

**WILLIAM A. ZORN AIRPORT  
JESUP-WAYNE COUNTY, GEORGIA  
DBE PROGRAM 2018-2020**

**AUGUST 10, 2018**



# TABLE OF CONTENTS

WILLIAM A. ZORN AIRPORT .....	I
Section 26.1, 26.23 Objectives/Policy Statement .....	I
PART A – GENERAL REQUIREMENTS .....	1
Section 26.1 Objectives .....	1
Section 26.3 Applicability .....	1
Section 26.5 Definitions .....	1
Section 26.7 Non-discrimination Requirements .....	1
Section 26.11 Record Keeping Requirements .....	1
Section 26.13 Federal Financial Assistance Agreement .....	2
PART B - ADMINISTRATIVE REQUIREMENTS .....	2
Section 26.21 DBE Program Updates .....	2
Section 26.23 Policy Statement .....	2
Section 26.25 DBE Liaison Officer (DBELO) .....	2
Section 26.27 DBE Financial Institutions .....	3
Section 26.29 Prompt Payment Mechanisms .....	3
Section 26.31 Directory .....	4
Section 26.33 Overconcentration .....	4
Section 26.35 Business Development Programs .....	4
Section 26.37 Monitoring and Enforcement Mechanisms .....	4
PART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING .....	4
Section 26.43 Set-asides or Quotas .....	4
Section 26.45 Overall Goals .....	4
Section 26.49 Transit Vehicle Manufacturers Goals .....	5
Section 26.51(a-c) Breakout of Estimated Race-Neutral & Race-Conscious Participation .....	5
Section 26.51(d-g) Contract Goals .....	5
Section 26.53 Good Faith Efforts Procedures .....	5
Section 26.55 Counting DBE Participation .....	7
PART D – CERTIFICATION STANDARDS .....	7
Section 26.61 – 26.73 Certification Process .....	7
PART E – CERTIFICATION PROCEDURES .....	7
Section 26.81 Unified Certification Programs .....	7
Section 26.83 Procedures for Certification Decisions .....	8
Section 26.85 Denials of Initial Requests for Certification .....	8
Section 26.87 Removal of a DBE's Eligibility .....	8
Section 26.89 Certification Appeals .....	8
PART F – COMPLIANCE AND ENFORCEMENT .....	8
Section 26.109 Information, Confidentiality, Cooperation .....	8
PART G - SMALL BUSINESS PARTICIPATION .....	9
A. Objective (49 CFR Part 26.39) .....	9
B. Definitions .....	10
C. Certification and Verification Procedures .....	10
D. Implementation Schedule .....	11
E. Assurances .....	11

**ATTACHMENTS**

Attachment 1	Organizational Chart
Attachment 2	DBE Directory
Attachment 3	Monitoring and Enforcement Mechanisms
Attachment 4	Overall Goal Calculations
Attachment 5	Form 1 & 2 for Demonstration of Good Faith Efforts
Attachment 6	Regulations: 49 CRR Part 26

## WILLIAM A. ZORN AIRPORT DBE PROGRAM

### POLICY STATEMENT

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

The Wayne County Board of Commissioners have established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The Wayne County Board of Commissioners have received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the Wayne County Board of Commissioners have signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the Wayne County Board of Commissioners to ensure that DBEs are defined in part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT – assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT assisted contracts;
6. To assist the development of firms that can compete successfully in the market place outside the DBE Program.

**County Administrator** has been delegated as the DBE Liaison Officer. In that capacity, the County Administrator 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 Wayne County Board of Commissioners in its financial assistance agreements with the Department of Transportation.

The Wayne County Board of Commissioners has disseminated this policy statement to all of the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts by placing a legal advertisement in the Press – Sentinel, 252 West Walnut Street, Jesup, Georgia.

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Chairman Wayne County Board of Commissioners

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Date



## **PART 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 Wayne County Board of Commissioners is the recipient of federal airport funds authorized by 49 U.S.C. 47101, *et seq.*

### **Section 26.5 Definitions**

The Wayne County Board of Commissioners will adopt the definitions contained in Section 26.5 for this program.

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

The Wayne County Board of Commissioners 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 Wayne County Board of Commissioners 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(b)**

We will report DBE participation to DOT as follows:

We will submit annually DOT Form 4630, as modified for use by FAA recipients.

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

The Wayne County Board of Commissioners will create a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on DOT-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.

We will collect this information in the following ways:

The Wayne County Board of Commissioners will 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. From time to time, the Board of Commissioners will supplement this information by utilizing public notices and widely distributed surveys to encourage all firms that have bid or quoted contracts to make themselves known to the Board of Commissioners.

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

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

#### Assurance: 26.13(a)

The Wayne County Board of Commissioners 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 Wayne County Board of Commissioners 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 Wayne County Board of Commissioner'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 Wayne County Board of Commissioners 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 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 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 Wayne County Board of Commissioners deems appropriate.

## **PART B - ADMINISTRATIVE REQUIREMENTS**

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

Since the Wayne County Board of Commissioners 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)**

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

County Administrator  
P.O. Box 270  
Jesup, Georgia 31598  
Telephone: (912) 427-5900



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

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. The DBELO has a staff of four to assist in the administration of the program. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to Does 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 Wayne County Board of Commissioners' progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the CEO\governing body on DBE matters and achievement.
9. Chairs the DBE Advisory Committee.
10. Participates in pre-bid meetings.
11. Provides Does with information and assistance in preparing bids, obtaining bonding and insurance.
12. Plans and participates in DBE training seminars.
13. Certifies Does according to the criteria set by DOT and acts as liaison to the Uniform Certification Process in Georgia.
14. Provides outreach to Does and community organizations to advise them of opportunities.
15. Maintains the Wayne County Board of Commissioners' updated directory on certified Does.

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

It is the policy of the Wayne County Board of Commissioners 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 contract to make use of these institutions.

At this point in time no such institutions have been identified.

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

The Wayne County Board of Commissioners 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 30 days from the receipt of each payment the prime contract receives from Wayne County Board of Commissioners. The prime contractor agrees further to return retainage payments to each subcontractor within 30 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 Wayne County Board of Commissioners. This clause applies to both DBE and non-DBE subcontracts.

### **Section 26.31 Directory**

The Wayne County Board of Commissioners maintains a directory identifying all firms eligible to participate as DBEs. The directory lists the firm's name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE. We revise the Directory annually. The Directory is available at the office of the DBELO. The Directory may be found in Attachment 2 to this program document.

### **Section 26.33 Overconcentration**

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

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

The Wayne County Board of Commissioners has not established a business development program.

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

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

1. We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.
2. We will consider similar action under our own legal authorities, including responsibility determinations in future contracts. Attachment 3 lists the regulation, provisions, and contract remedies available to us in the events of non-compliance with the DBE regulation by a participant in our procurement activities.
3. We 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 monitoring the progress of DBE's work through on-site visits and communications with DBE's and by reviewing monthly reports regarding DBE participation to ensure adherence to the plan as represented in the bid documents and as stipulated in this program..
4. We will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

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

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

The Wayne County Board of Commissioners 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 4 to this program. This section of the program will be updated once every 3 years.

In accordance with Section 26.45(f) the Wayne County Board of Commissioners will submit its overall goal to DOT on August 1 of every third year. Before establishing the overall goal, Wayne County Board of Commissioners will consult with individuals from the Commissioner's office, regional Chambers of Commerce, and regional minority, women's and general contractor's organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Wayne County Board of Commissioners efforts to establish a level playing field for the participation of DBEs.

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 your principal office for 30 days following the date of the notice, and informing the public that you and DOT will accept comments on the goals for 45 days from the date of the notice. The notice will be placed in the Press-Sentinel newspaper. Normally, we will issue this notice by June 1. The notice will include addresses to which comments may be sent and addresses where the proposal may be reviewed.

Our overall goal submission to DOT will include a summary of information and comments received during this public participation process and our responses.

We will begin using our overall goal on October 1 of each year, unless we have received other instructions from DOT. If we establish a goal on a project basis, we will begin using our goal by the time of the first solicitation for a DOT-assisted contract for the project.

### **Section 26.49 Transit Vehicle Manufacturers Goals**

This section is not applicable to airport projects at this time, since no Transit Vehicles are anticipated to be utilized at the Airport.

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

This section of the program will be updated when the goal calculation is updated.

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

*The Wayne County Board of Commissioners* will use contract goals to meet any portion of the overall goal. The Board of Commissioners 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 total amount of a DOT-assisted contract.

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

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

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

The following personnel are 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.

County Administrator  
P.O. Box 270  
Jesup, Georgia 31598  
Telephone: (912) 427-5900

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 Wayne County Board of Commissioners treats bidder/offers' 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/offers 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 contractors commitment and
6. If the contract goal is not met, evidence of good faith efforts.

Administrative reconsideration (26.53(d))

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

County Commission Chairman  
P.O. Box 270  
Jesup, Georgia 31598  
Telephone: (912) 427-5900

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

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

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

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 Wayne County Board of Commissioners 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 (Attachment 1), 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); and (5) if the contract goal is not met, evidence of good faith efforts.

*[Note: When a contract goal is established pursuant to the Wayne County Board of Commissioner's DBE program, the sample bid specification can be used to notify bidders/offerors of the requirements to make good faith efforts. The forms found at Attachment 5 can be used to collect information necessary to determine whether the bidder/offeror has satisfied these requirements. The sample specification is intended for use in both nonconstruction and construction contracts for which a contract goal has been established. Thus, it can be included in invitations for bid for construction, in requests for proposals for architectural/engineering and other professional services, and in other covered solicitation documents. A bid specification is required only when a contract goal is established.]*

**Section 26.55 Counting DBE Participation**

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

**PART D – CERTIFICATION STANDARDS**

**Section 26.61 – 26.73 Certification Process**

The Wayne County Board of Commissioners does not have available staff or budget to enable them to comply with the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. The Board of Commissioners relies upon the certifications administered through other recipients of DOT financial assistance.

**PART E – CERTIFICATION PROCEDURES**

**Section 26.81 Unified Certification Programs**

The Wayne County Board of Commissioners is the member of a Unified Certification Program (UCP) administered by the Georgia Department of Transportation. The UPC will meet all of the requirements of this section.

**Section 26.83 Procedures for Certification Decisions**

Re-certifications 26.83(a) & (c)

The Wayne County Board of Commissioners will rely on the re-certification procedure administered by the Georgia Department of Transportation.

“No Change” Affidavits and Notices of Change (26.83(j))

The Wayne County Board of Commissioners will rely on the procedure administered by the Georgia Department of Transportation.

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

The Wayne County Board of Commissioners will rely on the procedure administered by the Georgia Department of Transportation.

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

The Wayne County Board of Commissioners will rely on the procedure administered by the Georgia Department of Transportation.

**Section 26.89 Certification Appeals**

Any firm or complainant may appeal our decision in a certification matter to DOT. Such appeals may be sent to:

Department of Transportation  
Office of Civil Rights Certification Appeals Branch  
400 7<sup>th</sup> Street, SW  
Room 2104  
Washington, D.C. 20590

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

**PART F – COMPLIANCE AND ENFORCEMENT**

**Section 26.109 Information, Confidentiality, Cooperation**

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

Notwithstanding any contrary provisions of state or local law, we will not release personal financial information submitted 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

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

We 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.

## **PART G - SMALL BUSINESS PARTICIPATION**

### **A. Objective (49 CFR Part 26.39)**

Recognizing that the DBE Program goals should be met through a mixture of race conscious and race neutral methods and, that by definition, DBE firms are small businesses; the *Wayne County Board of Commissioners* seeks to implement a small business element into its current DBE policy in accordance with applicable law. The *Wayne County Board of Commissioners* is including this element to facilitate competition by and expand opportunities for small businesses. The *Wayne County Board of Commissioners* is committed to taking all reasonable steps to eliminate obstacles to small businesses that may preclude their participation in procurements as prime contractors or subcontractors. The *Wayne County Board of Commissioners* will meet its objectives using a combination of the following methods and strategies:

1. **Set asides:** Where feasible, the *Wayne County Board of Commissioners* will establish a percentage of the total value of all prime contract and subcontract awards to be set aside for participation by small businesses on FAA-assisted contracts. A “set-aside” is the reserving of a contract or a portion of a contract exclusively for participation by small businesses. This requires that the *Wayne County Board of Commissioners* and its prime contractors/ consultants set aside a portion of the value of each contract for participation by small businesses. A small business set-aside is open to all small businesses regardless of the owner’s gender, race or geographic location. The project manager and DBELO will review FAA-assisted purchases and contracts to assess the small business opportunities, giving consideration to the size and scope of each purchase or contract to establish the set aside percentage. This determination will be made based on the estimated availability of small businesses able to provide the requisite scopes of work regardless of DBE status. This set aside is in addition to the DBE contract goals which may be required pursuant to applicable law or policy. In the event that a set-aside is not established on an FAA-assisted contract, the project manager and DBELO will document why a small business set-aside is inappropriate and the factors which were considered in making that determination, including project scope and estimated availability of firms.
2. **Unbundling:** The *Wayne County Board of Commissioners*, where feasible, may “unbundle” projects or separate large contracts into smaller contracts which may be more suitable for small business participation. The *Wayne County Board of Commissioners* will conduct contract reviews on each FAA-assisted contract to determine whether portions of the project could be “unbundled” or bid separately. This determination will be made based on the estimated availability of small businesses able to provide specific scopes of work and will consider any economic or administrative burdens which may be associated with unbundling. Similarly, the *Wayne County Board of Commissioners* will encourage its prime contractors or prime consultants to unbundle contracts to facilitate participation by small businesses. The *Wayne County Board of Commissioners* will assist prime contractors or prime consultants in identifying portions of work which may be unbundled and performed by small businesses. The *Wayne County Board of Commissioners* will document the factors used to determine whether or not an FAA-assisted contract will be unbundled or bid separately.
3. **Outreach and technical assistance:** The *Wayne County Board of Commissioners* sponsors and participates in outreach and training opportunities for small businesses through various partnerships, including the Wayne County Chamber of Commerce. Additionally, the *Wayne County Board of*

*Commissioners* advertises contracting opportunities through various outlets, including local newspapers, minority-based publications and trade publications.

As described above, the *Wayne County Board of Commissioners* will utilize a variety of methods to facilitate small business participation. In each FAA-assisted contract, the DBELO will document the method in which the small business element will be implemented (i.e. set-aside, unbundling and/or outreach) and the process by which those methods were considered.

## **B. Definitions**

### 1. Small Business:

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

### 2. Disadvantaged Business Enterprise:

A for-profit small business (as defined by the Small Business Administration) —

- That is 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 average annual gross receipts, as defined by SBA regulations over the firm's previous three fiscal years is less than \$22.41 million
- Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it; and
- Has been certified as a DBE by the Georgia Department of Transportation (GDOT) in accordance with 49 CFR 26.

For the purposes of the small business element of the *Wayne County Board of Commissioner's* DBE Program, small businesses which are also owned and controlled by socially disadvantaged individuals will be encouraged to seek DBE certification. Only DBE certified firms will be counted towards DBE race-neutral participation on FAA-assisted contracts.

## **C. Certification and Verification Procedures**

The *Wayne County Board of Commissioners* will accept the following certifications for participation in the small business element of the *Wayne County Board of Commissioner's* DBE Program with applicable stipulations:

1. GDOT DBE Certification – DBE Certification by the GDOT 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 GDOT.
2. SBA 8(a) Business Development Certification (as described in 13 CFR Parts 121 and 124) - will require submittal of three years of business tax returns.



Special Note: Minority and women-owned business enterprises which are awarded contracts under the small business enterprise set aside will be strongly encouraged to seek DBE certification in order to be counted towards race neutral DBE participation.

#### **D. Implementation Schedule**

The *Wayne County Board of Commissioners* approved and implemented the small business element of the DBE Program.

#### **E. Assurances**

The *Wayne County Board of Commissioners* makes the following assurances:

1. The DBE Program, including its small business element is not prohibited by state law;
2. Certified DBEs that meet the size criteria established under the DBE Program are presumptively eligible to participate in the small business element of the DBE Program;
3. There are no geographic or local preferences or limitations imposed on FAA-assisted contracts and the DBE Program is open to small businesses regardless of their location;
4. There are no limits on the number of contracts awarded to firms participating in the DBE Program;
5. Reasonable effort will be made to avoid creating barriers to the use of new, emerging, or untried businesses; and
6. Aggressive steps will be taken to encourage those minority and women owned firms participating in the small business element of the DBE Program that are eligible for DBE certification to become certified.



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Attachment 3	Monitoring and Enforcement Mechanisms
Attachment 4	Overall Goal Calculations
Attachment 5	Form 1 & 2 for Demonstration of Good Faith Efforts
Attachment 6	Regulations: 49 CRR Part 26



**Attachment 1**

**Organizational Chart**

Wayne County Board of Commissioners

County Administrator

DBE Liaison Officer



**Attachment 2**

**DBE Directory**

The DBE Directory for the Georgia Department of Transportation may be found at

[http://www.dot.ga.gov/PS/Business/DBE.](http://www.dot.ga.gov/PS/Business/DBE)





### **Attachment 3**

#### **Monitoring and Enforcement Mechanisms**

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

1. Breach of contract action, pursuant to the terms of the contract;
2. Breach of contract action, pursuant to The Official Code of Georgia, Title 13 Contracts

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

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



**Attachment 4**

**Section 26.45: Overall Goal Calculations**



## Overall DBE Goal for FAA – Assisted Contracting at the William A. Zorn Airport

### Amount of Goal:

The Wayne County Board of Commissioners has established an overall DBE Goal for FAA – assisted contracts of 7.82% for Fiscal Years 2018-2020.

Three projects have been identified for contracting during the next three years. The projects include: the Parallel Taxiway, the Security Fence Phase I and the 10-unit T-Hangar.

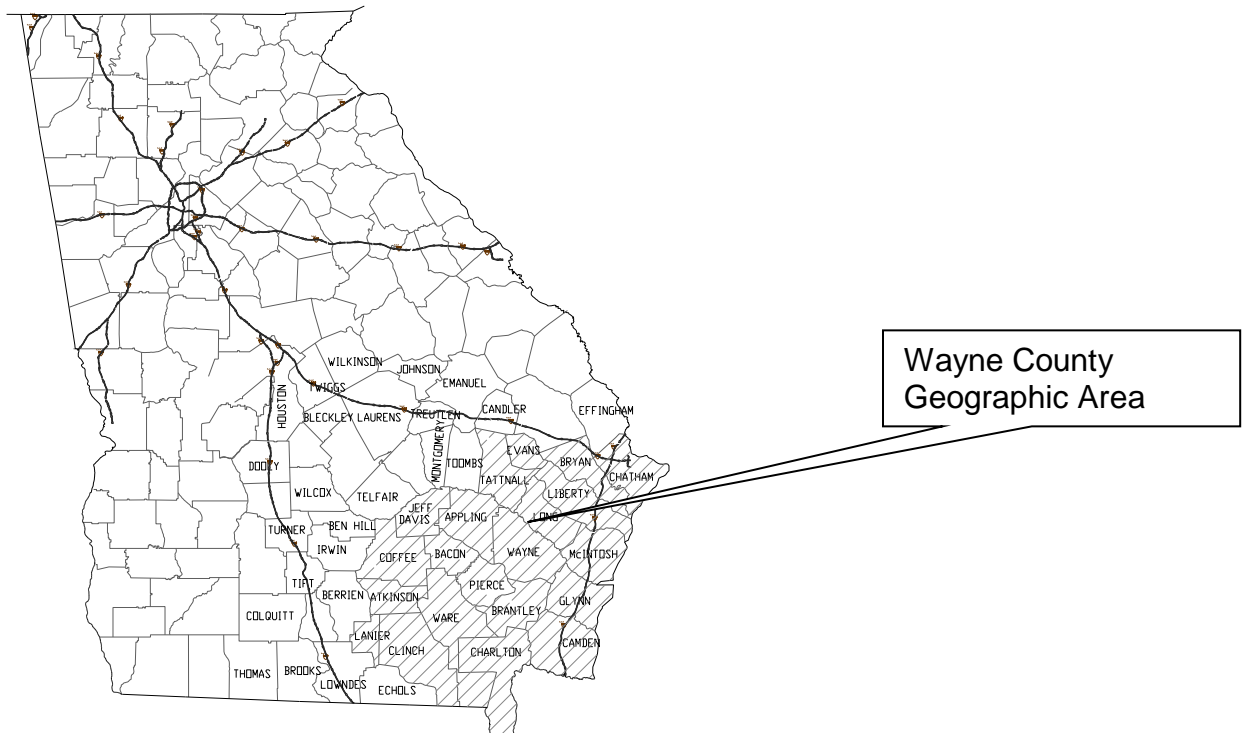
### Methodology:

There are three methods of determining the overall goal presented in “Federal Register 49 CFR Parts 23 and 26 Participation by Disadvantaged Business Enterprises in Department of Transportation Program; Final Rule”. The first method relies on DBE directories and the U.S. Census Bureau Database. The second method relies on using a bidders list. The third method is to adopt the goal of another DOT – funding recipient. In this case the Board chose to utilize the first method.

The following is a summary of the procedure utilized to determine the base figure:

#### A. Determining a Geographic Area

The first step was to determine the geographic area from where it can reasonably be expected that qualified contractors would be interested in participating in a project. The initial thrust was to select Wayne County and the six counties immediately adjacent to Wayne County. The adjacent counties include Appling, Bacon, Brantley, Glynn, Long, McIntosh and Pierce. After additional consideration, the counties of Chatham, Coffee, Liberty and Ware were added to the geographical area due to the proximity and due to the location of the larger cities in the region, namely Douglas, Savannah and Waycross. See Geographic Area below.



**Figure No. 1 Geographic Area**

B. Determining a Base Figure

1. DBE Directories and Census Bureau Data

Upon determination of the geographic area, the total number of contractors operating within the geographic area was determined from the U.S. Census Bureau’s 2015 County Business Pattern (DBP) database.

The classifications of interest included; 237310 Highway, Street, and Bridge Construction, 23821 Electrical Contractors and Other Wiring Installation Contractors, 23891 Site Preparation Contractors, 484220 Dump Trucking, 541380 Geotechnical Testing, 541370 Surveying and Mapping, and 541330 Engineering Service Firms. These classifications were selected based upon the projects and activities anticipated during the 2018-2020 time period.

The number of Disadvantaged Business Enterprises operating within the geographic area was determined by consulting the Georgia Department of Transportation, Directory of Disadvantaged Business Enterprises. The number of DBE firms for each classification was determined by noting the firm’s address and NAICS Classification. The DBE NAICS Classifications include: Construction Firms (23731 Highway, Street, and Bridge Construction, 23821 Electrical Contractors and Other Wiring Installation Contractors, 23891 Site Preparation Contractors, 484220 Dump Trucking), Engineering Firms (541330 Engineering Services), Survey Firms (54137 Surveying and Mapping), and Testing Firms (541380 Geotechnical Testing).

Tables 1 and 2 show the results of the analysis.

<b>Table 1: Total Firms Located Within the Geographic Area</b>				
COUNTY	CONSTRUCTION FIRMS	TESTING FIRMS	SURVEY FIRMS	ENGINEERING FIRMS
WAYNE	12	0	0	1
APPLING	15	0	1	1
ATKINSON	1	0	0	0
BACON	3	0	1	0
BRANTLEY	13	0	1	0
BRYAN	17	3	0	5
CAMDEN	11	0	1	6
CHARLTON	5	0	0	0
CHATHAM	87	8	11	72
CLINCH	1	0	0	0
COFFEE	18	0	4	2
GLYNN	24	2	4	11
JEFF DAVIS	5	1	0	0
LANIER	3	0	0	0
LIBERTY	4	0	1	9
LONG	3	0	0	0
MCINTOSH	3	0	0	0
PIERCE	14	0	1	1
TATNALL	8	0	1	0
WARE	8	0	2	0
<b>TOTAL</b>	<b>255</b>	<b>14</b>	<b>28</b>	<b>108</b>

SOURCE:  
2015 County Business Patterns, U.S. Census Bureau, April 20, 2017.

COUNTY	DBE CONSTRUCTION FIRMS	DBE TESTING FIRMS	DBE SURVEY FIRMS	DBE ENGINEERING FIRMS
WAYNE	1	0	0	0
APPLING	0	0	0	0
ATKINSON	0	0	0	0
BACON	0	0	0	0
BRANTLEY	0	0	0	0
BRYAN	0	0	0	0
CAMDEN	0	0	0	0
CHARLTON	0	0	0	0
CHATHAM	10	0	1	2
CLINCH	0	0	0	0
COFFEE	1	0	0	0
EVANS	0	0	0	0
GLYNN	1	0	0	0
JEFF DAVIS	0	0	0	0
LANIER	1	0	0	0
LIBERTY	0	0	0	0
LONG	0	0	0	0
MCINTOSH	0	0	0	0
PIERCE	0	0	0	0
TATNALL	0	0	0	0
WARE	0	0	0	0
<b>TOTAL</b>	<b>14</b>	<b>0</b>	<b>1</b>	<b>2</b>

SOURCE:  
Georgia DOT Directory of Certified Disadvantaged Business Enterprises, December 2015.

In order the Yearly Base Figure, the formula presented below was applied.

$$\begin{aligned}
 \text{Base Figure} = & \{(\text{Project \% Breakdown}) (\# \text{ of DBE Construction Firms/Total Construction Firms}) \\
 & + (\text{Project \% Breakdown}) (\# \text{ of DBE Testing Firms/Total Testing Firms}) \\
 & + (\text{Project \% Breakdown}) (\# \text{ of DBE Survey Firms/Total Survey Firms}) \\
 & + (\text{Project \% Breakdown}) (\# \text{ of DBE Engineering Firms/Total Engineering Firms})\} \times 100\%
 \end{aligned}$$

Tables 3A, 3B and 3C summarize the Yearly Base Figure Determination.

DESCRIPTION	CONSTRUCTION	TESTING	SURVEYING	ENGINEERING
DBE Firms	14	0	1	2
Total Firms	255	14	28	108
Firms Percentage	5.50%	0.00%	3.60%	1.90%
Project Breakdown	91.6%	2.80%	1.10%	5.60%
<b>DBE Goal</b>	<b>5.18%</b>			

<b>DESCRIPTION</b>	<b>CONSTRUCTION</b>	<b>TESTING</b>	<b>SURVEYING</b>	<b>ENGINEERING</b>
DBE Firms	14	0	1	2
Total Firms	255	14	28	108
Firms Percentage	5.50%	0.00%	3.60%	1.90%
Project Breakdown	79.9%	1.10%	0.00%	19.00%
<b>DBE Goal</b>	<b>4.71%</b>			

<b>DESCRIPTION</b>	<b>CONSTRUCTION</b>	<b>TESTING</b>	<b>SURVEYING</b>	<b>ENGINEERING</b>
DBE Firms	14	0	1	2
Total Firms	255	14	28	108
Firms Percentage	5.50%	0.00%	3.60%	1.90%
Project Breakdown	83.5%	4.14%	0.68%	11.66%
<b>DBE Goal</b>	<b>4.84%</b>			

2. Data from a Bidder's List

The Board of Commissioners did not utilize the information from a bidder's list.

3. DBE Goal of Another DOT Recipient

The Board of Commissioners chose not utilize the DBE goal from another recipient

C. Adjusting the Base Figure

The is no evidence that any barriers exists which have affected the opportunities for DBE firms to form, grow or compete for any DOT-funded projects planned or completed by the Board of Commissioners.

No taxiway or fencing projects have been recently completed at the airport. As there is no relevant data for these projects the Base Figures for 2018 and 2019 will not be adjusted.

A T-Hangar construction project, was completed in February 2012, included a DBE goal of 8.29%. The actual DBE percentage upon project completion was 8.52%.

In 2015, GDOT commissioned a disparity study performed by Griffin & Strong, PC. The results of the disparity study indicated the DBE attainment on Federally-funded projects was 17.0% of all subcontracting dollars. It is appropriate to consider this information in making adjustment to the Base Figure.

The Georgia Department of Transportation has established a DBE Goal of 15% (10% race conscious and 5% race neutral).

Given the DBE Goal from the T-Hanger project exceeds the Base Figure and the GDOT DBE goal it is reasonable to adjust the Base Figure upward. The approach for the increase is to average the Yearly Base Figure for 2018 and 2019 with the GDOT DBE goal and to increase the goal for the T-Hangar project to match the project completion DBE percentage from a recent project (8.52%).



The results are noted in the Table below:

<b>Table 4: Base Figure Adjustments</b>			
<b>Year</b>	<b>Base Figure</b>	<b>Adjustment</b>	<b>Adjusted Figure</b>
2018	5.18%		7.59%
2019	4.71%		7.36%
2020	4.84%		8.52%
<b>Overall DBE Goal 2018-2020 7.82%</b>			

In the future, it is anticipated that the Base Figure will be adjusted based upon historical project information.

D. Public Participation

A summary of the information and the comments received during the public comment period and the Board of Commissioners evaluation will be promptly submitted to the FAA Equal Employment Office following the close of the public participation process.

E. Breakout of Estimated Race-Neutral and Race-Conscious Participation

It is expected that the goal of 7.82% will be achieved through race conscious measures. All programs requiring DBE participation are federal programs. There are no local DBE programs.

F. Consultations

The County has consulted with the Georgia Department of Transportation Office of Equal Employment Opportunity during the preparation of this update.



**Attachment 5**

**Forms 1 & 2 for Demonstration of Good Faith Efforts**

**FORM 1: DISADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION**

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

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

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

Name of bidder/offeror's firm: \_\_\_\_\_

State Registration No. \_\_\_\_\_

By \_\_\_\_\_  
(Signature) Title

**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 6**

**Regulations: 49 CFR Part 26**

