



Atlanta Regional Airport – Falcon Field (FFC)

Disadvantaged Business Enterprise (DBE) Program

For:

Federal Fiscal Years 2021-2023

DRAFT FOR COMMENT

August 12, 2020

Atlanta Regional Airport – Falcon Field (FFC)

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

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UNITED STATES DEPARTMENT OF TRANSPORTATION
DBE PROGRAM – 49 CFR PART 26
Peachtree City, GA
Atlanta Regional Airport – Falcon Field (FFC)

INTRODUCTION

Peachtree City Airport Authority (hereafter “the Airport Authority”) is the owner of the Atlanta Regional Airport – Falcon Field (hereafter “the Airport”), and has prepared the fiscal year (FY) 2021-2023 DBE Goal based upon anticipated engineering design, construction, and professional service contracts in accordance with the United States Department of Transportation (DOT) 49 CFR Part 26, “Participation by Disadvantaged Business Enterprise in DOT Programs”.

The DBE Goal for FY 2021-2023 at Atlanta Regional Airport – Falcon Field is 18.6%.

POLICY STATEMENT

Section 26.1, 26.23 Objectives / Policy Statement

The Airport Authority has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the US Department of Transportation (USDOT) 49 CFR Part 26. The Airport Authority has received Federal financial assistance from USDOT, via the Federal Aviation Authority (FAA) and as a condition of receiving this assistance, the Airport Authority has signed an assurance that they will comply with 49 CFR Part 26.

It is the policy of the Airport Authority 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;
7. To assist the development of firms that can compete successfully in the market place outside the DBE Program.
8. Make appropriate use of the flexibility afforded to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

Hope Macaluso, Airport Manager, Atlanta Regional Airport – Falcon Field, Physical Address: 7 Falcon Drive, Peachtree City, GA 30269, Phone: 770-487-2225, Email: hope@kffc.org, has been designated as the DBE Liaison Officer (DBELO). In that capacity, she 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 Airport Authority in its financial assistance agreements with the US Department of Transportation.

The Airport Authority has disseminated this policy statement to its Council members and all of the components of the organization. The Airport Authority 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 made available at pre-bid conferences, and/or outreach meetings conducted by the Airport Authority.
2. Copies of the Policy statement will be mailed to any agencies/organizations consulted during the development of the DBE goal methodology. This will make the Airport Authority's policy for the Atlanta Regional Airport – Falcon Field (FFC) available to additional small, minority, and women business development agencies.

Hope Macaluso

Date

SUBPART A - GENERAL REQUIREMENTS

Section 26.1 – Objectives

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

Section 26.3 – Applicability

The Airport Authority is the recipient of federal airport funds authorized by 49 U.S.C. 47101, et seq.

Section 26.5 – Definitions

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

Section 26.7 - Non-discrimination Requirements

The Airport Authority 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 Airport Authority 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 Airport Authority 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.

Bidders List: 26.11(c)

The Airport Authority 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 Airport Authority 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 Airport

- Authority'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.

Section 26.13 - Federal Financial Assistance Agreement

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

Assurance: 26.13(a)

The Airport Authority shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any USDOT-assisted contract; or in the administration of its DBE Program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of USDOT assisted contracts. The recipient's DBE Program, as required by 49 CFR Part 26 and as approved by USDOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Airport Authority 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 Airport Authority 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.

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 - DBE Program Updates

The Airport Authority is required to have a DBE program meeting the requirements of this part as it will receive grants for airport planning or development and will award prime contracts, cumulative total value of which exceeds \$250,000 in FAA funds in a federal fiscal year. The Airport Authority is not eligible to receive DOT financial assistance unless DOT has approved

this DBE program and the Airport Authority is in compliance with it and Part 26. The Airport Authority will continue to carry out this program until all funds from DOT financial assistance have been expended. The Airport Authority does not have to submit regular updates of the DBE program document, as long as it remains in compliance. However, significant changes in the program, including those required by regulatory updates, will be submitted for DOT approval.

Section 26.23 - Policy Statement

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

Section 26.25 - DBE Liaison Officer (DBELO)

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

Hope Macaluso, Airport Manager, Atlanta Regional Airport – Falcon Field, Physical Address: 7 Falcon Drive, Peachtree City, GA 30269, Phone: 770-487-2225, Email: hope@kffc.org.

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the Airport Authority complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Airport Authority 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 annual goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals attainment and identifies ways to improve progress).
6. Analyzes the Airport Authority's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the Airport Authority on DBE matters and achievement.
9. Chairs the DBE Advisory Committee (if and when formed).
10. Determine the contractor compliance with good faith efforts.

11. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.

Section 26.27 - DBE Financial Institutions

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

The Peachtree City Airport Authority has thoroughly investigated the full extent of services offered by banks owned and controlled by DBE's in the community. Based on our search of the State of Georgia, these are the following minority owned banks identified. These bank's addresses are:

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|--|--|
| Citizens Trust Bank - Main Branch 75 Piedmont Avenue Atlanta, Georgia 30303 | 2840 E. Point Street East Point, Georgia 30344 |
| | 965 Martin Luther King Jr., Drive SW Atlanta, Georgia |
| Capitol City Bank and Trust - Main Branch 562 Lee Street SW Atlanta, Georgia 30310 | 1268 Broad Street Augusta, Georgia 30901 |
| 5674 Memorial Drive Stone Mountain, Georgia 30083 | 301 West Oglethorpe Blvd. Albany, Georgia 31703 |
| | 339 Martin Luther King Jr., Blvd. Savannah, Georgia 31401 |
| Carver State Bank - Main Branch 701 Martin Luther King Jr., Blvd. Savannah, Georgia 31415 | 7110 Skidaway Road Savannah, Georgia 31401 |

Peachtree City Airport Authority will investigate any new banks established in the area in the future that are owned by DBE's and use their services, when feasible.

The Airport Authority will provide the following notification to each prime contractor who will perform on a DOT-assisted project:

"Peachtree City Airport Authority encourages you to make the greatest feasible use of the services offered by banks owned and controlled by DBE's. Information on these services may be obtained from the DBELO of the Peachtree City Airport Authority or by directly contacting the banks shown above."

Section 26.29 - Prompt Payment Mechanisms

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

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

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

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

Section 26.31 - Directory

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

GDOT maintains an active list 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. This directory should enable prime contractors for projects at the Airport to proceed more easily in their attempts to comply with overall goals regarding Disadvantaged Business Enterprises.

The Airport Authority will refer potential bidders to the GDOT directory that is available online at <http://www.dot.ga.gov/PS/Business/DBE#tab-2>.

Section 26.33 - Overconcentration

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

Section 26.35 - Business Development Programs

The Airport Authority has not established a business development program.

Section 26.37 - Monitoring and Enforcement Mechanisms

The Airport Authority implements and carries out appropriate mechanisms to ensure compliance with 49 CFR part 26 program requirements by all program participants, including prompt payment, and describes and set forth these mechanisms in the Airport Authority's DBE Program.

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

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

1. The Airport Authority 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 Airport Authority 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 Airport Authority in the event of non-compliance with the DBE regulations by a participant in procurement activities.
3. The Airport Authority will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished by the following means:
 - a. Review bid package documentation thoroughly, obtaining clarification, if necessary.
 - b. Review monthly reports regarding employment as well as DBE participation to ensure adherence to plan as represented in bid documents and as stipulated in this program.
 - c. Monitor progress of payments to DBEs through monthly reports from prime contractors.
 - d. Monitor progress of DBEs work through on-site visits and communication with DBEs.
4. The Airport Authority 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 Airport Authority has created a Small Business element to structure contracting requirements to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors.

The small business element is incorporated as Attachment 4 to this DBE Program. The program elements will be actively implemented to foster small business participation. **Implementation of the small business element is required in order for the Owner to be considered by DOT as implementing this DBE program in good faith.**

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 - Set-asides or Quotas

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

Section 26.45 - Overall Goals

The Airport Authority will establish a three-year overall goal if it anticipates awarding FAA-funded prime contracts exceeding \$250,000 annually within one or more of the reporting years within the three-year goal period. Goals will be established in accordance with the 2-step process as specified in 49 CFR Part 26.45. If the Airport Authority does not anticipate awarding more than \$250,000 in FAA funding annually during the three-year reporting period, the Airport Authority will not develop an overall goal; however, the existing DBE program will remain in effect and the Airport Authority will seek to fulfill the objectives outlined in 49 CFR Part 26.1.

The first step in the 2-step process is to determine the relative availability of DBEs in the market area, or the 'base figure'. The second step is to consider evidence to determine if an adjustment to the Step 1 base figure would better reflect the DBE participation the Airport Authority would expect in the absence of discrimination based on past participation, a disparity study, and/or information about barriers to entry to past competitiveness of DBEs on projects.

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 4 to this program. This section of the program will be updated triennially.

In accordance with Section 26.45(f) the Airport Authority will submit its three-year overall goal to USDOT as required by the established goal submittal set by the FAA. Before establishing the overall goal each year, the Governor's Office of Small and Minority Business Assistance, the Atlanta Area Small Business Development Center, and other community groups to obtain

information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Airport Authority's efforts to establish a level playing field for the participation of DBEs.

Following this consultation, the Airport Authority will publish a notice of the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the airport for 30 days following the date of the notice, and informing the public that the Airport Authority will accept comments on the goals for 45 days from the date of the notice. The Airport Authority will issue this notice prior to submission to the FAA on August 1st. The notice must include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed.

The Airport Authority'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 Airport Authority will begin using the overall goal on March 1 of the reporting period, unless it has received other instructions from USDOT. If the Airport Authority establishes a goal on a project basis, it will begin using the goal by the time of the first solicitation for a USDOT-assisted contract for the project.

Section 26.47 - Goal Setting and Accountability

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

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

If the awards and commitments shown on the Airport Authority's Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall applicable to that fiscal year, the Airport will:

1. Analyze in detail the reason for the difference between the overall goal and the actual awards/commitments;
2. Establish specific steps and milestones to correct the problems identified in the analysis; and;
3. The Airport Authority will prepare, within 90 days of the end fiscal year, the analysis and corrective actions developed under paragraph (c)(1) and (2) of this section. The Airport Authority will maintain a copy of the plan on file for at least three (3) 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 and 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 Airport Authority 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 Airport Authority will establish contract goals only on those USDOT-assisted contracts that have subcontracting possibilities. The Airport Authority 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 Airport Authority 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) and (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 Airport Authority will ensure that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before they commit to the performance of the contract by the bidder/offeror.

Information to be submitted (26.53(b))

The Airport Authority treats bidders'/offerors' compliance with good faith efforts' requirements as a matter of responsiveness.

Each solicitation for which a contract goal has been established will require the bidders/ offerors to submit the following information:

1. The names and addresses of DBE firms that will participate in the contract.
2. A description of the work that each DBE will perform.
3. The dollar amount of the participation of each DBE firm participating.
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal.
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment.
6. If the contract goal is not met, evidence of good faith efforts.

The Airport Authority 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 ten (10) days of being informed by the Airport Authority 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 Peachtree City Airport Authority's Attorney. The reconsideration official will not have played any role in the original determination that the bidder did not document sufficient good faith efforts.

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

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

The Airport Authority 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 those instances where "good cause" exists to terminate a DBE's contract, the Airport Authority will require the prime 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 Airport Authority will require the prime contractor to notify the DBLEO immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

In this situation, the Airport Authority 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 Airport Authority will provide such written consent only if the Airport Authority 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 Airport Authority 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 Airport Authority 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 Airport Authority 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 Airport Authority 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 Airport Authority and the contractor of the reasons, if any, why it objects to the

proposed termination of its subcontract and why the Airport Authority should not approve the prime contractor's action. If required in a particular case as a matter of public necessity (e.g., safety), the Airport Authority 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 Airport Authority will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE. These good faith efforts shall be directed at finding another DBE to perform at least the same amount of work under the contract as the DBE that was terminated, to the extent needed to meet the contract goal that was established for the procurement. The good faith efforts shall be documented by the contractor. If the Airport Authority 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. The Airport Authority shall provide a written determination to the contractor stating whether or not good faith efforts have been demonstrated.

If the contractor fails or refuses to comply in the time specified, the Airport Authority'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 the Peachtree City Airport Authority, as owner of the airport, to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. "A DBE contract goal of _____ percent has been established for this contract." The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26, (attached), 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

DBE participation will be counted toward overall and contract goals as provided in Section 26.55. The participation of a DBE subcontractor will not be counted toward a contractor's final compliance with its DBE obligations on a contract until the amount being counted has actually been paid to the DBE.

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

SUBPART D - CERTIFICATION STANDARDS

Section 26.61 - 26.73 - Certification Process

The Airport Authority will refer all matters pertaining to certification to the Georgia Department of Transportation (GDOT) in accordance with the State's UCP program. GDOT 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. GDOT 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
One Georgia Center
600 West Peachtree NW
Atlanta, GA 30308
404-631-1990

<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 Airport Authority is a member of the Unified Certification Program (UCP) administered by the Georgia Department of Transportation. 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 will conduct all DBE certifications. To be certified as a DBE, a firm must meet all certification eligibility standards. The Airport Authority will refer all certifications to GDOT.

Section 26.83 - Procedures for Certification Decisions

Re-certifications 26.83(a) & (c)

Under the State of Georgia UCP, GDOT will review the eligibility of DBEs, which were certified under former Part 23, to make sure that they meet the standards of Subpart D of Part 26. GDOT will complete this review no later than three years from the most recent certification date of each firm.

For firms that have been certified or reviewed and found eligible under Part 26, GDOT will again review their eligibility every three years, on a case-by-case basis. The review may require the completion of new certification forms.

"No Change" Affidavits and Notices of Change (26.83(j))

Under the UCP, GDOT requires all DBEs to inform them, in a written affidavit, of any change in its circumstances affecting its ability to meet size, disadvantaged status, ownership or control criteria of 49 CFR Part 26 or of any material changes in the information provided with the firm's application for certification.

GDOT also requires all DBEs it has certified to submit, on the anniversary date of their certification, a "no change" affidavit meeting the requirements of 26.83(j). The text of this affidavit is below:

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

GDOT requires DBEs to submit with this affidavit documentation of the firm's size and gross receipts.

GDOT will notify all currently certified DBE firms of these obligations prior to their renewal by mail. This notification will inform DBEs that to submit the "no change" affidavit, their owners must swear or affirm that they meet all regulatory requirements of part 26, including personal net worth. Likewise, if a firm's owner knows or should know that he or she, or the firm, fails to meet a Part 26 eligibility requirement (e.g., personal net worth), the obligation to submit a notice of change applies.

Section 26.85 - Interstate Certification

As of January 1, 2012, GDOT will accept certifications obtained by DBEs in their home states, unless it finds good cause not to accept them. If GDOT finds good cause not to accept the certification of a DBE in its home state, GDOT will follow the procedures as outlined in 49 CFR Part 26.85.

Section 26.86 - Denials of Initial Requests for Certification

If GDOT denies a firm's application or decertifies it, it may not reapply until 12 months have passed from its action.

Section 26.87 - Removal of a DBE's Eligibility

In the event the Airport Authority proposes to remove a DBE's certification, the Airport Authority will follow procedures consistent with 26.87. Attachment 8 to this program sets forth these procedures in detail. To ensure separation of functions in a de-certification, the Airport Authority has determined that GDOT will serve as the decision-maker in de-certification proceedings. The Airport Authority has established an administrative "firewall" to ensure that GDOT will not have participated in any way in the de-certification proceeding against the firm (including in the decision to initiate such a proceeding).

Section 26.89 - Certification Appeals

Any firm or complainant may appeal GDOT's decision in a certification matter to USDOT. Such appeals may be sent to:

US Department of Transportation
Departmental Office of Civil Rights
External Civil Rights Program Division (S-33)
1200 New Jersey Ave., S.E. Washington, DC 20590
202-366-4754
TTY: 202-366-9696
Fax 202-366-5575

The Airport Authority will promptly implement any USDOT certification appeal decisions affecting the eligibility of DBEs for USDOT-assisted contracting.

SUBPART F - COMPLIANCE AND ENFORCEMENT

Section 26.109 - Information, Confidentiality, Cooperation

The Airport Authority 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 Airport Authority 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.

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

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

Monitoring Payments to DBEs

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

The Airport Authority 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. The Airport Authority would like to initiate various Capital Improvement Projects in Federal Fiscal Years '21, '22 and '23. These projects are included in their CIP.

ATTACHMENTS

ATTACHMENT 1

Peachtree City Airport Authority Organizational Chart

Peachtree City Airport Authority
Organizational Chart

Organizational Chart



ATTACHMENT 2

DBE Directory

DBE Directory

Where to find the GDOT DBE Directory

GDOT's DBE Directory is continually being updated. Always use the most current DBE Directory available, as companies are continually being added, due to ever-successful outreach programs.

The GDOT DBE Directory can be viewed or downloaded at the following website:

<https://gdotbiext.dot.ga.gov/analytics/saw.dll?Dashboard>

ATTACHMENT 3

Monitoring and Enforcement Mechanisms

Monitoring and Enforcement Mechanisms

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 Peachtree City Airport Authority, they must affirmatively ensure that, in any contract entered into with the Airport Authority; DBEs will be afforded equal opportunity to participate in subcontracting activities. It is the policy of the Airport Authority 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 Airport Authority to ensure nondiscrimination in the award and administration of USDOT- assisted contracts.
2. All contracts between the Airport Authority, and a Contractor shall contain an appropriate provision to the effect that failure by the Contractor to comply with the Airport Authority's DBE Program shall constitute a breach of contract, exposing the Contractor to a potential termination of the contract or other appropriate remedy, including withholding of funds, until such time as the contractor complies with all the DBE requirements of this program. Under authority granted by Georgia law, the Airport Authority may impose liquidated damages, contract suspension, or even contract termination.
3. All documentation submitted at time of bid, as well as additional data provided by the successful bidder, is considered part of the contract documents. Any alterations, substitutions, deletions, etc., to data provided at time of submission of bid must have prior approval of the Airport Authority's DBE Liaison Officer.
4. Should a DBE firm not certified by the Georgia Department of Transportation be proposed by a potential contractor as a part of his/her DBE plan efforts, review and certification procedures consistent with 49 CFR Part 26 must be conducted prior to award of any contract.
5. In contracts with DBE contract goals, bids submitted which do not meet the DBE contract goals, and which do not show that a meaningful good faith effort was made to achieve the stated goals, will be considered non-responsive bids, and bidders will be notified of the deficiency and given opportunity to appeal to the Administrative Reconsideration Official (49 CFR 26.53). The bidder will not be eligible for award of the contract until the appeal procedures are complete. The Administrative Reconsideration Official will make the determination on the sufficiency of the good faith efforts.
6. The Airport Authority 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 Airport Authority.
7. The Airport Authority shall require contractors to make good faith efforts to replace a DBE Sub-contractor 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 Airport Authority 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 Airport Authority's Disadvantaged Business Enterprise Program can be obtained from the DBE Liaison Officer, Hope Macaluso, Airport Manager, Atlanta Regional Airport – Falcon Field, Physical Address: 7 Falcon Drive, Peachtree City, GA 30269, Phone: 770-487-2225, Email: hope@kffc.org.

8. The Airport Authority will also implement a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award is actually performed by DBEs. This mechanism will provide for a running tally of actual DBE attainments (e.g., payments actually made to DBE firms), including a means of comparing these attainments to commitments. These mechanisms will include, but not be limited to, the following:
 - a. Review bid package documentation thoroughly, obtaining clarification, if necessary.
 - b. Review monthly reports regarding employment as well as DBE participation to ensure adherence to plan as represented in bid documents and as stipulated in this program.
 - c. Monitor progress of payments to DBEs through monthly reports from prime contractors.
 - d. Monitor progress of DBEs work through on-site visits and communication with DBEs.
9. The Airport Authority 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 Airport Authority also will consider similar action under its own legal authority, including responsibility determinations in future contracts. In addition, the Airport Authority 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 Airport Authority will show both commitments and attainments, as required by the USDOT reporting form.

Attachment 10 contains a copy of 49 CFR Part 26, which describes federal regulations, provisions, and contract remedies available to the Airport Authority in the event of non-compliance by a participant.

ATTACHMENT 4

Small Business Participation

SECTION 26.39 – FOSTERING SMALL BUSINESS PARTICIPATION

I. Section 26.39 - Fostering Small Business Participation

A. Purpose and Objective of this Element

1. This element, 49 CFR Part 26.39, is included as an amendment to the DBE program plan for the Peachtree City Airport Authority (“the Airport Authority”), on behalf of Atlanta Regional Airport – Falcon Field (“the Airport”), 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 the participation.”

2. The Airport Authority hereby set forth their plan to implement these requirements. The Airport’s SBPP is also regarded as a substantial effort toward fulfilling the overall intent of 49 CFR Part 26.51, which is to meet the maximum feasible portion of its overall goal by using race-neutral means to obtain DBE participation. Therefore, implementation of the Airport’s SBPP will be based on the standard of business size, without regard to race or gender of the business owner.
3. 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.
4. Further, the Airport Authority 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.”

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

B. SBPP Strategy. The Airport Authority intends to carry out the objectives of this part by employing the following strategies and supporting activities:

1. **Establishment of a Race-neutral “Subcontracting Goal”.** The Airport Authority 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 DBEs, can reasonably perform. The Airport, through the Airport Authority and/or consultants, will assess the feasibility for race-neutral subcontracting goals on projects. The Airport Authority 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 Contracts.** The Airport Authority has given consideration to “unbundling” as a small business strategy. However, because the Airport is a general aviation facility, the Airport Authority believes that, at this time, such a strategy will not be suitable for the airport. Because of the limited number and size 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 general aviation airports.

C. Definitions for this Element

1. **Small Business.** For purposes of this program element, which is part of the Airport Authority’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.

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

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

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

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

neutral participation on FAA-assisted contracts in this program.

D. Verification Standards and Procedures. For purposes of this small business element, the Airport Authority will require the following verification and/or certification:

1. **Georgia Unified Certification Program (GA UCP) DBE Certification** – DBE certification by a certifying member of the GA UCP which stipulates that a firm has been determined to meet all the requirements in accordance with 49 CFR Part 26. All certification determinations are evidenced by a letter of DBE certification issued by a certifying member of the GA UCP. It should be noted that the Airport is a non-certifying member of the GA UCP and relies on certification decisions of the Georgia Department of Transportation (GDOT). The GDOT certification staff applies the standards and procedures for DBE certification applicants contained in Subparts D and E of 49 CFR 26.61 – 26.91. The decision-maker will be an individual who is knowledgeable about the certification requirements of your DBE program and this part.
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:
 - Evidence of SBA 8(a) or SBD Certification (as described in 13 CFR Parts 121 and 124);
 - A copy of the business tax returns for the most recent three-year period indicating the gross receipts; and/or
 - A notarized statement from a Certified Public Accountant indicating the firm's average gross receipts for the past three years.
3. **Use of Personal Net Worth:** The Airport Authority, in addition to the standards for small business concerns described above, plan to utilize the current personal net worth standards of the DBE program (49 CFR Part 26.67), presently at \$1.32 million.

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

Atlanta SCORE
233 Peachtree Street NE, Suite 300
Atlanta, GA 30303
Phone: (404) 331-0121
<https://atlanta.score.org/>

Fayette Chamber of Commerce
600 West Lanier Avenue, Suite 205
Fayetteville, GA 30214
770-461-9983
<https://www.fayettechamber.org/>

The University of Georgia Small Business Development Center
Atlanta SBDC Office
75 Piedmont Ave, NE, Suite 700
Atlanta, GA 30303
Phone (404) 413-7830
<http://www.georgiasbdc.org>

F. Implementation Plan and Timetable. The Airport Authority proposes to have the SBPP fully implemented within 120 days of the FAA final approval of the plan. The Airport Authority 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. Reviewing, in coordination with the Airport Authority, all upcoming projects to determine which, if any, will be conducive for application of the selected SBPP strategy described in Section B, above.
2. Reviewing, in coordination with the Airport Authority and with legal input, the necessary revisions and modifications to bid solicitation language, etc., prior to implementation.
3. Coordinating properly with the Georgia 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. Coordinating 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 Authority to increase their competitive opportunities at the Airport.

5. The Airport Authority, 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 Airport Authority, by way of review, accept the following assurances:

1. *A detailed description of the small business program, its objectives, and how it is designed to operate.*
 - The Details of the proposed program are described in sections A through G, of this part.
2. *Assurance that the program is authorized under state law.*
 - The Airport Authority'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;*
 - 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.*
 - The Airport Authority will assure that there will be no geographic preferences or limitations imposed on any federally assisted procurement included in the Airport Authority'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.*
 - The Airport Authority will assure that they will not limit the number of contracts awarded to firms that are participating in the small business program. The Airport Authority 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.*
 - The Airport Authority recognizes that, while some firms encountering the Airport'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).*
 - 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 Airport Authority's SBPP will be the currently designated Disadvantaged Business Enterprise Liaison Officer (DBELO). The DBELO for the Airport is Hope Macaluso, Airport Manager.

ATTACHMENT 5

Overall Goal Calculation

**Methodology for Establishing the 49 CFR Part 26
FY 2021 - FY 2023 Overall Disadvantaged Business Enterprise (DBE) Goal**

I. INTRODUCTION

In fulfillment of the requirements of 49 CFR Part 26, the Peachtree City Airport Authority has developed a proposed Overall “Contract” Goal for FY 2021 - FY 2023 for nine (9) proposed project at FFC over the next three (3) years. These projects, along with the allotted federal share amounts, can be found below:

**DBE Eligible Projects /Activities and Federal Share Amounts
Proposed for FY 2021 - FY 2023:**

| | | |
|--|----|---------------|
| FY 2021 – Total anticipated federal funding does not exceed \$250,000 | \$ | 0 |
| FY 2022 – Remove Obstructions – Bid and Construction | \$ | 261,000 |
| Rehabilitate Runway (Crack Seal & Re-mark) – Design | \$ | 45,000 |
| Rehabilitate Apron (Hangar Area C Rejuvenation) – Design | \$ | 31,500 |
| Improve Airport (Install Security Fencing) Bid & Construction | \$ | 205,425 |
| Conduct Environmental Assessment (Extend Rwy 31, Include Strengthening) | \$ | 58,500 |
| FY 2023 – Rehabilitate Runway (Crack Seal & Re-mark) – Construction | \$ | 225,000 |
| Rehabilitate Apron (Hangar Area C Rejuvenation) – Constr. | \$ | 450,000 |
| Expand Apron (Hangar Area C – 5,500 SY Expansion) – Design | \$ | 63,000 |
| Expand Apron (Terminal Area – 18,500 SY Expansion) – Design | \$ | <u>63,000</u> |
| | | \$ 1,402,425 |

The methodology used in establishing this goal is described as follows - Detailed Application, Step One - DBE Base Figure.

A. Amount of Goal

Atlanta Regional Airport – Falcon Field’s overall goal for FY 2021-2023 is the following: 18.6%

Given the amount of DOT-assisted (construction) contracts that the Peachtree City Airport Authority expects to let during fiscal years 2021 - 2023 is approximately \$1,402,425, this means that the Airport has set a goal of expending **18.6% or \$261,431** with DBEs during FY 2021 - FY 2023.

B. Determination of the Market Area of the Study

The normal market area is derived by determining where most contracting dollars for AIP-funded projects were spent, and from where the majority of bidders over the past years have come from. Since no significant projects have occurred over the past five (5) years and numbers are stronger using state-wide available DBEs, in order to maximize DBE Participation Rates, the entire State (excluding out-of-state Contractors), will be considered the Market Area.

C. Determination of Relevant NAICS Codes

Based on information concerning the proposed projects for Atlanta Regional Airport – Falcon Field, a list of NAICS codes corresponding to these projects was developed and are shown in Table 1 below:

Table 1. Proposed FY 2021 - FY 2023 Projects – Atlanta Regional Airport – Falcon Field

| | Project | Activity | NAICS Code |
|--|--|-----------------------------|------------|
| <i>FY 2021</i> | <i>No proposed projects exceeding \$250,000 in AIP grant funds</i> | | |
| <i>FY 2022</i> | <i>Remove Obstructions – Bid and Construction</i> | Erosion Control (Materials) | 423390 |
| | | Site Prep | 238910 |
| | | Engineering Services | 541330 |
| | <i>Rehabilitate Runway (Crack Seal & Re-mark) – Design</i> | Engineering Services | 541330 |
| | | Surveying | 541370 |
| | <i>Rehabilitate Apron (Hangar Area C Rejuvenation) – Design</i> | Engineering Services | 541330 |
| | | Surveying | 541370 |
| | <i>Improve Airport (Install Security Fencing) Bid & Construction</i> | Chain Link Fence Materials | 332618 |
| | | Fence Installation | 238990 |
| | | Engineering Services | 541330 |
| Engineering Services | | 541330 | |
| <i>Conduct Environmental Assessment (Extend Rwy 31, Include Strengthening)</i> | Environmental Consulting | 541620 | |
| | | | |
| <i>FY 2023</i> | <i>Rehabilitate Runway (Crack Seal & Re-mark) – Construction</i> | Paving | 237310 |
| | | Site Prep | 238910 |
| | | Engineering Services | 541330 |
| | <i>Rehabilitate Apron (Hangar Area C Rejuvenation) – Construction</i> | Paving | 237310 |
| | | Site Prep | 238910 |
| | | Engineering Services | 541330 |
| | <i>Expand Apron (Hangar Area C – 5,500 SY Expansion) – Design</i> | Engineering Services | 541330 |
| | | Surveying | 541370 |
| <i>Expand Apron (Terminal Area – 18,500 SY Expansion) – Design</i> | Engineering Services | 541330 | |
| | Surveying | 541370 | |

Source: WK Dickson

D. Determination of Relative and Weighted Availability of DBEs Compared To All Firms

To determine the relative and weighted availability of DBEs in the market area (GDOT DBE Directory) compared to all firms (as shown in the 4th Column), divide "All Firms" in the 3rd Column by "DBE Firms" in the 2nd Column. Next, multiply the "Percent of Estimated Total Expended" in the 5th Column by the percentage in the 4th Column to determine the "Weighted Total Availability" in the 6th Column. Perform these calculations for each NAICS Code. Finally, add all the percentages in the 6th Column together to determine the "Weighted Step 1 DBE Figure" for the whole project. See Tables 2 through 10 below for calculations for each project.

Table 2. All Firms and DBEs by Relevant NAICS Codes for Atlanta Regional Airport – Falcon Field FY 2022 Project: Remove Obstructions – Bid and Construction

| NAICS Code | DBE Firms | All Firms | % of DBE Firms Available | % of Estimated Total Expended | Weighted Total Availability |
|--|-----------|-----------|--------------------------|-------------------------------|-----------------------------|
| 423390 | 23 | 123 | 18.7% | 10% | 1.9% |
| 238910 | 168 | 909 | 18.5% | 12% | 2.2% |
| 541330 | 197 | 1,759 | 11.2% | 50% | 5.6% |
| Weighted Step 1 DBE Base Figure | | | | 100% | 9.7% |

Sources: State of Georgia UCP DBE Directory, May 2020 and 2017 County Business Patterns, US Census Bureau

Table 3. All Firms and DBEs by Relevant NAICS Codes for Atlanta Regional Airport – Falcon Field FY 2022 Project: Rehabilitate Runway (Crack Seal & Re-mark) – Design

| NAICS Code | DBE Firms | All Firms | % of DBE Firms Available | % of Estimated Total Expended | Weighted Total Availability |
|--|-----------|-----------|--------------------------|-------------------------------|-----------------------------|
| 541330 | 197 | 1,759 | 11.2% | 85% | 9.5% |
| 541370 | 36 | 292 | 12.3% | 15% | 1.8% |
| Weighted Step 1 DBE Base Figure | | | | 100% | 11.3% |

Sources: State of Georgia UCP DBE Directory, May 2020 and 2017 County Business Patterns, US Census Bureau

**Table 4. All Firms and DBEs by Relevant NAICS Codes for
Atlanta Regional Airport – Falcon Field FY 2022 Project:
Rehabilitate Apron (Hangar Area C Rejuvenation) – Design**

| NAICS Code | DBE Firms | All Firms | % of DBE Firms Available | % of Estimated Total Expended | Weighted Total Availability |
|--|-----------|-----------|--------------------------------|--|-----------------------------------|
| 541330 | 197 | 1,759 | 11.2% | 85% | 9.5% |
| 541370 | 36 | 292 | 12.3% | 15% | 1.8% |
| Weighted Step 1 DBE Base Figure | | | | 100% | 11.3% |

Sources: State of Georgia UCP DBE Directory, May 2020 and 2017 County Business Patterns, US Census Bureau

**Table 5. All Firms and DBEs by Relevant NAICS Codes for
Atlanta Regional Airport – Falcon Field FY 2022 Project:
Improve Airport (Install Security Fencing) Bid & Construction**

| NAICS Code | DBE Firms | All Firms | % of DBE Firms Available | % of Estimated Total Expended | Weighted Total Availability |
|--|-----------|-----------|--------------------------------|--|-----------------------------------|
| 332618 | 1 | 13 | 7.7% | 46% | 3.5% |
| 238990 | 165 | 716 | 23.0% | 46% | 10.6% |
| 541330 | 197 | 1,759 | 11.2% | 8% | 0.9% |
| Weighted Step 1 DBE Base Figure | | | | 100% | 15.0% |

Sources: State of Georgia UCP DBE Directory, May 2020 and 2017 County Business Patterns, US Census Bureau

**Table 6. All Firms and DBEs by Relevant NAICS Codes for
Atlanta Regional Airport – Falcon Field FY 2022 Project:
Conduct Environmental Assessment (Extend Rwy 31, Include Strengthening)**

| NAICS Code | DBE Firms | All Firms | % of DBE Firms Available | % of Estimated Total Expended | Weighted Total Availability |
|--|-----------|-----------|--------------------------------|--|-----------------------------------|
| 541330 | 197 | 1,759 | 11.2% | 25% | 2.8% |
| 541620 | 95 | 263 | 36.1% | 75% | 27.1% |
| Weighted Step 1 DBE Base Figure | | | | 100% | 29.9% |

Sources: State of Georgia UCP DBE Directory, May 2020 and 2017 County Business Patterns, US Census Bureau

**Table 7. All Firms and DBEs by Relevant NAICS Codes for
Atlanta Regional Airport – Falcon Field FY 2023 Project:
Rehabilitate Runway (Crack Seal & Re-mark) – Construction**

| NAICS Code | DBE Firms | All Firms | % of DBE Firms Available | % of Estimated Total Expended | Weighted Total Availability |
|--|-----------|-----------|--------------------------------|--|-----------------------------------|
| 237310 | 62 | 225 | 27.6% | 63% | 17.4% |
| 238910 | 168 | 909 | 18.5% | 29% | 5.4% |
| 541330 | 197 | 1,759 | 11.2% | 8% | 0.9% |
| Weighted Step 1 DBE Base Figure | | | | 100% | 23.7% |

Sources: State of Georgia UCP DBE Directory, May 2020 and 2017 County Business Patterns, US Census Bureau

**Table 8. All Firms and DBEs by Relevant NAICS Codes for
Atlanta Regional Airport – Falcon Field FY 2023 Project:
Rehabilitate Apron (Hangar Area C Rejuvenation) – Construction**

| NAICS Code | DBE Firms | All Firms | % of DBE Firms Available | % of Estimated Total Expended | Weighted Total Availability |
|--|-----------|-----------|--------------------------------|--|-----------------------------------|
| 237310 | 62 | 225 | 27.6% | 80% | 22.1% |
| 238910 | 168 | 909 | 18.5% | 6% | 1.1% |
| 541330 | 197 | 1,759 | 11.2% | 14% | 1.6% |
| Weighted Step 1 DBE Base Figure | | | | 100% | 24.8% |

Sources: State of Georgia UCP DBE Directory, May 2020 and 2017 County Business Patterns, US Census Bureau

**Table 9. All Firms and DBEs by Relevant NAICS Codes for
Atlanta Regional Airport – Falcon Field FY 2023 Project:
Expand Apron (Hangar Area C – 5,500 SY Expansion) – Design**

| NAICS Code | DBE Firms | All Firms | % of DBE Firms Available | % of Estimated Total Expended | Weighted Total Availability |
|--|-----------|-----------|--------------------------------|--|-----------------------------------|
| 541330 | 197 | 1,759 | 11.2% | 85% | 9.5% |
| 541370 | 36 | 292 | 12.3% | 15% | 1.8% |
| Weighted Step 1 DBE Base Figure | | | | 100% | 11.3% |

Sources: State of Georgia UCP DBE Directory, May 2020 and 2017 County Business Patterns, US Census Bureau

**Table 10. All Firms and DBEs by Relevant NAICS Codes for
Atlanta Regional Airport – Falcon Field FY 2023 Project:
Expand Apron (Terminal Area – 18,500 SY Expansion) – Design**

| NAICS Code | DBE Firms | All Firms | % of DBE Firms Available | % of Estimated Total Expended | Weighted Total Availability |
|--|-----------|-----------|--------------------------|-------------------------------|-----------------------------|
| 541330 | 197 | 1,759 | 11.2% | 85% | 9.5% |
| 541370 | 36 | 292 | 12.3% | 15% | 1.8% |
| Weighted Step 1 DBE Base Figure | | | | 100% | 11.3% |

Sources: State of Georgia UCP DBE Directory, May 2020 and 2017 County Business Patterns, US Census Bureau

E. Determination of the Step 1 DBE Base Figure.

First, the "Overall Goal" for each project (as shown in the 3rd Column) is multiplied by the "Federal Share Amount" in the 4th Column to determine the "DBE Goal (dollars)" in the 5th Column. Perform this calculation for each project. Next, all of the costs in the 4th Column are added together and all of the costs in the 5th Column are added together to determine the total federal share amount and total DBE goal amount in dollars, respectively, for FY 2021-2023. Finally, divide the FY 2021-2023 total federal share amount by the FY 2021-2023 total DBE goal amount in dollars to determine the FY 2021-2023 Overall DBE Goal for the airport. See Table 11 below:

**Table 11. Overall DBE Goal Calculation for
Atlanta Regional Airport – Falcon Field FY 2021-2023**

| Federal Fiscal Year | Project | Overall Goal | Federal Share Amount | DBE Goal (dollars) |
|---|---|--------------|----------------------|--------------------|
| No proposed projects exceeding \$250,000 in AIP grant funds | | | | |
| FFY 2022 Total: | | | \$ 0 | \$ 0 |
| FFY 2022 | Remove Obstructions – Bid and Construction | 9.7% | \$ 261,000 | \$ 25,317 |
| | Rehabilitate Runway (Crack Seal & Re-mark) – Design | 11.3% | \$ 45,000 | \$ 5,085 |
| | Rehabilitate Apron (Hangar Area C Rejuvenation) – Design | 11.3% | \$ 31,500 | \$ 3,560 |
| | Improve Airport (Install Security Fencing) Bid & Construction | 15.0% | \$ 205,425 | \$ 30,814 |
| | Conduct Environmental Assessment (Extend Rwy 31, Include Strengthening) | 29.9% | \$ 58,500 | \$ 17,492 |
| FFY 2022 Total: | | | \$ 601,425 | \$ 82,268 |

Table 11. Continued

| Federal Fiscal Year | Project | Overall Goal | Federal Share Amount | DBE Goal (dollars) |
|------------------------------------|--|--------------|----------------------|--------------------|
| FFY 2023 | Rehabilitate Runway (Crack Seal & Re-mark) – Construction | 23.7% | \$ 225,000 | \$ 53,325 |
| | Rehabilitate Apron (Hangar Area C Rejuvenation) – Construction | 24.8% | \$ 450,000 | \$ 111,600 |
| | Expand Apron (Hangar Area C – 5,500 SY Expansion) – Design | 11.3% | \$ 63,000 | \$ 7,119 |
| | Expand Apron (Terminal Area – 18,500 SY Expansion) – Design | 11.3% | \$ 63,000 | \$ 7,119 |
| FFY 2023 Total: | | | \$ 801,000 | \$ 179,163 |
| FFY 2021-2023 Overall Goal: | | 18.6% | \$ 1,402,425 | \$ 261,431 |

The overall DBE goal was derived by taking the total DBE goal in dollars and dividing it by the total Federal Share Amount.

The Step 1 DBE Base Figure for the Atlanta Regional Airport – Falcon Field (FFC) is 18.6%, using the NAICS code methodology.

II. STEP 2 - ADJUSTMENTS TO THE DBE BASE FIGURE

49 CFR Part 26, (26:45(d)), requires 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".

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 DOT-assisted contracting program, as measured by the volume of work DBEs have performed in recent years.

The Airport had large AIP-funded construction projects in the past five (5) years. The latest DBE % Goal was 11.05%. This DBE % is less than the proposed DBE %. The only adjustment to the goal would therefore be to decrease the proposed goal.

B. Consultations.

1. **Evidence from Disparity Studies.** In accordance with 49 CFR Part 26.45, consultations were held with various agencies to gather:

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

(iii) Data on employment, self-employment, education, training and union apprenticeship programs to the extent you can relate it to the opportunities for DBEs to perform in your program" (26:45, d.).

There are no known local disparity studies, or similar documents, that can be utilized to adjust the Step 1 DBE base figure. Several agencies and individuals were contacted, including the Georgia Department of Insurance and the Attorney General, and it was determined that there have been no reported incidents of discrimination have occurred while obtaining insurance, bonding, ect. for DBE's. Peachtree City Airport Authority has taken in to account the suggested options outlined in 49 CFR Part 26 para 26.45 and have determined that they were not applicable.

2. **Data on statistical disparities regarding access to capital; employment, self- employment, education, training and apprenticeship programs:**

There are no local disparity studies or similar documents that can be utilized to adjust the Step 1 DBE base figure. Several agencies were contacted, including the Governor's Entrepreneur and Small Business Office (ESBO), the Georgia DOT Equal Opportunity Division, and the University of Georgia's Small Business Development Center office in Athens GA. None of the entities had any disparity studies or data available for the Peachtree City Airport Authority area, and none had any data available noting disparities regarding DBEs' access to bonding, capital, insurance, etc.

A disparity study was conducted for the Georgia Department of Transportation (GDOT) and the findings were released in August 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.

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

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

C. Adjustment to Step 1 Base Figure – Atlanta Regional Airport – Falcon Field

With the adjustment factors considered to this point, the Airport Authority will not adjust the Step 1 base figure. Therefore, the DBE goal for FFC will remain at 18.6%.

RESOURCE DOCUMENTS

1. 2017 County Business Patterns, U.S. Census Bureau
2. Georgia DOT UCP DBE Directory, May 2020

PERSONS AND/OR AGENCIES TO BE CONTACTED BY THE PEACHTREE CITY AIRPORT AUTHORITY:

1. Georgia DOT Equal Opportunity Division
2. The Governor's Entrepreneur and Small Business Office
3. University of Georgia Small Business Development Center – Athens GA

ATTACHMENT 6

Breakout of Race-Neutral & Race Conscious Participation, Public Participation and Contract Goal

Break-Out of Race-Neutral & Race Conscious Participation, Public Participation and Goal

The Airport Authority will attempt to meet the maximum feasible portion of its overall goal by using various race-neutral means of facilitating DBE participation. The Airport Authority 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 and 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 following is a summary of the basis of the Airport Authority's estimated breakout of race-neutral and race-conscious DBE participation:

The Race-Neutral Goal should be that % of actual Goal realized which is in excess of the actual Goal. The most recent Goals were set for 2018 through 2020. During that period, the overall Goal was 11.05%. The Airport Authority estimates that, in meeting its overall goal, that it will obtain 100% from race-neutral participation and 0% through race-conscious measures. In other words, the reason for this projected split is that the Airport has no recent, significant history of past DBE participation upon which to base a race-conscious/race-neutral breakout, so the goal should be met via race-neutral measures for the Plan's upcoming fiscal years.

In the future, the Airport Authority 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
- DBE participation on a prime contract exceeding a contract goal
- DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

Process:

The Airport Authority will normally submit its overall goal to the FAA on August 1, every three (3) years. Before establishing future overall goals, the Airport Authority will consider consulting with the Georgia DOT Office of DBE Program Development, Georgia Minority Business Enterprise Center, Partners for Economic Development, the Governor's Office of Small and Minority Business Assistance (OSMBA), and the GA Commission for Minority Affairs, without limiting consultation to these groups, to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Airport Authority's efforts to establish a level playing field for the participation of DBEs.

The Airport Authority will publish 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 Airport Authority's administrative office for 30 days following the date of the notice, and informing the public that the Airport Authority would accept comments on the goals for 45 days from the date of the notice. The notice will include addresses (including offices) to which comments could be sent and addresses where the proposal could be reviewed.

The Airport Authority's overall goal submission to the FAA will include a summary of information and comments received during this public participation process and our responses. (Note: No comments have been received as of this submittal. Should any comments be received, those comments and our responses to the comments will be submitted at the end of the review and comment period.)

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

Contract Goals:

The Airport Authority will use contract goals to meet any portion of the overall goal that the Airport Authority 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 Airport Authority will establish contract goals only on those USDOT-assisted contracts that have subcontracting possibilities. The Airport Authority 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 Airport Authority will express its contract goals as a percentage of the federal share of a USDOT-assisted contract.

ATTACHMENT 7

Forms 1&2 For Demonstration of Good Faith Efforts or Good Faith Effort Plan

Peachtree City Airport Authority
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 18.6 % DBE utilization on this contract.

_____ The bidder/offeror (if unable to meet the DBE goal of 18.6 %) 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

**Peachtree City Airport Authority
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

State of Georgia Unified Certification Program (UCP)

State of Georgia Unified Certification Program (UCP) Certification Application Form

Where to find the State of Georgia UCP

The current State of Georgia UCP is not included in this Plan document, due to the need for frequent updating by GDOT. Always use the most current State of Georgia UCP Application Forms available, as Application Forms may change over time.

The current State of Georgia UCP Certification Application can be viewed or downloaded at the following website:

<http://www.dot.ga.gov/PS/Business/DBE>

ATTACHMENT 9

Procedures for the Removal of DBE's Eligibility

PROCEDURES FOR REMOVING A DBE'S ELIGIBILITY

I. Procedures for Removing a DBE's Eligibility.

A. Ineligibility complaints.

1. Any person may file with GDOT a written complaint alleging that a currently-certified firm is ineligible and specifying the alleged reasons why the firm is ineligible. Confidentiality of complainants' identities will be protected. However, general allegations or anonymous complaints will not be accepted.
2. GDOT will review its records concerning the firm, any material provided by the firm and the complainant, and other available information. GDOT may request additional information from the firm or conduct any other investigation that it deems necessary.
3. If GDOT determines, based on this review, that there is reasonable cause to believe that the firm is ineligible, it will provide written notice to the firm that GDOT proposes to find the firm ineligible, setting forth the reasons for the proposed determination. If GDOT determines that such reasonable cause does not exist, it will notify the complainant and the firm in writing of this determination and the reasons for it. All statements of reasons for findings on the issue of reasonable cause must specifically reference the evidence in the record on which each reason is based.

B. **GDOT-initiated proceedings.** If, based on notification by the firm of a change in its circumstances or other information that comes to your attention, GDOT determines that there is reasonable cause to believe that a currently certified firm is ineligible, GDOT will provide written notice to the firm that it proposes to find the firm ineligible, setting forth the reasons for the proposed determination. The statement of reasons for the finding of reasonable cause will specifically reference the evidence in the record on which each reason is based.

C. **Hearing.** When GDOT notifies a firm that there is reasonable cause to remove its eligibility, as provided in paragraph (A) or (B) of this section, GDOT will give the firm an opportunity for an informal hearing, at which the firm may respond to the reasons for the proposal to remove its eligibility in person and provide information and arguments concerning why it should remain certified.

1. GDOT will maintain a complete record of the hearing, by any means acceptable under state law for the retention of a verbatim record of an administrative hearing.
2. The firm may elect to present information and arguments in writing,

without going to a hearing.

- D. **Separation of functions.** GDOT will ensure that the decision in a proceeding to remove a firm's eligibility is made by an office and personnel that did not take part in actions leading to or seeking to implement the proposal to remove the firm's eligibility and are not subject, with respect to the matter, to direction from the office or personnel who did take part in these actions.
1. GDOT's method of implementing this requirement will be made part of its DBE program.
 2. The decision-maker will be an individual who is knowledgeable about the certification requirements of your DBE program and this part.
- E. **Grounds for decision.** GDOT will not base a decision to remove eligibility on a reinterpretation or changed opinion of information available to GDOT at the time of its certification of the firm. Rather, such decision will be based on one or more of the following:
1. Changes in the firm's circumstances since the certification of the firm by GDOT that render the firm unable to meet the eligibility standards of this part;
 2. Information or evidence not available to GDOT at the time the firm was certified;
 3. Information that was concealed or misrepresented by the firm in previous certification actions by GDOT;
 4. A change in GDOT's certification standards or requirements since the firm was certified; or
 5. A documented finding that GDOT's determination to certify the firm was factually erroneous.
- F. **Notice of decision.** Following GDOT decision, GDOT will provide the firm written notice of the decision and the reasons for it, including specific references to the evidence in the record that supports each reason for the decision. The notice must inform the firm of the consequences of GDOT's decision and of the availability of an appeal to the United States Department of Transportation shown below in Section II. GDOT will send copies of the notice to the complainant in an ineligibility complaint.
- G. **Status of firm during proceeding.**
1. A firm remains an eligible DBE during the pendency of your proceeding

to remove its eligibility.

2. The firm does not become ineligible until the issuance of the notice provided for in paragraph (F) of this section.

H. **Effects of removal of eligibility.** When GDOT removes a firm's eligibility, GDOT will take the following action:

1. When a prime contractor has made a commitment to using the ineligible firm, or GDOT has made a commitment to using a DBE prime contractor, but a subcontract or contract has not been executed before GDOT will issue the decertification notice provided for in paragraph (F) of this section, the ineligible firm does not count toward the contract goal or overall goal. Prime contractors are directed to meet the contract goal with an eligible DBE firm or demonstrate to GDOT that it has made a good faith effort to do so.
2. If a prime contractor has executed a subcontract with the firm before GDOT has notified the firm of its ineligibility, the prime contractor may continue to use the firm on the contract and may continue to receive credit toward its DBE goal for the firm's work. In this case, or in a case where you have let a prime contract to the DBE that was later ruled ineligible, the portion of the ineligible firm's performance of the contract remaining after GDOT issued the notice of its ineligibility shall not count toward GDOT's overall goal, but may count toward the contract goal.
3. Exception: If the DBE's ineligibility is caused solely by its having exceeded the size standard during the performance of the contract, GDOT may continue to count its participation on that contract toward overall and contract goals.

I. **Availability of appeal.** When GDOT makes an administratively final removal of a firm's eligibility under this section, the firm may appeal the removal to the United States Department of Transportation in accordance with Section II of this document.

II. USDOT Certification Appeals Process

- A. If you are a firm which is denied certification or whose eligibility is removed by the GDOT, you may make an administrative appeal to the USDOT.
- B. If you are a complainant in an ineligibility complaint to the GDOT (including the concerned operating administration in the circumstances provided in paragraph (C), you may appeal to the USDOT if the GDOT does not find reasonable cause to propose removing the firm's eligibility or, following a removal of eligibility proceeding, determines that the firm is eligible.

C. Send appeals to the following address:

United States Department of Transportation
Office of Civil Rights
400 7th Street SW, Room 2401
Washington, DC 20590

ATTACHMENT 10

Regulations: 49 CFR Parts 26 and 23

Regulations: 49 CFR Parts 26 and 23

Where to find Regulations: 49 CFR Parts 26 and 23

The current federal regulations, Title 49 of the Code of Federal Regulation, Parts 26 and 23 are not included in this Plan document. The current Regulations: 49 CFR Parts 26 and 23 can be viewed or downloaded at the following website:

<http://www.ecfr.gov/>