

**Capital Region Airport Commission**

**Richmond International Airport**

**Revised Disadvantaged Business Enterprise Program**

**for**

**Federally-Assisted Contracts**

**April 2, 2012**

**Jon E. Mathiasen, A.A.E.  
President & Chief Executive Officer**

**Robert M. Attack  
Chairman**

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## POLICY STATEMENT

The Capital Region Airport Commission (the Commission) has established a Disadvantaged Business Enterprise (DBE) Program to meet the U.S. Department of Transportation (DOT) DBE Program regulatory requirements and to increase the opportunities for businesses contracting with Richmond International Airport. The Commission has received Federal financial assistance from DOT and as a condition of receiving this assistance has signed an assurance that it will comply with Title 49, Code of Federal Regulations, Part 26 (49 CFR Part 26).

It is the policy of the Commission to ensure that DBEs, as defined in 49 CFR Part 26, and other small businesses have an equal opportunity to compete for and participate in DOT-assisted contracts. It is also the Commission's policy:

1. to ensure nondiscrimination in the award and administration of DOT-assisted contracts;
2. to create a level playing field on which DBEs and other small businesses can compete fairly for DOT-assisted contracts;
3. to ensure that its 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 and other small businesses in DOT-assisted contracts; and
6. to assist in the development of firms that can compete successfully in the marketplace outside the DBE Program.

The Commission's policies prohibit discrimination against any person or company because of race, color, sex, or national origin, in the award or performance of any contract subject to the requirements of 49 CFR Part 26.

Russ L. Peaden has been designated as the Commission's Disadvantaged Business Enterprise Liaison Officer (DBELO) with day-to-day responsibility and direct independent access to the President and Chief Executive Officer to implement the DBE Program. The Commission will also require that its employees, agents and contractors adhere to the Part 26 requirements. Implementation of the DBE Program is accorded the same priority as compliance with all other legal obligations incurred by the Commission in its financial assistance agreements with the DOT.

Copies of this statement shall be disseminated to the Airport Commission and all departments of the Commission, to the minority-owned, women-owned and disadvantaged business community, to the non-DBE business community, to community organizations, and as requested, to bidders on the Commission's DOT-assisted contracts.

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Jon E. Mathiasen, A.A.E.  
President & Chief Executive Officer  
Capital Region Airport Commission

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Date

## **SUBPART A – GENERAL REQUIREMENTS**

### **Section 26.1 Objectives**

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

### **Section 26.3 Applicability**

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

### **Section 26.5 Definitions**

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

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

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

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

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

#### Reporting to DOT: 26.11(a) and 26.11 (b)

We will submit annually to the DOT the Uniform Report of DBE Awards or Commitments and Payments Form, found in Appendix B to Part 26, for Richmond International Airport (RIC). We will also continue to provide data about RIC's DBE program to the DOT as directed by DOT.

#### Bidders List: 26.11(c)

The Commission will create a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts, in order to allow use of the bidder's list approach to calculating overall goals. These lists may also be utilized to identify and encourage small businesses that may be eligible for DBE certification to seek certification. This information will be collected from bidders/offers on the Offeror List Form (Attachment 5 – Form 1), Contract Participation Form (Attachment 5 – Form 2) and Letter of Intent (Attachment 5 – Form 3). These forms are part of the Commission's solicitation documents, and they are required to be completed and submitted with proposals for DOT-assisted contracts at RIC.

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

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

### Assurance 26.13(a)

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

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

### Contract Assurance: 26.13b

We will ensure that the following clause is placed in every DOT-assisted contract that the Commission signs with a contractor, and in each subcontract that the prime contractor signs with a subcontractor:

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

## **SUBPART B - ADMINISTRATIVE REQUIREMENTS**

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

Since the Commission has received a grant of \$250,000 or more for airport planning or development, we will continue to carry out this program until all funds from DOT financial assistance have been expended. We will provide to DOT updates representing significant changes in the program.

### **Section 26.23 Policy Statement**

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

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

Jon E. Mathiasen, President and Chief Executive Officer of the Commission, has ultimate responsibility for executing the DBE Program. The President & Chief Executive Officer has designated Russell L. Peaden, the Commission's Director Real Estate and Facilities, as the DBE Liaison Officer (DBELO) to administer day-to-day DBE Program responsibilities. The DBELO has direct, independent access to the President and Chief Executive Officer concerning DBE program matters. Contact information for the DBELO is Capital Region Airport Commission, 1 Richard E. Byrd Terminal Drive, Richmond International Airport, VA 23250-2400. Phone (804) 226-8520 email: [rpeaden@flyrichmond.com](mailto:rpeaden@flyrichmond.com). An organization chart displaying the DBELO's position in the organization is found in Attachment 1 to this program.

The DBELO's duties and responsibilities are:

- a. developing, managing, and implementing the DBE program on a day-to-day basis;
- b. carrying out technical assistance activities for DBEs;
- c. disseminating information on available business opportunities so that DBEs and other small businesses are provided an equitable opportunity to compete for FAA-assisted contracts awarded by the Commission;
- d. explaining DBE and small business participation requirements internally and externally at pre-bid conferences;
- e. ensuring that solicitations contain the clauses and goals required by this program; and
- f. gathering and reporting statistical data and other information as required by DOT.
- g. advising the CEO on DBE matters and achievement.

Other personnel assigned DBE Program responsibilities include:

- a. Commission's Legal Counsel, who shall be called upon to:
  1. review contract documents for legal sufficiency; and
  2. advise the Commission on matters impacting on DBE programs.
- b. Designated Commission staff, together with the Commission's Program Managers, who will:
  1. review design and construction contract proposals, advising the Commission regarding DBE participation levels offered;
  2. provide recommendations on award of construction contracts;
  3. review and report on DBE and other small business participation during the progress of design and construction contracts; and

4. seek to include DBE and other small business participation in those airfield construction/airfield maintenance projects managed by the Facilities Department in which the Program Managers are not participants.
- c. The Director for Airport Operations and Director of Airport Public Safety, together with the Director of Facility Maintenance will seek to include DBE participation in those building construction and maintenance projects managed by the Airport Operations and Airport Public Safety Divisions.
  - d. The Chief Financial Officer is responsible for:
    1. providing information to the President and Chief Executive Officer and DBELO on contracting and leasing opportunities, together with a breakdown of subcontracting possibilities; and
    2. consulting with the President and Chief Executive Officer and DBELO on financial requirements, including bonding, licenses, insurance, financial information and other requirements.
  - e. The Procurement Specialist is responsible for:
    1. providing advice, guidance, and information to the DBELO regarding the Commission's procurement policies and procedures and requirements, and for reviewing recommendations by the DBELO regarding incorporating DBE participation language in Commission request for proposal and contract documents;
    2. ensuring that DBE goals and procedures adopted by the Commission are properly contained in Commission project advertisements; and
    3. advising the DBELO of the results of procurement advertisements for recommendation to the Commission regarding contract awards.

## **Section 26.27 DBE Financial Institutions**

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

The Commission will provide the following notification to each prime contractor who will perform on FAA-assisted projects:

“The Capital Region Airport Commission encourages you to make the greatest feasible use of the services offered by financial institutions owned and controlled by DBEs.”

Currently, there are not financial institutions owned and controlled by socially and economically disadvantaged individuals in the community. When information on such institutions becomes available, it may be obtained from the Chief Financial Officer.



## **Section 26.29            Prompt Payment Mechanisms**

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

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than thirty (30) days from the receipt of each payment the prime contractor receives from the Commission or to notify the Commission and subcontractor in writing of its intent to withhold all or a part of the subcontractor's payment with the reason for nonpayment. The prime contractor agrees further to return retainage payments to each subcontractor within thirty (30) days after the subcontractor's work is satisfactorily completed. The Commission shall ensure prompt and full payment of retainage from the prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed. A subcontractor's work is satisfactorily completed when all tasks called for in the subcontract have been accomplished and documented as required by the Commission. When the Commission has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.

Any delay or postponement of payment from the above-referenced time frame shall obligate the prime contractor to pay the subcontractor interest unless moneys were withheld for good cause shown. Unless otherwise provided in this agreement, interest shall accrue at the rate of 1% per month. The prime contractor shall require its subcontractor to include this provision in contracts with their subcontractors. This clause applies to both DBE and non-DBE subcontractors.

The Commission also conducts post-award compliance reviews, and requires prime contractors to submit, with their invoices, information concerning payments to DBEs and other small businesses on the Commission's Invoice Attachment Form (Attachment 2).

## **Section 26.31            Directory**

The Commission utilizes the Virginia Unified Certification Program (VAUCP) directory of firms eligible to participate as DBE businesses that is maintained by the Virginia Department of Minority Business Enterprise (VDMBE) and the Metropolitan Washington Airports Authority. The directory is available at the office of the DBELO and shall be provided to all bidders and proposers upon request. The directory specifies which firms are DBEs, their addresses, phone numbers, and the types of work by specific NAICS code for which they are certified.

## **Section 26.33            Overconcentration**

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

## **Section 26.35            Business Development Programs**

The Commission has not established a business development program.

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

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

The Commission will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109. We also will consider similar action under our own legal authorities, including responsibility determinations in future contracts. These matters will be brought to the attention of the Commission's legal counsel, Christian and Barton, for investigation and any required legal action. Attachment 3 lists the regulations, provisions and contract remedies available to us in the event of non-compliance with the DBE regulations by a participant in our procurement activities.

The Commission's DBE program includes a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award or subsequently ( e.g., as the result of modification to the contract) is actually performed by the DBEs to which the work was committed. This mechanism includes a written certification that RIC has reviewed contracting records and monitored work, which may be conducted in conjunction with monitoring of contract performance for other purposes (e.g., close-out reviews for a contract). The Commission also keeps a running tally of actual DBE attainments and compares these attainments to commitments. This information is collected monthly from contractors on RIC's Invoice Attachment Form (Attachment 2).

## **Section 26.39            Fostering Small Business Participation**

### Assurances

The Commission's DBE program is open to small businesses regardless of their location (i.e., there is no local or other geographic preference). Every effort will be made to avoid creating barriers to the use of new, emerging, or untried businesses.

The Commission is committed to taking all reasonable steps to eliminate obstacles to the participation of DBEs and other small businesses as prime contractors or subcontractors in Commission procurements.

### Definitions

Businesses eligible to participate in RIC's DBE program are defined as follows:

**Small Business (SB):** A for-profit small business that is independently owned and operated, is organized for profit, and is not dominant in its field. Depending on the industry, size standard eligibility is based on an independently owned and operated business which, together with affiliates, has 250 or fewer employees, and meets definitions of Section 3 of the Small Business Act and the Small Business Administration regulations implementing it (13 CFR Part 121).

Disadvantaged Business Enterprise (DBE): A for-profit small business that is 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; and whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it. A DBE must be certified as such by the VAUCP in accordance with the certification standards of 49 CFR Part 26.

### Certification and Verification Procedures

The Commission will rely upon the certification/verification procedures utilized by the VAUCP agencies to confirm eligibility of DBEs. The Commission will also rely upon the certification/verification procedures utilized by the VDMBE to confirm eligibility of Small Businesses, which includes small businesses that are not women-owned or minority-owned. VDMBE's certification procedures include verification of for-profit status, ownership and control, and business size. Certified small businesses are listed in the VDMBE's data base. Firms are not permitted to self-certify or self-verify as small businesses.

### Contracting Requirements

The Commission's DBE program also provides for contracting requirements that are structured to facilitate competition by small business concerns, and small business participation in procurements as prime contractors or subcontractors. The reasonable steps the Commission takes to eliminate obstacles to small business participation includes:

1. In multi-year design-build contracts or other large contracts ( *e.g.*, for megaprojects") bidders on the prime contract will be asked to specify elements of the contract or specific subcontracts that are of a size that small businesses, including DBEs, can reasonably perform.
2. On a case-by case basis, the Commission will make reasonable efforts to divide contracts into smaller-sized packages, based on the type, size and dollar value of a contract, the availability of small businesses, and the financial resources and capacity of small business concerns. Solicitation documents will clearly identify these contract opportunities.
3. On contracts not having DBE goals, the prime contractor will be asked to identify business opportunities for small business participation in the contract of a size that small businesses, including DBEs, can reasonably perform or provide, rather than self-performing all the work involved or supplying all the goods and services in support of the contract.
4. The Commission will ensure that solicitation language is stated so that consortia or joint ventures consisting of small businesses, including DBEs, are encouraged to compete for and perform prime contracts. This will also be accomplished by providing information at pre-proposal meetings, and through advertisements of opportunities, direct contact with small businesses, and other outreach activities.
5. To meet the portion of our overall goal projected to be met through race-neutral measures, the Commission will ensure that the components of work of a contract that small businesses, including DBEs, can reasonably perform are stated in solicitation documents, including the NAICS code(s). This

will also be accomplished through advertisements of opportunities, and at pre-proposal meetings and other outreach activities.

6. In the solicitation process, bidders/offerors will be asked to identify voluntary actions they will take to assist small businesses with issues such as obtaining performance guarantees, lines of credit, and insurance. Proposers will be asked to approach this with the goal of lowering or eliminating barriers to small business participation in the contract.
7. In the solicitation documents, advertisements of contract opportunities, and in outreach efforts, bidders/offerors will be advised of the Commission's strong desire to have all types of small businesses participate in its federally funded contracts. Prime contractors will also be asked to make voluntary efforts to include these businesses in their proposals for contracts that do not have DBE goals. All proposers should approach this with the goal of maximizing active participation from small businesses.
8. Proposers will be strongly encouraged to identify any business participation requirements that may limit or exclude participation of a small business in the contract and to inform the Commission of any such limitations or exclusions. Proposers will be asked to approach this through their own outreach efforts and with the goal of minimizing barriers to participation while maintaining the operation standards of the contract.
9. In meeting its good faith efforts requirements, the Commission will also take reasonable steps to encourage minority and woman-owned firms that are eligible for DBE certification to become certified. This will be accomplished through outreach efforts and informational programs, direct contact and in solicitation documents.

### Implementation Schedule

The Commission will implement Section 26.39 of its DBE Program within 90 days of DOT's approval of this small business element.

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

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

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

### **Section 26.45          Overall Goals**

A description of the methodology to calculate the overall goal and the goal calculations can be found in Attachment 3 to this program. This section of the program will be updated every three years.

Before establishing the overall three-year goal, the Commission will consult with DOT and local organizations to obtain information concerning the availability of disadvantaged, small and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs and other small businesses, and the Commission's efforts to establish a level playing field for the participation of DBEs and other small businesses. Following this consultation, we will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the Commission's principal office

for 30 days following the date of the notice, and informing the public that the Commission and DOT will accept comments on the goals for 45 days from the date of the notice.

The Commission's overall goal submission to DOT will include a summary of information and comments received and the Commission's responses.

The Commission will begin using its overall goals on October 1 of each year, unless it has received other instructions from DOT.

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

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment 4 to this program. This section of the program will be updated every three years when the goal calculation is updated.

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

The Commission will use contract goals to meet any portion of the overall goal that 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 our overall goal that is not projected to be met through the use of race-neutral means.

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

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

### **Section 26.53 Good Faith Efforts Procedures When There Are Contract Goals**

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

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

The Commission will evaluate the good faith efforts of a bidder/offeror to determine whether the efforts to obtain DBE participation were those that a firm aggressively seeking subcontractors or partners would take in the normal course of doing business; whether the steps taken had a reasonable probability of success; and whether based upon the size, scope and complexity of the subcontract, there were DBE firms ready, willing and able to accept the contract at a competitive price.

The Commission's 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 and responsible. If the contract goal is not met, bidders/offerors must provide evidence of good faith efforts, documented on the Commission's DBE Goal Waiver Request Form (Attachment 5 – Form 4).

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

Information to be submitted (26.53(b))

The Commission 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 bidders/offerors to submit the following information on the Commission's Contract Participation Form:

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of and related NAICS code for 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 contractors commitment; and
6. If the contract goal is not met, evidence of good faith efforts documented on the Commission's DBE Goal Waiver Request Form.

Administrative reconsideration (26.53(d))

Within ten days of being informed by the Commission that it is not responsive because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to Jon E. Mathiasen, President & CEO, Capital Region Airport Commission, 1 Richard E. Byrd Terminal Drive, Richmond International Airport, VA 23250-2400. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. We 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 Department of Transportation.

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

The Commission will require a contractor to make good faith efforts to replace a DBE that is terminated for good cause or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal.

"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, nondiscriminatory 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 2 CFR Parts 180, 215 and 1,200 or applicable state law;
6. The Commission 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 the Commission 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 Commission determines 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.

The Commission will require the prime contractor to notify the DBE Liaison Officer immediately of the DBE's inability or unwillingness to perform and to provide a written request to terminate and/or substitute a DBE subcontractor. Before transmitting such a request, the prime contractor must give notice in writing to the DBE subcontractor, with a copy to the Commission, 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 Commission and the contractor of the reasons, if any, why it objects to the proposed termination of its subcontract and why the Commission should not approve the prime contractor's action. If required in a particular case as a matter of public necessity ( *e.g.*, safety), the Commission may provide a response period shorter than five days.

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

When a DBE subcontractor is terminated, or fails to complete its work on the contract for any reason, the Commission will require the prime contractor to make good faith efforts to find another DBE subcontractor to substitute for the original 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 established for the procurement.

In this situation, the Commission will require the prime contractor to obtain the Commission's prior approval of the substitute DBE and to provide copies of new or amended subcontracts. The substitute DBE must be certified in accordance with Part 26. When a substitute DBE cannot be identified, a contractor must provide documentation of the good faith efforts made to locate another DBE to perform the work.

If the contractor fails or refuses to comply in the time specified, the Commission's Program Manager 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 Program Manager may issue a termination for default proceeding.

### **Section 26.55            Counting DBE Participation**

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

## **SUBPART D – CERTIFICATION STANDARDS**

### **Section 26.61 – 26.73 Certification Process**

The Commission will use the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. We will make our certification decisions based on the facts as a whole.

For information about the certification process or to apply for certification firms should contact: Russell L. Peaden, Capital Region Airport Commission, 1 Richard E. Byrd Terminal Drive, Richmond International Airport, VA 23250-2400; (804) 226-8520 or e-mail: [rpeaden@flyrichmond.com](mailto:rpeaden@flyrichmond.com).

## **SUBPART E – CERTIFICATION PROCEDURES**

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

The Commission does not certify firms, but accepts the VAUCP's certification of a firm and, on a case-by-case basis, other DOT recipients.

DBEs participating in a DOT-assisted contract must be certified by the VAUCP, which includes two certifying agencies: the Virginia Department of Minority Business Enterprise ([www.dmbv.virginia.gov](http://www.dmbv.virginia.gov)) and the Metropolitan Washington Airports Authority ([www.mwaa.com](http://www.mwaa.com)). Federal DBE certification by either agency is fully accepted throughout Virginia.

### **Section 26.83            Procedures for Certification Decisions**

#### **Re-certifications 26.83(a) & (c)**

All firms certified by the VAUCP on behalf of the Commission and included in the VDMBE DBE directory have been reviewed and recertified by the VAUCP based on the submittal of the information required for recertification, in accordance with Subparts D and E of Part 26.

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

All DBEs will be required to inform the VAUCP, in a written affidavit, of any change in their circumstances affecting their 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 application for certification.



All owners of all certified DBEs will be required to submit, on the anniversary date of their certification, a “no change” affidavit meeting the requirements of 26.83(i). A copy of the renewal serves as the Commission’s and VAUCP’s no change affidavit.

**Section 26.85 Denials of Initial Requests for Certification**

If a firm’s application is denied or a firm is decertified, it may not reapply until six (6) months have passed from our actions.

**Section 26.87 Removal of a DBE’s Eligibility**

In the event we propose to remove a DBE’s certification, we will follow procedures consistent with 49 CFR§26.87. To ensure separation of functions in a decertification, we have determined that the President & Chief Executive Officer will serve as the final decision maker in decertification proceedings. We have established an administrative “firewall” to ensure that the President & Chief Executive Officer will not have participated in any way in the decertification proceeding against the firm (including in the decision to initiate such a proceeding).

Whenever the Commission comes to believe that a firm with a current DBE certification is no longer eligible, the firm will be advised that it must provide new evidence to verify its eligibility in order to continue participating in the Commission’s DBE Program.

- a. A letter will be sent to the firm, stating that the Commission is contemplating decertification. A brief description of the reasons for the proposed action will be included.
- b. The firm will be given an opportunity to respond in person and in writing to present information and arguments. An informal meeting or hearing may be part of the process, but a formal adversary proceeding will not be used.
- c. The hearing will be conducted by a person designated by the President & Chief Executive Officer who did not take part in actions leading to or seeking to implement the proposal to remove the firm’s eligibility and who is not subject to direction from the office or persons who did take part in these actions.
- d. The procedures shall conform to the requirements of 49 CFR § 26.87.

**Section 26.89 Certification Appeals**

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

Department of Transportation  
Departmental Office of Civil Rights  
External Civil Rights Programs Division  
1200 New Jersey Avenue, SE W-35  
Washington, DC 20590

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

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

### **Section 26.109            Information, Confidentiality, Cooperation**

The Commission will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal law and the Virginia Freedom of Information Act. The Virginia Freedom of Information Act., VA. Code § 2.1-340, et seq. provides for disclosure of public documents when a proper request is made unless they fall within specified expectations. There are numerous exceptions which may or may not apply depending on the type of documents. The Virginia Public Procurement Act, VA. Code § 2.2-4342 provides a further exception to disclosure for trade secrets or proprietary information submitted in connection with a procurement transaction if the protection of the act is invoked at time of submission.

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

#### **Monitoring Payments to DBEs**

The Commission will require prime contractors to pay subcontractors for satisfactory performance of their contracts within five business days after receiving payment from the Commission. The Commission will also require prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. An authorized representative of the Commission will make these records available for inspection upon request.

The Commission will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award on its Invoice Attachment Form.

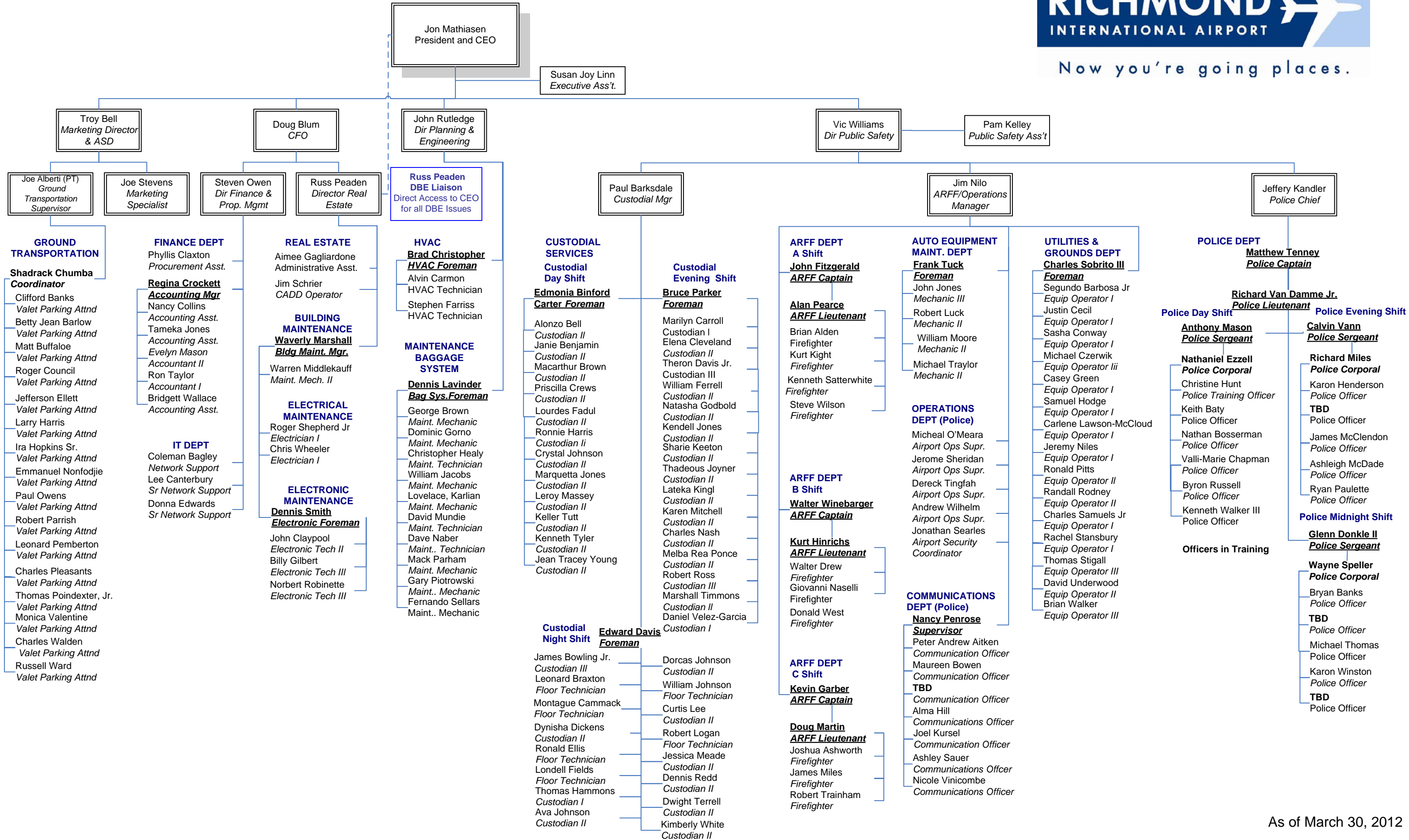
The Commission will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

#### **Attachments:**

- Attachment 1.....Organization Chart
- Attachment 2.....Invoice Attachment Form & Instructions
- Attachment 3.....Monitoring & Enforcement Mechanisms
- Attachment 4.....Overall Goal Calculation and Breakout of Estimated Race-Neutral & Race-Conscious Participation
- Attachment 5 - Form 1....Offeror List
- Attachment 5 – Form 2....Contract Participation Form
- Attachment 5 – Form 3....Letter of Intent Form
- Attachment 5 – Form 4....DBE Goal Waiver Request Form



Now you're going places.



**CAPITAL REGION AIRPORT COMMISSION  
INSTRUCTIONS FOR COMPLETING  
THE INVOICE ATTACHMENT FORM**

**I. USE AUTHORIZED FORMS**

Use only **Commission approved forms** to file monthly Invoice Attachment Form. Do not change or amend the Commission approved form in any manner. Commission approved forms are available on hard copy or electronically from the DBELO, Russ Peaden. All subcontractors are to be listed on the Invoice Attachment Form. Please note that some entries are required that apply only to the sum of DBE contracts. To facilitate accuracy in reporting, it is recommended that DBE subcontractors be listed first and a subtotal appear in each of the four sub-columns that comprise the "Monthly Contract Information" section of the report.

**II. REPORT ALL DBEs EVERY MONTH**

Every DBE firm whose contract is counted toward achievement of the Commission's DBE participation goal must appear on the Invoice Attachment Form every month. If there is no invoice activity for a DBE in any given month, enter "0" in the column, "Amount This Invoice". Note that all other information must be entered, and must be current and correct.

**III. LEDGER PORTION**

**A. Name, Business Address & Description of Work** – For all subcontractors, enter the subcontractor's name, location (street address, city, state and zip code) and description of work. For DBEs, these entries must be the same as comparable information appearing on the Letter of Intent and the Contract Participation Form submitted with the prime contractor's proposal.

**B. Classification of Subcontractor(s)**

Only those subcontractors who meet the DBE eligibility requirements of 49 CFR Part 26 may be classified as DBEs on the Invoice Attachment Form. Assign classifications as follows:

1. **DBE**-Place an "X" in this column only if the subcontractor has been DBE certified by the Virginia Department of Minority Business Enterprise (VDMBE) or the Metropolitan Washington Airports Authority (MWAA).
2. **MBE**-Place an "X" in this column if the subcontractor is also a VDMBE certified minority-owned company. This classification should also be used for subcontractors who have submitted a certification application but have not yet been certified. Once certification has been achieved, such firms should be classified as both MBE and DBE. This column is also used to calculate Voluntary Participation of Minority-owned firms. Thus, a subcontractor can be classified as both DBE and MBE, or, just MBE.
3. **WBE**-Place an "X" in this column if the subcontractor is a VDMBE certified woman-owned company. This classification should also be used for subcontractors who have submitted a certification application but have not yet been certified. Once certification has been achieved, such firms should be classified as both WBE and DBE. This column is also used to calculate Voluntary Participation of woman-owned firms. Thus, a subcontractor can be classified as both DBE and WBE, or just WBE.

3. **SBE**-Place an "X" in this column if the subcontractor is a VDMBE certified small business that has 250 or fewer employees and meets the definition of the Small Business Administration regulations (13 CFR Part 121). This classification should also be used for subcontractors who have submitted a certification application but have not yet been certified. Once certification has been achieved, such firms should be classified as SBE. This column is also used to calculate Voluntary Participation of small businesses.

4. **OTHER**-Place an "X" in this column for all subcontractors who cannot be classified as either DBE, MBE, WBE or SBE.

**C. Original Subcontract Amount**

Enter the original subcontract amount. For DBEs, this must be the amount submitted on the DBE's Letter of Intent and approved by the Commission.

**D. Current Subcontract Amount**

Enter the current subcontract amount. If this amount is the same as the entry in "Original Subcontract Amount", enter it. For DBEs, if this amount is different that the amount entered in "Original Subcontract Amount", a **Revised Letter of Intent** must be on file with and approved by the Commission. It is recommended that **Revised Letters of Intent** be submitted with the Invoice Attachment Form that initially reports the New Contract amount.

**E. Total Payments to Date**

Enter the sum of payments that have been made to that subcontractor as of the date of the report. Note that this column should not contain diminishing amounts, i.e., a succeeding month's entry lower than the preceding month's entry. If this occurs, the Commission may request an examination of additional records to verify the correct amount.

**F. Amount of This Invoice**

Enter the amount of the subcontractor's invoice being submitted with this report.

**G. Percentage Amount Complete**

Enter the percentage that equals the progress of that subcontractor's work.

**H. Percent DBE**

This entry depends upon the type of contract and terms stated in the solicitation. The **percentage for non-DBEs is always "0"**. Thus, if the subcontractor does not meet the requirements stated above to be classified as a DBE, the percentage entered in this column **must be "0"**.

**I. Totals**

Fill out totals as follows:

1. **SUBCONTRACTOR TOTALS** – Totals for all subcontractor data reported on the this form.

2. **PRIME CONTRACTOR TOTAL** – Portion of invoice attributed to work performed by

prime contractor. (May include payments to non-DBE/MBE/WBE suppliers that are not listed in the subcontractor section of the this form.)

3. **TOTAL THIS INVOICE** – Sum of the Subcontractor Total and Prime Contractor Total for the current invoice. Must match the amount of the invoice.

**IV. TOP PORTION OF INVOICE ATTACHMENT FORM**

**A. Original Contract Amount**

Enter the original amount of the Prime's Contract.

**B. Payments Received**

Enter the sum total of payments received as of the date of the report.

**C. Current Contract Amount**

Enter the current amount of the Prime's Contract.

**D. Retainage Withheld**

Enter the amount of retainage withheld. If none, enter 0.

**E. Invoice Period**

Enter the month being reported, i.e. January 1 to January 31, 2012.

**F. Date Submitted**

Enter the date the report is submitted to the Commission.

**G. Actual DBE Participation to Date \$**

Enter the sum of Total Payments to DBEs.

**H. Current Scheduled DBE Participation \$**

Enter the sum of **Current Subcontract Amounts** reported for **DBEs only**, i.e, do NOT include current subcontract amounts for non-DBEs even though they appear in the ledgerportion of the report.

**I. Total Original Contracted DBE Participation \$**

Enter the dollar amount of the original DBE participation requirement of this contract.

**J. Percentage Original Contracted Participation**

Enter the percentage of required DBE participation for this contract.

**CAPITAL REGION AIRPORT COMMISSION  
INVOICE ATTACHMENT FORM**

Name Of Prime Contractor \_\_\_\_\_  
 Contract Name & Number \_\_\_\_\_  
 Original Contract Amount \$ \_\_\_\_\_ Payments Received \$ \_\_\_\_\_  
 Current Contract Amount \$ \_\_\_\_\_ Retainage Withheld \$ \_\_\_\_\_  
 Invoice Period From \_\_\_\_\_ Through \_\_\_\_\_ Date Committed \_\_\_\_\_  
 Actual DBE Participation To Date \$ \_\_\_\_\_  
 Current Scheduled DBE Participation \$ \_\_\_\_\_  
 Total Original Contracted DBE Participation \$ \_\_\_\_\_ Percent Original Contracted Participation \_\_\_\_\_%

#	NAME OF SUBCONTRACTOR	DESCRIPTION OF WORK	* D B E	M B E	S B E	W B E	O T H E R	MONTHLY CONTRACT INFORMATION				% C O M P L E T E	% D B E
								ORIGINAL SUBCONTRACT AMOUNT	CURRENT SUBCONTRACT AMOUNT	TOTAL PAYMENTS TO DATE	AMOUNT THIS INVOICE		
1													
2													
3													
4													
5													
6													
7													
8													
9													
10													
11													
12													
13													
14													
15													
16													
<b>TOTALS</b>													

\* PUT AN "X" IN THIS COLUMN ONLY IF SUBCONTRACTOR IS A VDMBE OR MWAA CERTIFIED DBE UNDER FEDERAL REGULATIONS, 49 CFR PART 26.

I certify that the Information furnished above is correct to the best of my knowledge and represents the current status of the firm's (Prime Contractor) subcontract(s) with the listed firms (Subcontractors) for the designated period covered by this report.

Signed: \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

**This form must be attached to all Invoices submitted by the Prime Contractor.**

## APPENDIX E

### MONITORING AND ENFORCEMENT MECHANISMS

In the event of non-compliance with the DBE regulation by a participant in the Commission's procurement activities, the Commission has at least the following remedies depending on the circumstances:

1. action for breach of contract;

Under Virginia's common law, the Commission has a right to enforce the terms of its contracts or obtain damages for their breach. In the event a contractor fails to abide by the DBE provisions of its contract as described in this Plan, then the Commission may seek enforcement in either state or federal court

2. refer for criminal prosecution under Virginia Governmental Frauds Act, Va. Code § 18.2-498, 1 et seq.;

This Act prohibits any person having a commercial dealing with a local government such as the-Commission from knowingly falsifying, concealing, misleading or covering up a material fact or making up false, fictitious or fraudulent statements or representations or using any false writing. Violation of the Act Is a Class 6 felony.

3. Refer for criminal under the Ethics in Public Contracting Act,  
VA Code §11-72, et seq.

This Act prohibits offers by bidders, contractors or subcontractors or acceptance by public employees having procurement or contracting responsibilities of any payments, loans services or anything more than nominal value. No contractor may offer any kickbacks. Violations of the Act constitute a Class 1 misdemeanor.

4. Disqualification of proposers on bidders under Virginia Public Procurement Act, VA. Code § 11-35, et seq.

This Act provides for disqualification of non-responsive or non-responsible bidders or proposers. Failure to provide the requisite DBE information on a bid or proposal as described above can lead to the determination of non-responsiveness. Proposers and bidders have certain, protest rights if such a determination is made. In the event of an award and a subsequent protest which is determined to be valid, a contract may be cancelled.



**Capital Region Airport Commission**  
**DBE Goals for FYs 2012 – 2014**  
**As Approved by FAA on 8/24/2011**  
**Attachment 4**

Summary

The FY 2012 - 2014 overall goal period for the Capital Region Airport Commission's Disadvantaged Business Enterprise (DBE) program at Richmond International Airport (RIC) begins on October 1, 2011 and ends September 30, 2014.

During this period RIC's overall DBE participation goal is 5.06% of the estimated Airport Improvement Program (AIP) grants totaling \$38,446,500 for the following six projects. The Commission plans to issue solicitations and award contracts for these projects as follows:

<b><u>Fiscal Year</u></b>	<b><u>Project</u></b>	<b><u>AIP Amount</u></b>
2012	Rehabilitate Runway 16/34 – Construction	\$ 12,084,000
2012	Rehabilitate Taxiway M – Design	712,500
2013	Rehabilitate Taxiway M – Construction	14,098,000
2014	Rehabilitate Taxiway 'E' and 'L' – Design	475,000
2014	Rehabilitate Taxiway 'L' – Construction	5,890,950
2014	Rehabilitate Runway 'E' – Construction	<u>5,186,050</u>
		\$ 38,446,500

**Market Area**

We determined that the relevant geographic market for contractors is comprised of 39 counties.<sup>1</sup> This is the area where the substantial majority of companies performing projects at the Airport is based and where most of RIC's contracting dollars are spent.

**Overall Goal Methodology**

DBE regulations (49 CFR Section 26.45) call for the establishment of an overall goal based on demonstrable evidence of the availability of ready, willing and able DBEs relative to all businesses ready, willing and able to participate on contracts. In accordance with Federal regulatory requirements, Step One of RIC's goal setting process determined a base figure for the relative availability of DBEs. In Step Two we determined what adjustment of the base figure may be necessary to arrive at the Commission's overall DBE Participation goal for FYs 2012 – 2014.

---

<sup>1</sup> Amelia; Appomattox; Brunswick; Buckingham; Caroline; Charles City; Charlotte; Chesterfield; Cumberland; Dinwiddie; Essex; Fluvanna; Gloucester; Goochland; Hanover; Henrico; Isle of Wight; James City; King and Queen; King George; King William; Louisa; Lunenburg; Middlesex; Mecklenburg;; New Kent; Northumberland; Nottoway; Orange; Powhatan; Prince Edward; Prince George; Richmond; Southampton; Spotsylvania; Stafford; Surry; Sussex; Westmoreland

**Capital Region Airport Commission**  
**DBE Goals for FYs 2012 – 2014**  
**As Approved by FAA on 8/24/2011**  
**Attachment 4**

**Step One:**

We determined the number of ready, willing and able DBEs in our market area that perform work in the applicable NAICS codes from the Directory of Certified Disadvantaged Business Enterprises that is maintained by the Virginia Department of Minority Business Enterprise. The Census Bureau’s County Business Patterns data base was utilized to determine the number of all ready, willing and able businesses in our market area that perform work in the same NAICS codes as the DBE firms. To determine our base figure, we divided the number of DBEs by the number of all businesses in each NAICS code to derive a base figure, as shown in the table below:

Percentage of Available DBE Firms vs. All Firms				
Trade Classification	NAICS	No. of Firms - Census Data	No of Firms - VDMBE Directory	% DBE Availability
Sewer and Water Construction	237110	129	8	6.20%
Electrical	237130	55	0	0%
Highway, Street & Bridge Construction	237310	106	17	16.03%
Drainage, Utility Line Construction	237990	60	4	6.66%
Runway Lighting	238210	597	8	1.34%
Site Preparation	238910	341	19	5.57%
Specialty Trades	238990	270	5	1.85%
Trucking	484220	319	38	11.91%
Engineering	541330	350	7	2.00%
Surveying	541370	80	4	5.00%
Testing	541380	44	4	9.10%
Management Consulting	541618	27	5	18.52%
Environmental Consulting	541620	77	3	3.90%
Technical Consulting	541690	99	3	3.03%
Hydro seeding Services	561730	694	11	1.58%
Base Figure -DBE Availability		3,248	136	4.19%

**Step 2:**

In order to determine whether to make an adjustment to the base figure, we first examined past DBE achievements in similar projects. Between Fiscal Years 2004 and 2010 the Commission completed apron design and construction projects and runway rehabilitation projects that are similar in work scope to projects it plans to award in FYs 2012 – 2014. DBE participation achieved in those projects was 3.83% in FY 2004, 2.9% in FY 2007, 8% in FY 2009, and 16.21% in FY 2010. Median past participation in those

**Capital Region Airport Commission**  
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projects was 5.92% (rounded), calculated by adding the two middle participation percentages and then dividing the total by 2 ( $3.83\% + 8.00\% = 11.83\% \div 2 = 5.92\%$ ).

The Step One Base Figure (4.19%) and the median past participation percentage (5.92%) were added together and divided by 2 to obtain a Step One Base Figure adjusted for past participation ( $4.19\% + 5.92\% = 10.11\% \div 2 = 5.06\%$  rounded).

We adjusted our base figure because:

- The Step 2 adjustment more closely reflects the median DBE participation achieved in similar projects in the past and that we expect to achieve during this goal period.
- We will be drawing primarily from the same pool of DBE firms as we have in the past for the projects we expect to award in FYs 2012 – 2014.
- We considered only the 39 counties where the substantial majority of contractors and subcontractors with which the Commission does business are located and the area in which the Commission spends the substantial majority of its contracting dollars.
- The January 13, 2010 Commonwealth of Virginia Disparity Study was also reviewed and considered, but it was not used it is for the entire Commonwealth and not comparable to our availability estimates and market areas for the contracting opportunities anticipated at RIC in FYs 2012 - 2014.

49 CFR Section 26.51: Breakout of Estimated Race-Neutral & Race-Conscious Participation

The Commission will make every attempt to meet the maximum feasible portion of its overall goal by using some or all of the following race-neutral measures to increase DBE participation:

- a. Arranging solicitations or requests for proposals, time for presenting bids or proposals, quantities, specifications, and delivery schedules so as to facilitate DBE participation;
- b. Providing advice to DBEs in overcoming barriers in the procurement process such as the inability to obtain bonding, financing, or technical assistance;
- c. Providing information and communication programs on contracting procedures and specific contracting opportunities in a timely manner;
- d. Providing information to DBE firms about the Commission, its function and full range of contractual needs;

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**DBE Goals for FYs 2012 – 2014**  
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- e. Offering instructions and clarifications on bid specifications, the Commission's procurement policy, procedures, and general bidding requirements;
- f. Maintaining a file for successful bid documents from past procurements and permit DBEs to review and evaluate these documents;
- g. Conducting debriefing sessions to explain why certain bids were unsuccessful;
- h. Providing information to DBE firms on future procurements, contracting schedules, subcontracting opportunities and bonding requirements;
- i. Providing instructions about job performance requirements;
- j. Placing bid notices in periodicals of interest to the disadvantaged business community;
- k. Developing mailing lists for newsletters that include DBEs and their associations;
- l. Sending bid notices to DBE trade associations, technical assistance agencies, DBE economic development groups, and to identified DBEs with capabilities relevant to the bid notices;
- m. Making bid specifications available to DBE contractor associations and technical assistance agencies;
- n. Upon request, providing DBEs and DBE organizations with lists of majority firms bidding as prime contractors; and
- o. Use a lead time of at least 30 days, unless special circumstances prevail and approved by the DBELO for advertisement of all Invitations to Bid (ITB) so that all firms have ample time to develop a complete bid package or proposal and secure necessary assistance.

We estimate that in meeting the Commission's overall goal of 5.06% for Fiscal Years 2012 - 2014, we will obtain 100% from race-neutral DBE participation, based on the level of race-neutral DBE participation we have achieved in similar projects and that we anticipate achieving during this three-year goal period.

Over time, the Commission will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see 26.51 (f)) and the Commission will track and report race-neutral and race-conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not

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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; and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

**Public Consultation**

The Commission routinely consults directly with business owners, participates in and conducts outreach meetings, and publishes extensive information on its website to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses for its contracting opportunities, the effects of discrimination on opportunities for DBEs, and the Commission's efforts to establish a level playing field for the participation of DBEs.

**Notice of Proposed Goal**

Public notice of RIC's proposed overall goal is published in the Richmond Times Dispatch, Village Voice, Richmond Free Press, Urban News and on the Virginia Department of Minority Business Enterprise website, as follows:

NOTICE OF PUBLIC COMMENT PERIOD CONCERNING THE  
DISADVANTAGED BUSINESS ENTERPRISE GOALS OF THE CAPITAL REGION  
AIRPORT COMMISSION

Pursuant to 49 Code of Federal Regulations (CFR), Part 26, the Capital Region Airport Commission is proposing a Disadvantaged Business Enterprise (DBE) goal of 5.06% of the dollar value of contracts funded in whole or in part by the U.S. Department of Transportation that are planned to be awarded at Richmond International Airport in Fiscal Years 2012 – 2014. This goal will apply to firms meeting the DBE-eligibility criteria defined in the Federal Regulations. The proposed goal and its methodology may be reviewed on the Commission's website at [www.flyrichmond.com](http://www.flyrichmond.com) through September 14, 2011. Written public comments concerning the Commission's proposed goal and methodology will be received through September 14, 2011 and may be sent to:

Capital Region Airport Commission  
1 Richard E. Byrd Terminal Drive  
Richmond International Airport  
VA 23250-2400  
Attn: Russ Peaden  
DBE Liaison Officer

**CAPITAL REGION AIRPORT COMMISSION  
OFFEROR LIST**

Solicitation No. \_\_\_\_\_

Project Name \_\_\_\_\_

Name of Offeror \_\_\_\_\_

U.S. Department of Transportation regulations (49 CFR Part 26) require all offerors to identify all firms (DBEs and non-DBEs) who attempted to participate as subcontractors or suppliers on this federally assisted contract. All offerors shall list all firms, both DBEs and non-DBEs, that quoted to you on potential subcontracts and supplies for this contract.

Name all firms that quoted to you on potential subcontracts and supplies for this contract opportunity	Check appropriate block					Firm's Address and Telephone Number
	Non-DBE	D B E	M B E	W B E	S B E	

I, \_\_\_\_\_, (type or print name), a duly authorized representative of \_\_\_\_\_, (name of firm), certify that the above information is true and correct.

\_\_\_\_\_  
Signature & Date

**EXHIBIT A  
CAPITAL REGION AIRPORT COMMISSION  
CONTRACT PARTICIPATION FORM**

Name of Bidder/Offeror: \_\_\_\_\_

Solicitation No: \_\_\_\_\_

Project Name: \_\_\_\_\_

**The Bidder/Offeror shall submit the Contract Participation Form and return with its solicitation response. Please attach additional sheets if needed.**

NAME <u>ALL</u> FIRMS PARTICIPATING IN THE CONTRACT.	TYPE OF FIRM (see below)	FEDERAL TAX ID (also known as Employer Identification Number) nine digit number.	Enter "X" for all that apply					ADDRESS AND PHONE NUMBER (Number, Street, City, State, ZIP)	DESCRIPTION OF WORK <u>AND</u> NAICS CODE (Electrical, Paving, etc. with notation e.g. "Labor Only", "Material Only", "Complete") Provide Item Number if Applicable, Quantity, Unit Price	AGREED PRICE
			DBE	MBE	SBE	WBE	OTHER			
1										
2										
3										
4										
5										
6										
7										
8										
<b>TOTAL AGREED PRICE MUST EQUAL TOTAL OFFERED PRICE:</b>										

I, \_\_\_\_\_, a duly authorized representative of \_\_\_\_\_, certify that the above information is true and correct.  
 (type or print name) (name of firm)

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

**TYPE OF FIRM**

- P** = Prime Contractor
- S** = Subcontractor 1<sup>st</sup> tier
- SS** = Subcontractor 2<sup>nd</sup> tier
- JV** = Joint Venture

- SP** = Stocking Supplier/Distributor
- B** = Broker, Agent, Packager
- H** = Hauler
- MFR** = Manufacturer

- DBE** = A certified Disadvantaged Business Enterprise (Attach current certification documents)
- MBE** = A certified Minority Business Enterprise (Attach current certification documents)
- SBE** = A certified Small Business Enterprise (Attach current certification documents)
- WBE** = A certified Women Business Enterprise (Attach current certification documents)
- OTHER** = Business Enterprises that are not certified in any category listed

**CAPITAL REGION AIRPORT COMMISISION  
LETTER OF INTENT**

\_\_\_\_\_ Solicitation Number \_\_\_\_\_  
(Name of Prime Contractor)

\_\_\_\_\_ Project Name \_\_\_\_\_

The undersigned (Check one)  DBE  MBE  SBE  WBE  OTHER

\_\_\_\_\_ (Print or Type Certification Number)

intends to perform the work associated with this contract as (Check one):

Individual  Partnership  Corporation  Joint Venture

will perform the work associated with this contract as a (Check all that apply):

Construction Contractor  Stocking Supplier  Manufacturer  Stocking Distributor  
 Broker, Agent, Packager  Hauler  Service Provider (for non-construction contracts)

will:  Perform the following services  Supply the following materials, equipment, supplies.  
(Please attach additional sheets if needed):

Item Number	General Description Of Activity	Scope of Services (Check One)	Quantity	Unit Price
_____	_____	<input type="checkbox"/> Labor Only <input type="checkbox"/> Matl Only <input type="checkbox"/> Complete	_____	_____
_____	_____	<input type="checkbox"/> Labor Only <input type="checkbox"/> Matl Only <input type="checkbox"/> Complete	_____	_____
_____	_____	<input type="checkbox"/> Labor Only <input type="checkbox"/> Matl Only <input type="checkbox"/> Complete	_____	_____
_____	_____	<input type="checkbox"/> Labor Only <input type="checkbox"/> Matl Only <input type="checkbox"/> Complete	_____	_____
_____	_____	<input type="checkbox"/> Labor Only <input type="checkbox"/> Matl Only <input type="checkbox"/> Complete	_____	_____

at the following price: \$ \_\_\_\_\_.

A. Total Contract Amount \$ \_\_\_\_\_

B. Term of Contract: Commencement Date \_\_\_\_\_ Completion Date \_\_\_\_\_

C. \_\_\_\_\_% of the dollar value of the subcontract will be performed by (check if applicable):  
 Non-DBE contractors  Non-DBE suppliers

The undersigned will enter into a subcontract consistent with the above upon execution of a contract between the Prime Contractor and the Commission (**NOTE: SIGNATURES MUST BE DATED**)

Agreed To \_\_\_\_\_  
(Print or Type Name of D/M/S/WBE or OTHER Firm)

Agreed To \_\_\_\_\_  
(Print or Type Name of Prime Contractor)

By \_\_\_\_\_  
(Print or Type Name and Title)

\_\_\_\_\_ (Print or Type Name and Title)

\_\_\_\_\_  
(Signature) \_\_\_\_\_ (Date)

\_\_\_\_\_  
(Signature) \_\_\_\_\_ (Date)

CRAC DBELO Approval \$ \_\_\_\_\_  
(Enter Amount of Contract Approved for DBE Participation)

\_\_\_\_\_  
(Signature) \_\_\_\_\_ (Date)



CAPITAL REGION AIRPORT COMMISSION  
DBE GOAL WAIVER REQUEST FORM

Solicitation No. \_\_\_\_\_

Project Name \_\_\_\_\_

Name of Offeror \_\_\_\_\_

**If an offeror cannot meet all or any part of the DBE participation goal stated herein, this form must be completed and submitted with the proposal, along with supporting documentation, to demonstrate the good faith efforts made to meet the DBE goal for this solicitation.**

List publications in which offeror advertised this contract opportunity and DBE subcontracting opportunities. Attach copies of the actual advertisements as they appeared in these publications.

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

Describe the methods utilized to identify DBE firms and attach a copy of any written notice sent to solicit their interest, availability and capability to participate in this contract opportunity.

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

What portions of the work were selected to be performed by DBEs that would increase the likelihood of meeting the DBE requirement for this contract opportunity?

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

List the contact name, company name, address and telephone number of each DBE firm contacted, (attach additional sheets if needed).

	<u>Contact Name</u>	<u>Company Name/Address</u>	<u>Telephone Number</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____

Describe the efforts made to negotiate in good faith with interested DBEs.

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

What assistance was offered to interested DBEs to help them obtain bonding, lines of credit, insurance or other types of assistance, if needed?

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

Additional information that you deem relevant to the good faith efforts made.

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