *(Type Name, Title, Agency and Phone)*
 Felicia Strong-Whitaker, Director, Purchasing & Contract Compliance, (404) 612-5800

Agency Director Approval		County Manager's Approval
Typed Name and Title	Phone	
Signature	Date	

Revised 03/12/09 (Previous versions are obsolete)

Procurement			
Contract Attached: .		Previous Contracts: .	
Solicitation Number: .	Submitting Agency: .	Staff Contact: .	Contact Phone: .
Description:.			
FINANCIAL SUMMARY			
Total Contract Value:		MBE/FBE Participation:	
Original Approved Amount: .		Amount: .	%: .
Previous Adjustments: .		Amount: .	%: .
This Request: .		Amount: .	%: .
TOTAL: .		Amount: .	%: .
Grant Information Summary:			
Amount Requested: .	<input type="checkbox"/>	Cash	
Match Required: .	<input type="checkbox"/>	In-Kind	
Start Date: .	<input type="checkbox"/>	Approval to Award	
End Date: .	<input type="checkbox"/>	Apply & Accept	
Match Account \$: .			
Funding Line 1: No funding impact	Funding Line 2: .	Funding Line 3: .	Funding Line 4: .
KEY CONTRACT TERMS			
Start Date: .		End Date: .	
Cost Adjustment: .		Renewal/Extension Terms: .	
ROUTING & APPROVALS (Do not edit below this line)			
X	Originating Department:	Strong-Whitaker, Felicia	Date: 11/16/2018
X	County Attorney:	Ringer, Cheryl	Date: 12/3/2018
X	Purchasing/Contract Compliance:	Strong-Whitaker, Felicia	Date: 12/4/2018
X	Finance/Budget Analyst/Grants Admin:	Stewart, Hugh	Date: 11/16/2018
.	Grants Management:	.	Date: .
X	County Manager:	Anderson, Dick	Date: 12/5/2018

1 **A RESOLUTION IMPLEMENTING FULTON COUNTY'S DISADVANTAGED**
2 **BUSINESS ENTERPRISE PROGRAM PLAN FOR FULTON COUNTY**
3 **AIRPORT; AND FOR OTHER PURPOSES.**

4
5 **WHEREAS**, pursuant to Fulton County ("County") Code of Ordinances
6 Section 102-440, it is the policy of the County to ensure that Disadvantaged
7 Business Enterprises (DBEs), as defined in 49 CFR Part 26, have an equal
8 opportunity to receive and participate in U.S. Department of Transportation
9 (USDOT) assisted contracts; and

10 **WHEREAS**, federal regulations, specifically USDOT 49 CFR Part 26,
11 require recipients of federal funds to create a Disadvantaged Business Enterprise
12 (DBE) program plan; and

13 **WHEREAS**, the County has received federal financial assistance from
14 USDOT, and as a condition of receiving this assistance, must implement a DBE
15 program plan; and

16 **WHEREAS**, any such program plan must state the recipient's commitment
17 to achieving the goals of federal regulations and objectives and responsibilities
18 with respect to the administration of its DBE program plan; and

19 **WHEREAS**, a consultant engaged to establish a Disadvantaged Business
20 Enterprise program plan in accordance with the regulations of 49 CFR Part 26,
21 attached to this resolution as Exhibit "A"; and

22 **WHEREAS**, the County has signed assurances applicable to all USDOT
23 assisted contracts that the County shall take all necessary and reasonable steps
24 under 49 CFR Part 26 to ensure nondiscrimination in the award and
25 administration of USDOT assisted contracts; and

26 **WHEREAS**, the County has entered into the State of Georgia's Unified
27 Certification Program (known as the GUCP agreement) which authorizes
28 Georgia Department of Transportation (GDOT) as the lead agency responsible
29 for processing applications, certification, decertification and recertification,
30 appeals and maintaining the DBE directory; and

31 **WHEREAS**, the County's Department of Purchasing and Contract
32 Compliance has the responsibility of overseeing and enforcing the deployment of

1 the County's DBE program plan and policies, the County's Purchasing Code, and
2 the County's policy of nondiscrimination in contracting and purchasing; and

3 **NOW THEREFORE, IT IS RESOLVED**, that the Board of Commissioners
4 of Fulton County hereby implements the Disadvantaged Enterprise program plan
5 for the Fulton County Airport as required by the U.S. Department of
6 Transportation Regulations 49 CFR Part 26.

7 **BE IT FINALLY RESOLVED**, that this Resolution shall become effective
8 upon its adoption, and that all resolutions and parts of resolutions in conflict with
9 this Resolution are hereby repealed to the extent of the conflict.

10

11 **SO PASSED AND ADOPTED**, this _____ day of _____, 2018.

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**FULTON COUNTY BOARD OF
COMMISSIONERS**

Sponsored by:

Emma I. Darnell., Commissioner
District 6

ATTEST:

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Jesse A. Harris, Clerk to the
Commission

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APPROVED AS TO FORM:

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Patrise Perkins-Hooker
County Attorney

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FULTON COUNTY

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM PLAN

Fulton County Airport

Atlanta, Georgia

October 2017

Prepared by



Ken Weeden & Associates, Inc.

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UNITED STATES DEPARTMENT OF TRANSPORTATION
DBE PROGRAM – 49 CFR PART 26
Fulton County
for the Fulton County Airport - Brown Field, Atlanta GA

POLICY STATEMENT

Section 26.1, 26.23 Objectives/Policy Statement

Fulton County (hereafter 'the County') has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (USDOT) 49 CFR Part 26. The County has received federal financial assistance from USDOT, and as a condition of receiving this assistance, the County has signed an assurance that they will comply with 49 CFR Part 26.

It is the policy of the County to ensure that DBEs, as defined in 49 CFR Part 26, have an equal opportunity to receive and participate in USDOT-assisted contracts. It is also the policy:

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

Ms. Felicia Strong-Whitaker, Director, Department of Purchasing & Contract Compliance, 130 Peachtree Street SW, Suite 1168, Atlanta GA 30303, 404-612-4210; email: felicia.strong-whitaker@fultoncountyga.gov has been designated as the DBE Liaison Officer (DBELO). In that capacity, Ms. Strong-Whitaker is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the County in its financial assistance agreements with the US Department of Transportation.

The County has disseminated this policy statement to its board members, and will distribute this statement to DBE and non-DBE business communities that perform work for the Airport on USDOT-assisted contracts in the following manner:

1. *This policy statement will be prepared as a handout, and made available at pre-bid conferences, and/or outreach meetings conducted by the County.*
2. *The policy statement will be posted on the county's website.*

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

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

Section 26.5 Definitions

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

Section 26.7 Non-discrimination Requirements

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

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

Section 26.11 Record Keeping Requirements

Reporting to USDOT: 26.11(b)

The County will report DBE participation to USDOT as follows:

The Airport will submit annually the Uniform Reports of DBE Awards or Commitments and Payments, as modified for use by FAA recipients, via FAA dbE-Connect (<https://faa.civilrightsconnect.com/>).

Bidders List: 26.11(c)

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

The County will collect this information in the following ways:

- a. Include a contract clause requiring prime bidders to report the names/addresses, and possibly other information, of all firms who quote to them on subcontracts.
- b. Include a notice in all solicitations, and otherwise widely disseminated, request to firms quoting on subcontracts to report the approved information directly to the County's DBELO for inclusion in the bidder's list.
- c. Request the above information from all potential bidders who contact the Airport seeking bid information, and/or who attend pre-bid meetings, conferences, etc., at the Airport.
- d. The County may also consider the use of the Bidders List Data Collection form, as shown in Attachment 10.

Section 26.13 Federal Financial Assistance Agreement

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

Assurance: 26.13(a)

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

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

Contract Assurance: 26.13b

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

The contractor, sub-recipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of USDOT assisted

contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate, which may include, but is not limited to:

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

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

The County will continue to carry out this program until all funds from USDOT financial assistance have been expended. The County will provide to USDOT updates representing significant changes in the program.

Section 26.23 Policy Statement

The policy statement is elaborated on the first page of this program.

Section 26.25 DBE Liaison Officer (DBELO)

The County has designated the following individual as its DBE Liaison Officer:

Ms. Felicia Strong-Whitaker, Director
Fulton County Department of Purchasing & Contract Compliance
130 Peachtree Street SW, Suite 1168
Atlanta GA 30303
404-612-6304
felicia.strong-whitaker@fultoncountyga.gov

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the County complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Chairman of the County Commission concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment 1 to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO, along with her staff, will administer the program. The duties and responsibilities include the following:

- 1. Gathers and reports statistical data and other information as required by USDOT.*
- 2. Reviews third party contracts and purchase requisitions for compliance with this program.*

3. *Works with all departments to set overall triennial goals.*
4. *Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.*
5. *Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals attainment and identifies ways to improve progress.*
6. *Analyzes the County's progress toward attainment and identifies ways to improve progress.*
7. *Participates in pre-bid meetings.*
8. *Advises the County on DBE matters and achievement.*
9. *Determines compliance of bidders/offerors with good faith efforts in bid submittals.*
10. *Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.*
11. *Plans and participates in DBE training seminars.*
12. *Provides outreach to DBEs and community organizations to advise them of opportunities.*

Section 26.27 DBE Financial Institutions

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

To date the following such institutions have been identified:

Citizens Trust Bank
3705 Cascade Road
Atlanta, GA 30331

<https://ctbconnect.com/atmsfinancial-centers/>

East West Bank
2727 Paces Ferry Road Southeast
Suite 150
Atlanta, GA 30339

<https://www.eastwestbank.com/Views/Pages/locations/>

The County will consider the services offered by these banks and refer contractors to the institutions noted above.

Section 26.29 Prompt Payment Mechanisms

The County has established, as part of its DBE Program, a contract clause to require prime contractors to pay subcontractors for satisfactory performance of their contracts no later than seven (7) days from receipt of each payment made to the prime contractor.

The County will ensure prompt and full payment of retainage from the prime contractor to the subcontractor within seven (7) days after the subcontractor's work is satisfactorily completed. The County will 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 seven (7) days after payment to the prime contractor.

The 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 the 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.

The County will share information regarding required documentation for payment with subcontractors. The County will take steps to promote the timely submission by contractors of invoices for payment, and will also maintain adequate internal controls to facilitate timely payment to contractors.

The County will provide appropriate means to enforce the requirements of this section. These means include:

1. Withholding from the contractor in violation ten percent (10%) of all future payments under the involved eligible project until it is determined that the contractor is in compliance.
2. Withholding from the contractor in violation all future payments under the involved eligible project until it is determined that the contractor is in compliance.
3. Refusal of all future bids or offers for any applicable contract until it is determined that the contractor is in compliance.
4. Cancellation of the current contract.

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

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than seven (7) days from the receipt of each payment the prime contract receives from the County. The prime contractor agrees further to return retainage payments to each subcontractor within seven (7) days after the 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 subcontracts.

Dispute Resolution: 26.29(e) (1-3)

The County requires that prime contractors insert a contract provision in their subcontractor agreements that allows for a dispute resolution process. Pursuant to 49 CFR Part 26.29(e) (1-3), the following contract provisions will be reviewed and approved by the County:

1. A contract clause that requires prime contractors to include in their subcontractors' agreements language providing that prime contractors and subcontractors will use appropriate alternative dispute resolution mechanisms to resolve payment disputes; and disputes between the prime contractor and DBE subcontractor may also be subject to Georgia's Alternative Dispute Resolution process¹.
2. A contract clause providing that the prime contractor will not be reimbursed for work performed by subcontractors unless and until the prime contractor ensures that the subcontractors are promptly paid for the work they have performed.

Section 26.31 Directory

The primary Disadvantaged Business Enterprise Directory for the County comes from the Georgia Department of Transportation (GDOT) and contains listings of certified minority- and women-owned construction firms and material suppliers from throughout the State of Georgia.

The GDOT maintains active lists of certified disadvantaged businesses located throughout the state. Therefore, all of the firms listed in the directory have been certified by this state and in accordance with USDOT criteria. It should be noted also that these listings and certifications are periodically updated with some firms being added, while others are removed. Also, the State of Georgia Department of Administrative Services, which maintains a list of small businesses², which maintains a list of small businesses, may be consulted to identify potential DBE firms. The County's M/FBE directory (<https://fultoncountyga.diversitycompliance.com/>) may also be consulted to identify potential DBE firms.

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

GDOT revises the directory in real time, and the weblink may be found in **Attachment 2**.

Section 26.33 Overconcentration

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

¹ <http://godr.org>

² <http://doas.ga.gov/state-purchasing/suppliers/minority-business-enterprise-certification>

Section 26.35 Business Development Programs

The County has not established a business development program.

Section 26.37 Monitoring and Enforcement Mechanisms

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

1. The County will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that USDOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the USDOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.
2. The County will consider similar action under its own legal authorities, including responsibility determinations in future contracts. Attachment 3 lists the regulations, provisions, and contract remedies available to the County in the event of non-compliance with the DBE regulations by a participant in procurement activities.
3. The County will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished by the following means:
 - a. *Reviewing bid package documentation thoroughly, obtaining clarification, if necessary.*
 - b. *Reviewing monthly reports regarding employment as well as DBE participation to ensure adherence to plan as represented in bid documents and as stipulated in this program.*
 - c. *Monitoring progress of payments to DBEs through monthly reports from prime contractors.*
 - d. *Monitoring progress of DBEs work through on-site visits and communication with DBEs. The County will implement a monitoring and enforcement mechanism that will include written certification that the County has reviewed contracting records and monitored work sites for this purpose. This monitoring will be conducted during routine project site visits by the County's engineering consultant on a monthly basis. In addition to the engineering consultant, the DBELO will sign-off on the written certifications.*
4. The County will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

Section 26.39 Fostering Small Business Participation

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

The program element is included as Attachment 4. The County will actively implement the program elements to foster small business participation. Doing so is a requirement of good faith implementation of the DBE program.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

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

Section 26.45 Overall Goal

The County will establish an overall DBE goal covering a three-year federal fiscal year period if it 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 FAA by August 1st as required by the established schedule below.

Airport Type	Region	Date Due (Goal Period)	Next Goal Due (Goal Period)
Non-Primary (GAs, Relievers and State DOTs)	New England, Northwest Mountain, & Southern	August 1, 2017 (2018/2019/2020)	August 1, 2020 (2021/2022/2023)

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.

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 5 to this program. This section of the program will be updated triennially.

In establishing the overall goal, the County will provide for consultation and publication. This includes consultation with minority, women’s and general contractor groups, community organizations, and other officials or organizations that 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 submitting the goal methodology to the FAA for

review pursuant to paragraph (f) of this section. The County will document in the goal submission the consultation process that was utilized. Notwithstanding paragraph (f)(4) of this section, the County will not implement the proposed goal until this requirement is fulfilled.

The County's overall goal submission to USDOT will include a summary of information and comments received during this public participation process and responses, if any comments are received.

The County will begin using the overall goal on October 1 of each year, unless it has received other instructions from USDOT. If the County establishes a goal on a project basis, it will begin using the goal by the time of the first solicitation for a USDOT-assisted contract for the project.

Section 26.45(f) - Prior Operating Administration Concurrent

The County understands that it is not required to obtain prior operating administration concurrence with the overall goal. However, if the operating administration's review suggests that the overall goal has not been correctly calculated or that the method for calculating goals is inadequate, the operating administration may, after consulting with the County, adjust the overall goal or require that the County 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 in guidance issued pursuant to § 26.9.

Section 26.47 Goal Setting and Accountability

If the awards and commitments shown on the County's Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall applicable to that fiscal year, the Airport with the assistance from the Department of Purchasing & Contract Compliance will

1. Analyze in detail the reason for the difference between the overall goal and the actual awards/commitments;
2. Establish specific steps and milestones to correct the problems identified in the analysis; and
3. Prepare, within 90 days of the end of the fiscal year, the analysis and corrective actions developed under paragraph (c)(1) and (2) of this section. The County will retain a copy of the analysis and corrective actions in its records for a minimum of three years, and will make it available to FAA upon request.

Section 26.49 Transit Vehicle Manufacturers Goals

N/A

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

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment 6 to this program. This section of the program will be updated annually when the goal calculation is updated.

Section 26.51(d-g) Contract Goals

The County will use contract goals to meet any portion of the overall goal it does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of the overall goal that is not projected to be met through the use of race-neutral means.

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

The County will express its contract goals as a percentage of the federal share of a USDOT-assisted contract.

Section 26.53 Good Faith Efforts Procedures

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

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

The DBELO is responsible for determining whether a bidder/offeror who has not met the contract goal has documented sufficient good faith efforts to be regarded as responsive.

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

Information to be submitted (26.53(b))

18-1032

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

- (1) Award of the contract will be conditioned on meeting the requirements of this section;
- (2) All bidders or offerors will be required to submit the following information to the County, at the time provided in paragraph (b)(3) of this section:
 - (i) The names and addresses of DBE firms that will participate in the contract;
 - (ii) A description of the work that each DBE will perform. To count toward meeting a goal, each DBE firm must be certified in a NAICS code applicable to the kind of work the firm would perform on the contract;
 - (iii) The dollar amount of the participation of each DBE firm participating;
 - (iv) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet a contract goal; and
 - (v) Written confirmation from each listed DBE firm that it is participating in the contract in the kind and amount of work provided in the prime contractor's commitment.
 - (vi) If the contract goal is not met, evidence of good faith efforts (see Appendix A of 49 CFR Part 26). The documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract; and
- (3) The County will require that the bidder/offeror present the information required by paragraph (b)(2) of this section under sealed bid procedures, as a matter of responsiveness, or with initial proposals, under contract negotiation procedures.

This information will be collected using the forms found in Attachment 7.

Administrative reconsideration (26.53(d))

Within seven (7) days of being informed by the County that it is not responsive because it has not documented sufficient good faith efforts, a bidder may request administrative reconsideration. Bidders should make this request in writing to the following reconsideration official:

Patrise M. Perkins-Hooker
County Attorney
Fulton County Office of the County Attorney
141 Pryor St. SW, Suite 4038
Atlanta, GA 30303
patrise.perkins-hooker@fultoncountyga.gov

The reconsideration official will not have played any role in the original determination that the bidder did not document sufficient good faith efforts. The reconsideration official can designate an independent hearing officer to hear the administrative reconsideration.

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

Good Faith Efforts procedures in situations when there are contract goals (26.53(f)(g))

The County will include in each prime contract a provision stating:

The contractor shall utilize the specific DBEs listed to perform the work and supply the materials for which each is listed unless the contractor obtains the County's written consent as provided in this paragraph 26.53(f); and

That, unless the County's consent is provided under this paragraph 26.53(f), the contractor shall not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE.

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

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

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

In this situation, the County will require the prime contractor to obtain prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts. The County will provide such written consent only if the County agrees, for reasons stated in a concurrence document, that the prime contractor has good cause to

terminate the DBE firm. For purposes of this paragraph, good cause includes the following circumstances:

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

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

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

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

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 the County requests documentation from the contractor under this provision, the contractor shall submit the documentation within 7 days, which may be extended for an additional 7 days if necessary at the request of the contractor, 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 § 26.13(b) stating that failure by the contractor to carry out the requirements of this part 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 deem 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, the County's contracting office will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding.

Sample Bid Specification:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of Fulton County to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of ___ percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26, to meet the contract goal for DBE participation in the performance of this contract.

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

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

Section 26.55 Counting DBE Participation

The County will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55.

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

The County will refer all matters pertaining to certification to the Georgia Department of Transportation's Equal Opportunity Division in accordance with the State's UCP program. The Equal Opportunity Division will use the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in USDOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. The Equal Opportunity Division will make all certification decisions based on the facts as a whole.

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

**Georgia Department of Transportation
Equal Opportunity Division
600 West Peachtree Street, N.W.
7th Floor
Atlanta, Georgia 30308
(404) 631-1972
<http://www.dot.ga.gov/PS/Business/DBE>.**

The certification application forms and documentation requirements are found in Attachment 8 to this program.

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

The County is a member of the Unified Certification Program (UCP) administered by the Georgia Department of Transportation (GDOT)'s Equal Opportunity Division. The UCP will meet all of the requirements of this section. Georgia's UCP program uses the certification standards of Subpart D of Part 26 and the certification procedures of Subpart E of Part 26 to determine the eligibility of firms to participate as DBEs in USDOT/FAA-assisted contracts. Under the GDOT UCP Program, only GDOT and Atlanta's MARTA will conduct all DBE certifications. To be certified as a DBE, a firm must meet all certification eligibility standards. The County will refer all certifications to either of these two agencies.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

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

Notwithstanding any contrary provisions of state or local law, the County will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than USDOT) without the written consent of the submitter.

Monitoring Payments to DBEs

The County will require prime contractors to maintain records and documents of payments to DBEs for three (3) years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of the County or USDOT. This reporting requirement also extends to any certified DBE subcontractor.

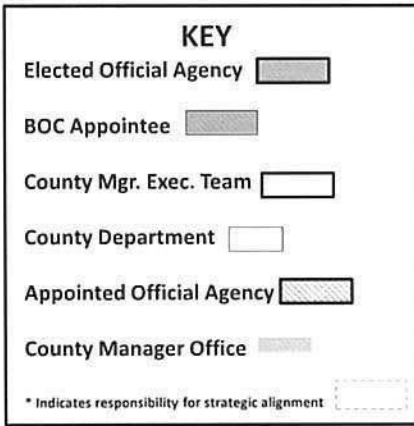
The County will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts states in the schedule of DBE participation.

ATTACHMENTS

- | | |
|---------------|---|
| Attachment 1 | Organizational Chart |
| Attachment 2 | DBE Directory |
| Attachment 3 | Monitoring and Enforcement Mechanisms |
| Attachment 4 | Fostering Small Business Participation |
| Attachment 5 | Overall Goal Calculation |
| Attachment 6 | Breakout of Estimated Race-Neutral & Race-Conscious Participation |
| Attachment 7 | Form 1 & 2 for Demonstration of Good Faith Efforts |
| Attachment 8 | Certification Application Forms |
| Attachment 9 | Regulations: 49 CFR Part 26 |
| Attachment 10 | Bidder's List Data Form |

Attachment 1

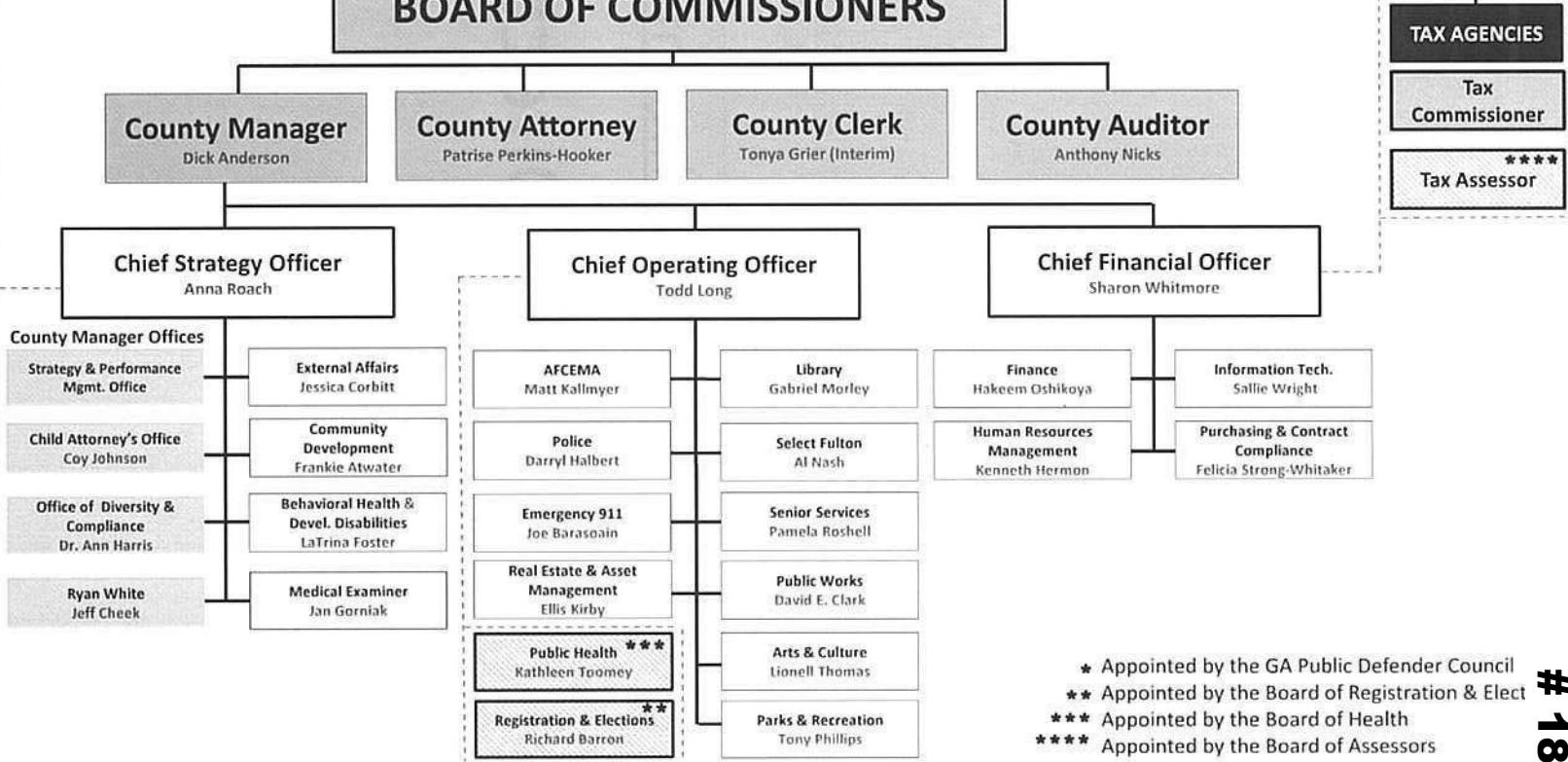
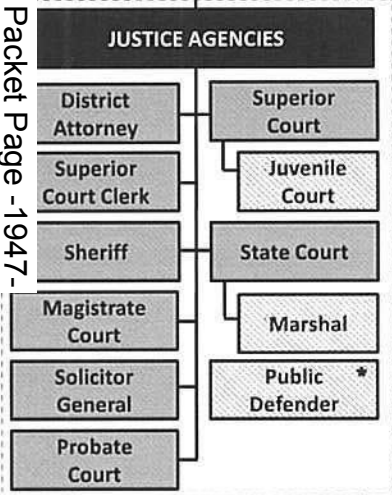
Organizational Chart



CITIZENS OF FULTON COUNTY

BOARD OF COMMISSIONERS

Packet Page -1947-



- * Appointed by the GA Public Defender Council
- ** Appointed by the Board of Registration & Elect
- *** Appointed by the Board of Health
- **** Appointed by the Board of Assessors

18-1032

Attachment 2
DBE Directory

The DBE Directory for the State of Georgia
may be found at
<http://www.dot.ga.gov/PS/Business/DBE>.

Attachment 3

Monitoring and Enforcement
Mechanisms

Fulton County – Fulton County Airport - Brown Field

1. All participants are hereby notified that pursuant to Title 49 Code of Federal Regulations, United States Department of Transportation, Part 26 and the Disadvantaged Business Enterprise Participation Program for Fulton County, they must affirmatively ensure that, in any contract entered into with the County, DBEs will be afforded *equal* opportunity to participate in subcontracting activities. It is the policy of the County to ensure that DBEs, as defined in Part 26, have an equal opportunity to receive and participate in USDOT-assisted contracts. It is further the policy of the County to ensure nondiscrimination in the award and administration of USDOT-assisted contracts.
2. All contracts between the County, and a Contractor shall contain an appropriate provision to the effect that failure by the Contractor to comply with the County's DBE Program Plan for the Fulton County Airport shall constitute a breach of contract, exposing the Contractor to a potential termination of the contract or other appropriate remedy, including withholding of funds, until such time as the contractor complies with all the DBE requirements of this program. Under authority granted by Georgia law, the County may impose liquidated damages, contract suspension, or even contract termination.
3. All documentation submitted at time of bid, as well as additional supplemental information requested by the County and data provided by the successful bidder, is considered part of the contract documents. Any alterations, substitutions, deletions, etc., to data provided at time of submission of bid must have prior approval of the County's Purchasing Agent.
4. Should a DBE firm not certified by the Georgia Department of Transportation be proposed by a potential contractor as a part of his/her DBE plan efforts, the inclusion of said firm will not be considered a demonstration of making good faith efforts towards meeting the DBE goal.
5. In contracts with DBE contract goals, bids submitted which do not meet the DBE contract goals, and which do not show that a meaningful good faith effort was made to achieve the stated goals, will be considered non-responsive bids, and bidders will be notified of the deficiency and given opportunity to appeal to the Administrative Reconsideration Official (49 CFR 26.53). The bidder will not be eligible for award of the contract until the appeal procedures are complete. The Administrative Reconsideration Official will make the determination on the sufficiency of the good faith efforts.
6. The County reserves the right to reject any or all bids, or to re-advertise for bids. Award, if made, will be to the lowest responsive and qualified bidder. A bid will not be considered responsive unless the bidder complies with Title 49 Code of the Federal Regulations, Part 26, and the Disadvantaged Business Enterprise Program of the County.
7. The County shall require contractors to make good faith efforts to replace a DBE subcontractor that is terminated, or fails to complete its work on the contract for any reason, with another DBE subcontractor. If a DBE subcontractor is terminated, or fails to complete

its work on the contract for any reason, the Contractor must notify the Airport immediately. These good faith efforts shall be directed at finding another DBE to perform at least the same amount of work under the contract as the DBE that was terminated, to the extent needed to meet the established contract goal. The County shall approve all substitutions prior to contract award and during contract performance in order to ensure that the substitute firms are eligible DBEs.

Additional information on the County's Disadvantaged Business Enterprise Program can be obtained from the DBE Liaison Officer, **Ms. Felicia Strong-Whitaker, Director, Fulton County Department of Purchasing & Contract Compliance, 130 Peachtree Street SW, Suite 1168, Atlanta GA 30303, 404-612-4210; email: felicia.strong-whitaker@fultoncountyga.gov.**

8. The County will also implement a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award is actually performed by DBE's. This mechanism will provide for a running tally of actual DBE attainments (e.g., payments actually made to DBE firms), including a means of comparing these attainments to commitments. These mechanisms will include, but not be limited to, the following:
 - a. *Reviewing bid package documentation thoroughly, obtaining clarification, if necessary.*
 - b. *Reviewing monthly reports regarding employment as well as DBE participation to ensure adherence to plan as represented in bid documents and as stipulated in this program.*
 - c. *Monitoring progress of payments to DBEs through monthly reports from prime contractors.*
 - d. *Monitoring progress of DBEs work through on-site visits and communication with DBEs. The County will implement a monitoring and enforcement mechanism that will include written certification that the County has reviewed contracting records and monitored work sites for this purpose. This monitoring will be conducted during routine project site visits by the County's engineering consultant on a monthly basis. In addition to the engineering consultant, the DBELO will sign off on the written certifications.*
9. The County will bring to the attention of the US Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that USDOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the USDOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.
10. The County also will consider similar action under its own legal authorities, including responsibility determinations in future contracts. In addition, the County will apply legal and contract remedies under state and local law. This includes, for example, applying liquidated damages, withholding payments, etc.
11. In its reports of DBE participation to the USDOT, the County will show both commitments and attainments, as required by the USDOT reporting form.

Attachment 9 contains a copy of 49 CFR Part 26, which describes federal regulations, provisions, and contract remedies available to the County in the event of non-compliance by a participant.

Attachment 4

Small Business Participation
Plan

Section 26.39 – Fostering Small Business Participation

A. Purpose and Objective of this Element

This element, 49 CFR Part 26.39, is included as an amendment to the Airport’s DBE program plan, and is herein referenced as the Small Business Participation Plan (SBPP). This new part calls for the inclusion of an element to

“structure contracting requirements to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation.”

Fulton County (“the County”) hereby sets forth the Fulton County Airport - Brown Field’s plan to implement these requirements. The County’s SBPP is also regarded as a substantial effort toward fulfilling the overall intent of 49 CFR Part 26.51, which is to meet the maximum feasible portion of its overall goal by using race-neutral means to obtain DBE participation. Therefore, implementation of the Airport’s SBPP will be based on the standard of business size, without regard to race or gender of the business owner.

This element also addresses the unnecessary and unjustified “bundling” of contract requirements which may preclude or inhibit small business participation in procurements, as either prime or subcontractors.

Further, the County perceives the objectives of this section to be consistent with its DBE program policy statement, which says in part:

*“- To ensure nondiscrimination in the award and administration of DOT-assisted contracts.
- To help remove barriers to the participation of DBEs in DOT assisted contracts..
- To assist the development of firms that can compete successfully in the market place outside the DBE Program.”*

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

B. SBPP Strategy

The County intends to carry out the objectives of this part by employing the following strategies and supporting activities:

1. Establishment of a Race-neutral “Subcontracting Goal”

The County proposes, where feasible, on certain prime contracts that do not have a DBE contract goal, that prime contractors will be required to provide subcontracting opportunities to qualified small business concerns (SBCs), as defined herein, without regards to race or gender of the business owner. Verified business size and subcontracting opportunities will be the basis of this subcontracting goal. The opportunities must be of a size that SBCs, including some which may also happen to

be certified DBEs, can reasonably perform. The County, through the Contract Compliance Administrator and/or the County's engineering consultants, will assess the feasibility for race-neutral subcontracting goals on projects. The Contract Compliance Administrator and/or consultant(s) will assist the potential prime contractors by reviewing the project(s), in advance of the solicitation, and by suggesting potential subcontracting opportunities in the solicitation documents. This will help to establish a reasonable race-neutral subcontracting goal.

2. **Consideration of "Unbundling" of Large Contracts**

The Airport, as a non-primary airport, has given consideration to "unbundling" as a small business strategy and believe that, at this time, such a strategy will not be suitable for the airport. Because of the limited number of contracts each year, the increased total number of bid solicitations with "unbundling" could significantly increase both administrative and project costs per bid. This will reduce the necessary "economy of scale" for non-primary airports. The County will evaluate projects on a yearly basis to determine if there is feasibility in "unbundling" contracts in the future.

C. **Definitions for this Element**

1. **Small Business**

For purposes of this program element, which is part of the airport's approved DBE program, "small business" shall have the same definition as "small business concerns" contained in 49 CFR 26.5:

"Small business concern means, with respect to firms seeking to participate as DBEs in DOT-assisted contracts, a small business concern as defined pursuant to section 3 of the Small Business Act and Small Business Administration regulations implementing it (13 CFR part 121) that also does not exceed the cap on average annual gross receipts specified in §26.65(b)."

For additional clarification, it is useful to include here some excerpts from the SBA regulations, 13 CFR, 121.105:

(a)(1) Except for small agricultural cooperatives, a business concern eligible for assistance from SBA as a small business is a business entity organized for profit, with a place of business located in the United States, and which operates primarily within the United States or which makes a significant contribution to the U.S. economy through payment of taxes or use of American products, materials or labor...." and,

(b) A business concern may be in the legal form of an individual proprietorship, partnership, limited liability company, corporation, joint venture, association, trust or cooperative, except that where the form is a joint venture there can be no more than 49 percent participation by foreign business entities in the joint venture.

Small business concerns must meet the business size standards, as defined by the SBA. The business size standards are based upon the average annual revenues, and they vary according to the type of business. More information can be found at http://www.sba.gov/sites/default/files/files/Size_Standards_Table.pdf.

Further, it is acknowledged that the SBA rules make allowances for the dollar amounts to be adjusted from time to time.

2. **Disadvantaged Business Enterprise**

Disadvantaged Business Enterprise (DBE) means a for-profit small business concern (defined by SBA rules, above) that meets the standards of 49 CFR Part 26, i.e.

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

It is understood that in the implementation of this element, all of the "small business concerns" may not necessarily be DBE firms. However, small businesses that are also owned and controlled by individuals who meet the DBE standard will certainly be encouraged to seek DBE certification. Only DBE-certified firms who participate as small business concerns, pursuant to this element, will be counted towards DBE race-neutral participation on FAA-assisted contracts in this program.

D. Verification Standards and Procedures

For purposes of this small business element, the County will require the following verification and/or certification:

1. **Georgia Unified Certification Program (GA UCP) DBE Certification** – DBE certification by a certifying member of the GA UCP which stipulates that a firm has been determined to meet all the requirements in accordance with 49 CFR Part 26. All certification determinations are evidenced by a letter of DBE certification issued by a certifying member of the GA UCP. It should be noted that the County is a non-certifying member of the GA UCP and relies on certification decisions of the Georgia Department of Transportation (GDOT). The GDOT certification staff applies the standards and procedures for DBE certification applicants contained in Subparts D and E of 49 CFR 26.61 – 26.91.
2. **Small business status** - A non-DBE certified potential small business concern may have to complete a simplified application and/or provide the following information

at time of response to a solicitation or a bid submittal, as evidence of the small business status:

- a. Evidence of SBA 8(a) or SBD Certification (as described in 13 CFR Parts 121 and 124);
 - b. A copy of the business tax returns for the most recent three-year period indicating the gross receipts; and/or
 - c. A notarized statement from a Certified Public Accountant indicating the firm's average gross receipts for the past three years.
3. **Use of Personal Net Worth:** The County, in addition to the standards for small business concerns described above, plans to utilize the current personal net worth standards of the DBE program (49 CFR Part 26.67), presently at \$1.32 million.

E. Supportive Services

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

Atlanta Micro Fund
1100 Peachtree Street
Suite 200
Atlanta, Georgia 30309
Phone: 678-539-6900
<http://www.atlantamicrofund.org/>

Karen Mills, P.E.
Attorney at Law & Mediator
3330 Cumberland Blvd., #500
Atlanta, GA 30339
Phone: 770-933-6223
Karen.mills@millslawllc.com

Greater North Fulton Chamber of Commerce
11605 Haynes Bridge Rd Suite 100
Alpharetta, GA 30009
Phone: (770) 993-8806
<https://www.gnfcc.com/>

5th Down Consulting Group, LLC
1741 Dees Drive
Ellenwood, GA 30294
Phone: 404-957-5780
dmorgan123@bellsouth.net

Invest Atlanta – Atlanta's Development Authority
133 Peachtree Street NE, Suite 2900
Atlanta, GA 30303
Phone: 404-880-4100
<http://www.investatlanta.com/>

Georgia Tech Procurement
Assistance Center (GTPAC)
75 – 5th Street, NW, Suite 3000
Atlanta, GA 30308

South Fulton Chamber of Commerce, Inc.
Wagon Works
1514 E. Cleveland Avenue, Suite 205
East Point, GA 30344
Phone: (770) 964-1984
<http://southfultonchamber.com/>

SCORE Atlanta
233 Peachtree Street, NE
Harris Tower, Suite 1900
Atlanta, GA 30303
Phone: 404-331-0121
<http://atlanta.score.org/chapters/atlanta-score>

The University of Georgia SBDC
Atlanta Office
Georgia State University
75 Piedmont Avenue NE, Suite 700
Atlanta, GA 30303
Phone: (404) 413-7830
<https://www.georgiasbdc.org/atlanta-office/>

F. Implementation Plan and Timetable

The County proposes to have its SBPP fully implemented within 120 days of the FAA final approval of the plan. The County will utilize the timeframe to properly set up the program in order to maximize the potential for ultimate success. These set-up activities will include:

1. Review, in coordination with the DBELO, all upcoming projects to determine which, if any, will be conducive for application of either of the two selected SBPP strategies described in Section B, above.
2. Review, in coordination with the DBELO and airport consultants, the necessary revisions and modifications to bid solicitation language, etc., prior to implementation of the plan.
3. Coordinate properly with the GA UCP to initiate discussions as to whether any changes/modifications are implicated in the UCP stakeholder agreement, due to verification of small business concerns.
4. Coordinate with other entities currently providing relevant supportive services and/or business development for referrals to their programs, as appropriate for the small

business concerns that may contact the Airport to increase their competitive opportunities at the Airport.

5. The County, during the pre-implementation period, may also seek consultation with the representative small business community.

G. Assurances

To help insure the successful implementation of the Small Business Participation Plan (SBPP), the County, by way of review, accepts the following Assurances:

1. *A detailed description of the small business program, its objectives, and how it is designed to operate.*
 - a. The details of our proposed program are described in sections A through G, of this part.
2. *Assurance that the program is authorized under state law.*
 - a. The County's SBPP will adhere to all applicable local and state laws and regulations.
3. *Assurance that certified DBEs that meet the size criteria established under the program are **presumptively** eligible to participate in the program;*
 - a. As stated in D. 4, of this section, certified DBE firms that meet the size criteria established under the program are presumptively eligible to participate in the small business program.
4. *Assurance that there **are no geographic preferences** or limitations imposed on any federally assisted procurement included in the program.*
 - a. The County will assure that there will be no geographic preferences or limitations imposed on any federally assisted procurement included in the County's DBE program.
5. *Assurance that there **are no limits** on the number of contracts awarded to firms participating in the program but that every effort will be made to avoid creating barriers to the use of new, emerging, or untried businesses.*
 - a. The County will assure that it will not limit the number of contracts awarded to firms that are participating in the small business program. The County further assures that it will make a concerted effort to avoid creating barriers to the use of new, emerging, or untried businesses.

6. *Assurance that aggressive steps will be taken to encourage those minority- and women-owned firms that are eligible for DBE certification to become certified.*
 - a. The County recognizes that, while some firms encountering the County's SBPP program may be small-business eligible, they may not be certified as DBE firms. If, in the verification process, such firms appear to be DBE-eligible as well, they will be referred to the state UCP and encouraged to become DBE-certified. The Airport will also make them aware of additional potential business opportunities if they become certified as DBEs.

7. *Assurance that the program is open to small businesses regardless of their location (i.e., that there is no local or other geographic preference).*
 - a. The assurance stated in item 4, above, is also applicable to specifically to the airport's SBPP program as well.

H. Principal Responsible Person

The principal responsible person for overseeing and implementing the County's SBPP will be the currently designated Disadvantaged Business Enterprise Liaison Officer (DBELO).

Attachment 5

Overall Goal Calculation

**FY 2018-FY 2020
DISADVANTAGED BUSINESS ENTERPRISE PROGRAM METHODOLOGY
FOR**

FULTON COUNTY AIRPORT - BROWN FIELD

ATLANTA, GEORGIA

OCTOBER 2017

METHODOLOGY for Establishing the FY 2018 – FY 2020 Overall Disadvantaged Business Enterprise (DBE) Goal for:

*Fulton County Airport - Brown Field
Atlanta GA
October 2017*

Airport Sponsor: **Fulton County**

Airport: **Fulton County Airport – Brown Field**

DBELO: Ms. Felicia Strong-Whitaker, Director
Fulton County Department of Purchasing & Contract Compliance
130 Peachtree Street SW, Suite 1168
Atlanta GA 30303
404-612-4210
email: felicia.strong-whitaker@fultoncountyga.gov

I. Detailed Methodology: Specific Steps

A. Amount of Goal

Fulton County’s (“the County”) FY 2018-2020 overall goal for the Federal financial assistance it will expend in USDOT-assisted contracts is the following:

Overall Goal:	<u>22.54%</u>
Race-Neutral:	<u>5.59%</u>
Race-Conscious:	<u>16.95%</u>

Given the amount of USDOT-assisted contracts that the County expects to let during this fiscal three-year period, which is approximately **\$10,552,500**, this means that the County has set a goal of expending approximately **\$2,378,220** with DBEs during FY 2018-FY 2020.

B. Determination of the Market Area of the study

The normal market area is derived by determining where the substantial majority of contracting dollars for AIP-funded projects were spent, and from where the majority of bidders over a given period of time have come. The market area, shown below in Table 1, is based on federally-funded projects within the past five years at the airport.

Table 1: Counties in the Local Market Area for Fulton County Airport - Brown Field

County	Dollars Expended	Percentage of Dollars Expended	Number of bidders	Percentage of bidders
Cobb	\$0	0.0%	2	33.3%
DeKalb	\$175,562	8.1%	1	16.7%
Douglas	\$0	0.0%	1	16.7%
Fulton	\$1,996,906	91.9%	2	33.3%
TOTAL	\$2,172,468	100.0%	6	100.0%

Source: Michael Baker International

C. Determination of relevant NAICS codes

Based on information provided by the consulting engineer concerning the proposed projects for this three-year period, a list of NAICS codes corresponding to these projects was developed and is shown below:

Table 2: Fulton County Airport - Brown Field—FY 2018-FY 2020 Projects & Activities

<i>FY 2018 Projects</i>		
<i>PROJECT</i>	<i>ACTIVITY</i>	<i>NAICS CODE</i>
• EMAS - Runway 8 & 26 Ends (Design), including FAA Reimbursable Agreement	Engineering/design	541330
• EMAS - Runway 8 & 26 Ends Environmental Evaluation & Permitting	Environmental consulting	541620
• North Terminal Area Taxiway & Apron Improvements - Phase 1 (Construction)	Heavy construction	237310
	Electrical/airfield lighting	238210
	Clearing/excavation	238910
	Erosion control/seeding/mulching	561730
<i>FY 2019 Projects</i>		
• EMAS - Runway 8 & 26 Ends (Construction)	Drainage	237110
	Heavy construction	237310
	Clearing/earthwork	238910
	Engineering/design	541330
	Materials testing	541380
	Erosion control/seeding/mulching	561730
• North Terminal Area Taxiway & Apron Improvement Phase 2 (Design)	Engineering/design	541330
<i>FY 2020 Projects</i>		
• North Terminal Area Taxiway & Apron Improvements - Phase 2 (Construction)	Heavy construction	237310
	Electrical	238210
	Clearing/excavation	238910
	Erosion control/seeding/mulching	561730
• Airfield Lighting & Signage (Design)	Engineering/design	541330
• Taxiway "W" Extension Environmental Re-Evaluation & Permitting	Environmental consulting	541620

Source: Michael Baker International

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

Table 3a: DBEs—Fulton County Airport - Brown Field, by Relevant NAICS Codes—
FY 2018
EMAS - RUNWAY 8 & 26 ENDS (DESIGN)

Activity	NAICS CODES	DBE Firms	All Firms	Percentage of DBE Firms Available	Grant Amount Breakdown	DBE Amount
Engineering/design	541330	19	268	7.09%	\$495,000	\$35,093
STEP 1 DBE BASE FIGURE =						7.09%

Table 3b: DBEs—Fulton County Airport - Brown Field, by Relevant NAICS Codes—
FY 2018
EMAS - RUNWAY 8 & 26 ENDS (ENVIRONMENTAL EVALUATION & PERMITTING)

Activity	NAICS CODES	DBE Firms	All Firms	Percentage of DBE Firms Available	Grant Amount Breakdown	DBE Amount
Environmental consulting	541620	4	34	11.76%	\$495,000	\$58,235
STEP 1 DBE BASE FIGURE =						11.76%

Table 3c: DBEs—Fulton County Airport - Brown Field, by Relevant NAICS Codes—
FY 2018
NORTH TERMINAL AREA TAXIWAY & APRON IMPROVEMENTS - PHASE 1 (CONSTRUCTION)

Activity	NAICS CODES	DBE Firms	All Firms	Percentage of DBE Firms Available	Grant Amount Breakdown	DBE Amount
Heavy construction	237310	21	56	37.50%	\$2,662,477	\$998,429
Electrical/airfield lighting	238210	11	410	2.68%	\$408,624	\$10,963
Clearing/excavation	238910	19	101	18.81%	\$337,653	\$63,519
Erosion control/seeding/mulching	561730	9	599	1.50%	\$281,247	\$4,226
TOTAL					\$3,690,000	\$1,077,136
STEP 1 DBE BASE FIGURE =						29.19%

Table 3d: DBEs—Fulton County Airport - Brown Field, by Relevant NAICS Codes—

FY 2019
EMAS - RUNWAY 8 & 26 ENDS (CONSTRUCTION)

Activity	NAICS CODES	DBE Firms	All Firms	Percentage of DBE Firms Available	Grant Amount Breakdown	DBE Amount
Drainage	237110	7	52	13.46%	\$409,091	\$55,070
Heavy construction	237310	21	56	37.50%	\$920,455	\$345,170
Clearing/earthwork	238910	19	101	18.81%	\$818,182	\$153,915
Engineering/design	541330	19	268	7.09%	\$972,000	\$68,910
Materials testing	541380	1	28	3.57%	\$108,000	\$3,857
Erosion control/seeding/mulching	561730	9	599	1.50%	\$102,273	\$1,537
TOTAL					\$3,330,000	\$628,460
STEP 1 DBE BASE FIGURE =						18.87%

Table 3e: DBEs—Fulton County Airport - Brown Field, by Relevant NAICS Codes—

FY 2019
NORTH TERMINAL AREA TAXIWAY & APRON IMPROVEMENTS - PHASE 2 (DESIGN)

Activity	NAICS CODES	DBE Firms	All Firms	Percentage of DBE Firms Available	Grant Amount Breakdown	DBE Amount
Engineering/design	541330	19	268	7.09%	\$171,000	\$12,123
STEP 1 DBE BASE FIGURE =						7.09%

Table 3f: DBEs—Fulton County Airport - Brown Field, by Relevant NAICS Codes—

FY 2020
NORTH TERMINAL AREA TAXIWAY & APRON IMPROVEMENTS - PHASE 2 (CONSTRUCTION)

Activity	NAICS CODES	DBE Firms	All Firms	Percentage of DBE Firms Available	Grant Amount Breakdown	DBE Amount
Heavy construction	237310	21	56	37.50%	\$1,558,523	\$584,446
Electrical/airfield lighting	238210	11	410	2.68%	\$239,195	\$6,417
Clearing/excavation	238910	18	101	17.82%	\$197,650	\$35,225
Erosion control/seeding/mulching	561730	9	599	1.50%	\$164,632	\$2,474
TOTAL					\$2,160,000	\$628,562
STEP 1 DBE BASE FIGURE =						29.10%

Table 3g: DBEs—Fulton County Airport - Brown Field, by Relevant NAICS Codes—
FY 2020

AIRFIELD LIGHTING & SIGNAGE (DESIGN)						
Activity	NAICS CODES	DBE Firms	All Firms	Percentage of DBE Firms Available	Grant Amount Breakdown	DBE Amount
Engineering/design	541330	19	268	7.09%	\$94,500	\$6,700
STEP 1 DBE BASE FIGURE =						7.09%

Table 3h: DBEs—Fulton County Airport - Brown Field, by Relevant NAICS Codes—
FY 2020

TAXIWAY "W" EXTENSION (ENVIRONMENTAL EVALUATION & PERMITTING)						
Activity	NAICS CODES	DBE Firms	All Firms	Percentage of DBE Firms Available	Grant Amount Breakdown	DBE Amount
Environmental consulting	541620	4	34	11.76%	\$117,000	\$13,765
STEP 1 DBE BASE FIGURE =						11.76%

SOURCES:

1. 2015 County Business Patterns, U.S. Census Bureau, April 21, 2017.
2. Georgia DOT Directory of Certified Disadvantaged Business Enterprises, October 2017.

NOTE: The County Business Patterns data were used as the source to determine the denominator, or the number of all firms in the market area. The DBE directories listed above were used to determine the numerator, or the number of DBE firms in the market area. No other MBE/WBE data were available in the market area for the airport.

E. Determination of the DBE Base Figure

The Step 1 DBE Base Figure for each project was derived by multiplying the dollars for each activity by the percentage of relevant DBE firms to all relevant firms. The total DBE goal in dollars was divided by the total grant amount to derive the step 1 goals.

FY 2018

- EMAS - Runway 8 & 26 Ends (Design) – **7.09%**
- EMAS - Runway 8 & 26 Ends Environmental Evaluation & Permitting – **11.76%**
- North Terminal Area Taxiway & Apron Improvements - Phase 1 (Construction) – **29.19%**

FY 2019

- EMAS - Runway 8 & 26 Ends (Construction) – **18.87%**
- North Terminal Area Taxiway & Apron Improvement Phase 2 (Design) – **7.09%**

FY 2020

- North Terminal Area Taxiway & Apron Improvements - Phase 2 (Construction) – **29.10%**
- Airfield Lighting & Signage (Design) – **7.09%**
- Taxiway "W" Extension Environmental Re-Evaluation & Permitting – **11.76%**

II. Adjustments to the DBE Base Figure

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

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

A. Adjustment Factors to Consider

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

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

"(ii) Evidence from disparity studies conducted anywhere within your jurisdiction, to the extent it is not already accounted for in your base figure...

The overall DBE goal accomplishments at the Airport were examined relative to the above consideration. Notice the median DBE percent accomplishment as indicated below:

Table 4: DBE Accomplishment Data

FISCAL YEAR	DBE GOAL	ACCOMPLISHMENT	OVER/UNDER
FY 2014	?	50.15%	?
FY 2016	15.47%	18.39%	2.92%
FY 2017	15.47%	23.72%	8.25%
MEDIAN		23.72%	5.59%

49 CFR Part 26.45(d)(2) also states that the following must be considered for the purposes of considering an adjustment to the base figure:

"(i) Statistical disparities in the ability of DBEs to get the financing, bonding and insurance required to participate in your program;

(ii) Data on employment, self-employment, education, training and union apprenticeship programs, to the extent you can relate it to the opportunities for DBEs to perform in your program."

Several agencies were contacted, including the Governor's Entrepreneur and Small Business Office (ESBO), the Georgia DOT Equal Opportunity Division, and the Small Business Development Center office at Georgia State University in Atlanta GA, to inquire about disparity studies. None of the entities had any disparity studies or data available for the Fulton County area, and none had any data available noting disparities regarding DBEs' access to bonding, capital, insurance, etc. Fulton County is in the process of conducting a disparity study, which will be ready in 2018.

A disparity study was conducted for the Georgia Department of Transportation (GDOT) and the findings were released in July 2016. The study demonstrated that there exists disparity between the availability of minority- and women-owned firms and DBEs to perform GDOT-funded work, and the utilization of said firms. Because the study does not focus on FAA contracts, the disparity study data will not be used to make an adjustment to the base figure.

Fulton County's Department of Purchasing and Contract Compliance offers free assistance to contractors and subcontractors with insurance and bonding. The County also offers vendor orientation training once a month to assist potential bidders with how to do business with Fulton County.

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

B. Adjustment to Step 1 DBE Base Figure: Fulton County Airport - Brown Field, FY 2018-FY 2020

With the adjustment factors considered to this point, the County will make adjustments to some of the Step 1 base figures. The calculation for the overall DBE goal is shown below.

Table 5: Overall DBE goal calculation – Fulton County Airport - Brown Field

Fiscal Year	Project	Step 1	Step 2 adjustment	Overall Goal	Federal portion project costs	DBE Goal (dollars)
FY 2018	EMAS - Runway 8 & 26 Ends (Design)	7.09%	n/a ³	7.09%	\$495,000	\$35,096
	EMAS - Runway 8 & 26 Ends Environmental Evaluation & Permitting	11.76%	n/a	11.76%	\$495,000	\$58,212
	North Terminal Area Taxiway & Apron Improvements - Phase 1 (Construction)	29.19%	23.72%	26.46%	\$3,690,000	\$976,190
FY 2018 Total				15.10%	\$4,680,000	\$1,069,497
FY 2019	EMAS - Runway 8 & 26 Ends (Construction)	18.87%	23.72%	21.30%	\$3,330,000	\$709,124
	North Terminal Area Taxiway & Apron Improvement Phase 2 (Design)	7.09%	n/a	7.09%	\$171,000	\$12,124
FY 2019 Total				20.60%	\$3,501,000	\$721,247
FY 2020	North Terminal Area Taxiway & Apron Improvements - Phase 2 (Construction)	29.10%	23.72%	26.41%	\$2,160,000	\$570,456
	Airfield Lighting & Signage (Design)	7.09%	n/a	3.45%	\$94,500	\$3,260
	Taxiway "W" Extension Environmental Re-Evaluation & Permitting	11.76%	n/a	11.76%	\$117,000	\$13,759
FY 2020 Total				24.77%	\$2,371,500	\$587,475
FY 2018 - FY 2020 Overall Goal			22.54%	\$10,552,500	\$2,378,220	

The total DBE goal in dollars was divided by the total federal portion of project costs to derive the overall DBE goal of **22.54%** for FY 2018-FY 2020.

³ The base figures for professional services were not adjusted by the median of past participation due to the DBE percentage being met with construction services.

Resources: Fulton County Airport - Brown Field - Disadvantaged Business Enterprise Program Methodology (FY 2018 – FY 2020)

A. Resource Documents:

1. 2015 County Business Patterns, U.S. Census Bureau, April 20, 2017.
2. Georgia DOT Directory of Disadvantaged Businesses, October 2017.

B. Persons, and/or Agencies Consulted with:

1. The Governor's Entrepreneur and Small Business Development
2. Georgia State University Small Business Development Center – Atlanta

APPENDIX A:

PUBLIC COMMENTS

No comments were received from the public regarding the DBE goal for Fulton County Airport-Brown Field for FY 2018-FY 2020. The notice to the public was posted at <http://www.fultoncountyga.gov/purchasing-events-and-announcements> (see Appendix B).

The DBE subconsultant to the Airport's engineering consultant hosted a web conference on December 21, 2017 at 11:00 a.m. There were 502 invitations sent out, and there were 15 participants. The presentation covered the DBE program, recent changes to the federal regulations, and the DBE goal for FY 2018-FY 2020. The session lasted about 45 minutes. Comments and discussion are noted below:

Q. Regarding all of these projects, these are projects that will be funded through GDOT. What about the payrolls?

These projects are being let by the airport, and the grant funds for these projects are administered by GDOT. The issue of payrolls is a separate issue from the administration of the federally-funded projects.

Q. Are these projects funded with T-SPLOST funds?

Not necessarily. These projects are primarily funded via the Federal Aviation Administration's Airport Improvement Program (AIP).

Q. Where can we find opportunities at the airport?

Projects will be listed for bid at <http://www.fultoncountyga.gov/fcpcdd-home>

Q. I have a unique product for pilots and passengers, but these are construction projects. How can I participate in the DBE program? How can I get my product out?

Depending on the product, there may be an opportunity to sell your product at commercial service airports that have concessions (e.g. retail stores). You may also consider selling the product directly to the federal government, and it would be beneficial to pursue 8(a) certifications.

Q. Is there an architectural scope of work for the airport?

No, there are no scopes of work for architecture currently available.

Q. If a firm is certified as an MBE with Fulton County, will that certification satisfy the DBE certification requirements?

The information required for MBE certification may be very similar to the information required to become DBE certified. However, a firm would have to fill out the DBE application and go through the DBE certification process. The DBE program has personal net worth caps, business size standards, and a site visit is required as part of the certification process.

APPENDIX B:

NOTICE TO THE PUBLIC

Attachment 6

Breakout of Estimated Race-
Neutral & Race-Conscious
Participation

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

The County will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. The County will use a combination of the following race-neutral means to increase DBE participation:

1. *Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE, and other small businesses participation (e.g., unbundling large contracts to make them more accessible to small businesses, encouraging prime contractors to subcontract portions of work that they might otherwise perform with their own forces);*
2. *Disseminating information communications on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders, ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors).*

The County estimates that, in meeting its overall goal of **22.54%**, that it will obtain 5.59 points of the overall goal via race-neutral measures. The Airport exceeded its previous goals by a median amount of 5.59%. The balance of the overall goal is projected to be met via race-conscious measures for this fiscal three-year period.

The County will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (26.51(f)) and it will track and report race-neutral and race-conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following:

- DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures;
- DBE participation through a subcontract on a prime contract that does not carry a DBE goal; and
- DBE participation on a prime contract exceeding a contract goal.

II. Process

The County will normally submit its overall goal to the FAA on August 1 of the required year of submission for general aviation airports in the FAA's Southern Region.

In establishing the overall goal, the County provided for consultation and publication. The consultation included minority-, women's and general contractor groups, and small business organizations that 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 included a scheduled, direct, interactive exchange

via a web conference with as many interested stakeholders as possible focused on obtaining information relevant to the County's goal setting process. The consultation web conference was held on December 21, 2017, prior to the submission of the DBE goal methodology to the FAA for review pursuant to paragraph (f) of this section. The County documented in the goal submission the consultation process that was utilized (see Appendix A of Attachment 5).

Following this consultation, the County published a notice of the proposed overall goal, informing the public that the proposed goal and its rationale were available for inspection during normal business hours at the office of the Airport Manager for 30 days from the date of the notice. The notice was posted on the county's website - <http://www.fultoncountyga.gov/purchasing-events-and-announcements>.

The County will begin using the overall goal on October 1 of the required year of submission, unless the County has received other instructions from USDOT/FAA (or, if the goal is established on a project basis) by the time of the first solicitation for a USDOT/FAA-assisted contract for the projects.

III. Contract Goals

The County will use contract goals to meet any portion of the overall goal that the County does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of its overall goal that is not projected to be met through the use of race-neutral means.

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

The County will express its contract goals as a percentage of the federal share of a USDOT-assisted contract.

Attachment 7

Form 1 & 2 for
Demonstration of Good Faith
Efforts

18-1032

FULTON COUNTY

FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner (please check the appropriate space):

___ The bidder/offeror is committed to a minimum of ___ % DBE utilization on this contract.

___ The bidder/offeror (if unable to meet the DBE goal of ___%) is committed to a minimum of ___% DBE utilization on this contract and has submitted documentation demonstrating good faith efforts.

Name of bidder/offeror's firm: _____

State Registration No. _____

By _____
(Signature) Title

FULTON COUNTY

FORM 2: LETTER OF INTENT

Name of bidder/offeror's firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of DBE firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Description of work to be performed by DBE firm:

The bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The estimated dollar value of this work is \$ _____.

Affirmation

The above-named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above.

By _____
(Signature) (Title)

If the bidder/offeror does not receive award of the prime contract, any and all representations in this Letter of Intent and Affirmation shall be null and void.

(Submit this page for each DBE subcontractor.)

Attachment 8

Certification Application
Forms

The DBE certification application for the State of Georgia may be found at [http://www.dot.ga.gov/PS/Business/DBE.](http://www.dot.ga.gov/PS/Business/DBE)

Attachment 9

Regulations: 49 CFR Part 26

The federal regulations, Title 49 Code of Federal Regulations Part 26, may be found at www.ecfr.gov.

Attachment 10

Bidders List Data Form

BIDDERS LIST DATA FORM

Firm Name	Firm Address and Phone No.	DBE or Non-DBE Status <i>(verify via GDOT DBE Directory)</i>	Age of Firm	Annual Gross Receipts
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1M <input type="checkbox"/> \$1-2M <input type="checkbox"/> \$2-5M <input type="checkbox"/> Greater than \$5M
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1M <input type="checkbox"/> \$1-2M <input type="checkbox"/> \$2-5M <input type="checkbox"/> Greater than \$5M
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1M <input type="checkbox"/> \$1-2M <input type="checkbox"/> \$2-5M <input type="checkbox"/> Greater than \$5M
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1M <input type="checkbox"/> \$1-2M <input type="checkbox"/> \$2-5M <input type="checkbox"/> Greater than \$5M
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1M <input type="checkbox"/> \$1-2M <input type="checkbox"/> \$2-5M <input type="checkbox"/> Greater than \$5M
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1M <input type="checkbox"/> \$1-2M <input type="checkbox"/> \$2-5M <input type="checkbox"/> Greater than \$5M
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1M <input type="checkbox"/> \$1-2M <input type="checkbox"/> \$2-5M <input type="checkbox"/> Greater than \$5M
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1M <input type="checkbox"/> \$1-2M <input type="checkbox"/> \$2-5M <input type="checkbox"/> Greater than \$5M
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1M <input type="checkbox"/> \$1-2M <input type="checkbox"/> \$2-5M <input type="checkbox"/> Greater than \$5M
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1M <input type="checkbox"/> \$1-2M <input type="checkbox"/> \$2-5M <input type="checkbox"/> Greater than \$5M