

Glynn County Airport Commission

## **Disadvantaged Business Enterprise Program**

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Brunswick Golden Isles and  
St. Simons Island Airports

Brunswick, Georgia

September 2019



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**UNITED STATES DEPARTMENT OF TRANSPORTATION  
DBE PROGRAM – 49 CFR PART 26**

Glynn County Airport Commission for the  
for **Glynn County Airports**  
**(Brunswick Golden Isles and McKinnon St. Simons Island)**  
Brunswick GA

**POLICY STATEMENT**

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

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

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

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

**Shawna Williams, Finance and Administration Manager, 295 Aviation Parkway, Suite 205, Brunswick, GA 31525, (912)-265-2070** has been designated as the DBE Liaison Officer (DBELO). In that capacity, the DBELO 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 Commission in its financial assistance agreements with the US Department of Transportation.

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

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

  
\_\_\_\_\_  
Robert Burr, Executive Director

9-17-2019  
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 Glynn County Airport 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 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 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 USDOT: 26.11(b)

The Commission will report DBE participation to USDOT as follows:

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

#### Bidders List: 26.11(c)

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

The Commission will collect this information in the following ways:

- a. *Include a contract clause requiring prime bidders to report the names/addresses, and possibly other information, of all firms who quote to them on subcontracts.*
- b. *Include a notice in all solicitations, and otherwise widely disseminated, request to firms quoting on subcontracts to report the approved information directly to the Commission's DBELO for inclusion in the bidder's list.*
- c. *Request the above information from all potential bidders who contact the Airport seeking bid information, and/or who attend pre-bid meetings, conferences, etc., at the Airport.*
- d. *The Commission may also consider the use of the Bidders List Data Collection form, as shown in Attachment 9.*

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

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

Assurance: 26.13(a)

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

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

Contract Assurance: 26.13b

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

*The contractor, sub-recipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of USDOT assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this*

*contract, which may result in the termination of this contract or such other remedy as the Commission deems appropriate, which may include, but is not limited to:*

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

## **SUBPART B - ADMINISTRATIVE REQUIREMENTS**

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

The Commission is required to have a DBE program meeting the requirements of this part as it will receive grants for airport planning or development and will award prime contracts, cumulative total value of which exceeds \$250,000 in FAA funds in a federal fiscal year. The Commission is not eligible to receive DOT financial assistance unless DOT has approved this DBE program and the Commission is in compliance with it and Part 26. The Commission will continue to carry out this program until all funds from DOT financial assistance have been expended. The Commission does not have to submit regular updates of the DBE program document, as long as it remains in compliance. However, significant changes in the program, including those required by regulatory updates, will be submitted for DOT approval.

### **Section 26.23 Policy Statement**

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

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

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

**Shawna Williams**  
**Finance and Administration Manager**  
**295 Aviation Parkway, Suite 205**  
**Brunswick, GA 31525**  
**(912)-265-2070**

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the Commission 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 1 to this program.

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

1. *Gathers and reports statistical data and other information as required by USDOT.*
2. *Reviews third party contracts and purchase requisitions for compliance with this program.*
3. *Works with all departments to set overall triennial goals.*
4. *Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.*
5. *Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract-specific goals).*
6. *Analyzes the Commission's progress toward attainment and identifies ways to improve progress.*
7. *Participates in pre-bid meetings.*
8. *Advises the Commission on DBE matters and achievement.*
9. *Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.*
10. *Determines compliance of bidders/offerors with good faith efforts in bid submittals.*
11. *Provides outreach to DBEs and community organizations to advise them of opportunities.*

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

It is the policy of the 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 USDOT-assisted contracts to make use of these institutions.

In developing this DBE program, the Commission's efforts did not identify any such institutions within its service area. The Commission will conduct an evaluation on a yearly basis, and if any such institutions are established in the Airport's service area, the Commission will consider the services offered by these institutions and refer them as noted above.

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

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

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

The Commission will ensure prompt and full payment of retainage from the prime contractor to the subcontractor within 10 days after the subcontractor's work is satisfactorily completed. The Commission will hold retainage from prime contractors and provide for prompt and regular incremental acceptances of portions of the prime contract; pay retainage to prime contractors based on these acceptances; and require a contract clause obligating the prime contractor to

pay all retainage owed to the subcontractor for satisfactory completion of the accepted work within 10 days after payment to the prime contractor.

The Commission will consider a subcontractor's work is satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by the 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.

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

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

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

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

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

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

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<sup>1</sup> <http://www.godr.org>

### **Section 26.31           Directory**

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

GDOT maintains active lists of certified disadvantaged businesses located throughout the state. Therefore, all of the firms listed in the directory have been certified by this state and in accordance with USDOT criteria. It should be noted also that these listings and certifications are periodically updated with some firms being added, while others are removed. Also, the State of Georgia Department of Administrative Services, which maintains a list of small businesses<sup>2</sup>, may be consulted to identify potential DBE firms.

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

GDOT revises the directory in real time, and the weblink may be found in [Attachment 2](#).

### **Section 26.33           Overconcentration**

The Commission has not identified that overconcentration exists in the types of work that DBEs perform. However, the DBELO will continue to monitor the various categories every three years to ensure that non-DBE firms are not unduly burdened.

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

The Commission has not established a business development program. The DBELO will re-evaluate the need for such a program every three years.

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

#### Monitoring Payments to DBEs and Non-DBEs

The Commission will provide ongoing monitoring of prime contractor payments to subcontractors over the course of any covered contract. The Commission will require prime contractors to report documentation of payments to subcontractors monthly. The DBELO will review and verify that payments have been made and retainage has been returned to subcontractors in accordance to section 26.29.

The Commission will require prime contractors to maintain records and documents of payments to subcontractors, including DBEs, for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for the Commission's financial assistance

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

agreement, whichever is longer. These records will be made available for inspection upon request by any authorized representative of the Commission or DOT. This reporting requirement extends to all subcontractors, both DBE and non-DBE.

The Commission uses a number of DBE forms, which can be found in [Attachment 10](#), to collect DBE information for initial project setup and for ongoing monitoring of DBE participation:

- DBE Project Compliance Review Checklist
- Listing of DBE Subcontractors
- DBE Monthly Report
- DBE Commercially Useful Function Report

The DBELO or the Commission's representative will conduct onsite compliance reviews of FAA-funded projects. The DBELO will review all DBE subcontracts and payments, and will evaluate any DBE firms working on the project during the date of the visit. The DBELO will conduct a commercially useful function (CUF) review at least once during the project for all DBEs. The DBELO will also review monthly progress reports submitted by prime contractors to determine if they are on track to meet the DBE goal. Written certification will be documented by the DBELO on the DBE Project Compliance Review Checklist form.

#### Prompt Payment Dispute Resolution

The Commission will take the following steps to resolve disputes as to whether work has been satisfactorily completed for purposes of §26.29.

A meeting will be scheduled with the prime contractor, subcontractor, DBELO and other appropriate Commission representative(s). Any meeting for the purpose of dispute resolution will include Commission representative(s) authorized to bind each interested party, including representative(s) with authorization to take enforcement action.

The Commission has established, as part of its DBE program, the following mechanism(s) to ensure prompt payment and return of retainage:

A contract clause providing that the prime contractor will not be reimbursed for work performed by subcontractors unless and until the prime contractor ensures that the subcontractors are promptly paid for the work they have performed.

*If the prime contractor has not paid subcontractors in accordance with 26.29, the Commission will not reimburse the prime contractor for work performed by subcontractors until the prime contractor is in compliance with 26.29.*

#### Prompt Payment Complaints

Complaints by subcontractors regarding the prompt payment requirements are handled according to the following procedure.

1. If the affected subcontractor is not comfortable contacting the prime contractor to resolve the prompt payment dispute, the affected subcontractor may contact the Commission's DBELO.
2. If filing a prompt payment complaint with the DBELO does not result in timely and meaningful action by the Commission to resolve prompt payment disputes, the affected subcontractor may contact the FAA Office of Civil Rights.

#### Enforcement Actions for Noncompliance of Participants

The Commission will provide appropriate means to enforce the requirements of §26.29. These means may include:

- *Assessing liquidated damages, in accordance with the contract, against the prime contractor for each day beyond the required time period the prime contractor fails to pay the subcontractor*
- *Advising subcontractors of the availability of the payment and performance bond to assure payment for labor and materials in the execution of the work provided for in the contract*
- *Paying subcontractors directly and deducting this amount from the retainage owed to the prime contractor*
- *Issuing a stop-work order until payments are released to subcontractors, specifying in the contract that such orders constitute unauthorized delays, for the purposes of calculating liquidated damages, if milestones are not met.*

The Commission will actively implement the enforcement actions detailed above.

#### Monitoring Contracts and Work Sites

The Commission will review contracting records and will engage in active monitoring of work sites 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. Work site monitoring will be performed by the DBELO with assistance from the resident project representative. The contracting records will be reviewed by the DBELO. The Commission will maintain written certification that contracting records have been reviewed and work sites have been monitored for this purpose.

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

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

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

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

**Section 26.43 Set-asides or Quotas**

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

**Section 26.45 Overall Goal**

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

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

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

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

In establishing the overall goal, the Commission will provide for consultation and publication. This includes consultation with minority, women’s and general contractor groups, community organizations, and other officials or organizations that could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Commission’s efforts to establish a level playing field for the participation of DBEs. The consultation will include a scheduled, direct, interactive exchange (e.g., a face-to-face meeting, video conference, teleconference) with as

many interested stakeholders as possible focused on obtaining information relevant to the Commission's goal setting process, and it will occur before submitting the goal methodology to the FAA for review pursuant to paragraph (f) of this section. The Commission will document in the goal submission the consultation process that was utilized. Notwithstanding paragraph (f)(4) of this section, the Commission will not implement the proposed goal until this requirement is fulfilled.

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

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

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

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

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

### **Section 26.47            Goal Setting and Accountability**

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

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

**Section 26.49 Transit Vehicle Manufacturers Goals**

N/A

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

The breakout of estimated race-neutral and race-conscious participation can be found in the Overall Goal Calculation [Attachment 5](#) to this program. This section of the program will be updated 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 it does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of the overall goal that is not projected to be met through the use of race-neutral means.

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

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

**Section 26.53 Good Faith Efforts Procedures**

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

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

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

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

Information to be submitted (26.53(b))

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

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

This information will be collected using the forms found in Attachment 6.

Administrative reconsideration (26.53(d))

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

**Robert Burr, Executive Director  
295 Aviation Parkway, Suite 205  
Brunswick, GA 31525  
(912)-265-2070**

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

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

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

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

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

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

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

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

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

In those instances where "good cause" exists to terminate a DBE's contract, the Commission will require the prime contractor to make good faith efforts to replace a DBE that is terminated or

has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. The Commission will require the prime contractor to notify the DBELO immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation.

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

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

Before transmitting its request to the Commission to terminate and/or substitute a DBE subcontractor, the prime contractor must give notice in writing to the DBE subcontractor, with a copy to the 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 pre-award deletions of or substitutions for DBE firms put forward by offerors in negotiated procurements. The Commission will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE. These good faith efforts shall be directed at finding another DBE to perform at least the same amount of work under the contract as the DBE that was terminated, to the extent needed to meet the contract goal that was established for the procurement. The good faith efforts shall be documented by the contractor. If the Commission requests documentation from the contractor under this provision, the contractor shall submit the documentation within 7 days, which may be extended for an additional 7 days if necessary at the request of the contractor, and the recipient shall provide a written determination to the contractor stating whether or not good faith efforts have been demonstrated.

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

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

Sample Bid Specification:

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

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

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

**Section 26.55                      Counting DBE Participation**

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

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

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

A link to the certification application forms and documentation requirements is found in Attachment 7 to this program.

**SUBPART E – CERTIFICATION PROCEDURES**

**Section 26.81                      Unified Certification Programs**

The Commission is a member of the Unified Certification Program (UCP) administered by the Georgia Department of Transportation (GDOT)'s Equal Opportunity Division. The UCP will meet

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

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

#### Monitoring Payments to DBEs

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

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 states in the schedule of DBE participation.

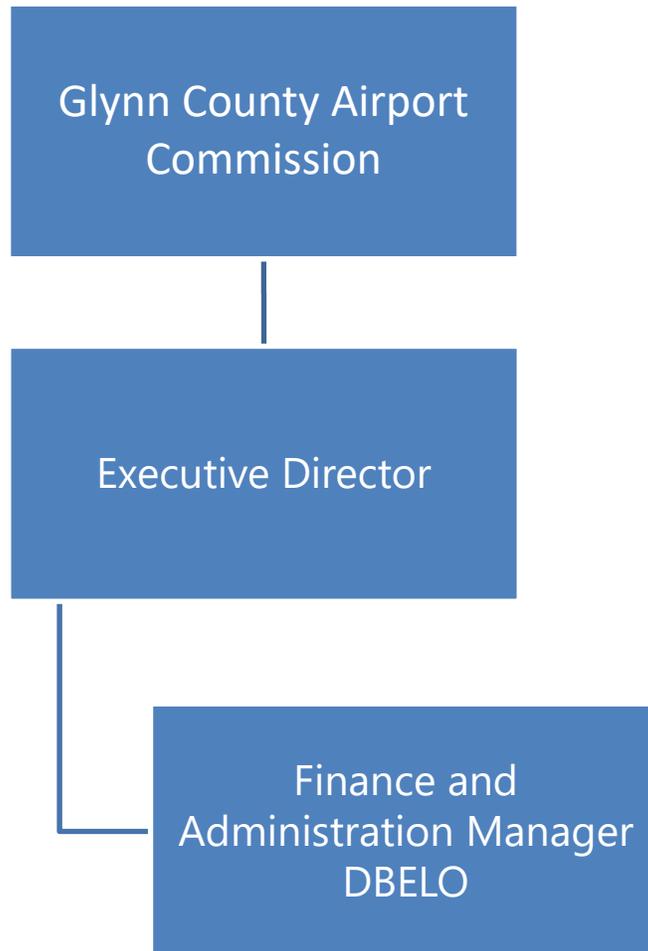
## **ATTACHMENTS**

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

Attachment 1

# Organizational Chart

# Glynn County Airport Commission



Organizational Chart

Attachment 2

# DBE Directory

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

Attachment 3

Monitoring and Enforcement  
Mechanisms

## **Glynn County Airport Commission**

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

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

Additional information on the Commission's Disadvantaged Business Enterprise Program can be obtained from the DBE Liaison Officer, **Shawna Williams, Finance and Administration Manager, 295 Aviation Parkway, Suite 205, Brunswick, GA 31525, (912)-265-2070 swilliams@flygcairports.com.**

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

**Attachment 8** contains a link to 49 CFR Part 26, which describes federal regulations, provisions, and contract remedies available to the Commission in the event of non-compliance by a participant.

Attachment 4

Fostering Small Business

**GLYNN COUNTY AIRPORT COMMISSION**  
Operating the  
Brunswick Golden Isles Airport and  
McKinnon St. Simons Island Airport

February 29, 2012

(Prepared by Kenneth Weeden, Ken Weeden & Associates, Inc.)

**Section 26: 39- Fostering Small Business Participation**

**Contents:**

- I. Purpose and Objective of this Element**
- II. Small Business Participation Plan- Strategy**
  - 1. Race-neutral Subcontracting Goal
  - 2. Consideration of Unbundling
- III. Definitions for this Element**
- IV. Verification Standards and Procedures**
- V. Supportive Services**
- VI. Implementation Plan and Time-Table**
- VII. Principal Responsible Person-DBELO**

## Section 26: 39- Fostering Small Business Participation

### A. Purpose and Objective of this Element

This element, part 26:39, included as an amendment to **the Glynn County Airport Commission (GCAC)**, DBE Program Plan, on behalf of the Brunswick Golden Isles Airport and McKinnon St. Simons Island Airport, is herein referenced as the Small Business Participation Plan (SBPP). This new part calls for the inclusion of an element to *“structure contracting requirements to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation.”* Both the Brunswick Golden Isles Airport and the McKinnon St. Simons Island Airport, under the Glynn County Airport Commission (GCAC), hereby set forth this plan to implement these requirements. The Commission’s SBPP is also regarded as a substantial effort toward fulfilling the overall intent of part 26.51, i.e. to meet the *“maximum feasible portion”* of its overall goal by using race-neutral means to obtain DBE participation. Therefore, implementation of the Commission’s SBPP will be based on the standard of *business size*, and personal net worth, without regard to race or gender of the business owner.

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

Further, the Commission perceives the objectives of this section to be consistent with its DBE Program Policy Statement, which says in part:

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

Our Policy Statement and this small business element (SBPP) are consistent with the Airport’s long history of creating and encouraging business opportunities at all levels.

### B. SBPP Strategy

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

#### 1. Establishment of a Race-Neutral “Subcontracting Goal”

The Commission proposes that, *where feasible*, on certain prime contracts that do *not* have a DBE contract goal (race-conscious), that Prime Contractors will be required to provide subcontracting opportunities to qualified Small

Business Concerns, (SBC's) as defined herein, *without* regards to race or gender of the business owner. Again, verified "business size" and subcontracting opportunities will be the basis of this Subcontracting Goal. The opportunities must be of a size that SBC's, including some which may happen to also be DBE's, can reasonably perform. The Airport, through its Compliance Staff or consultants, will assess the feasibility for race-neutral subcontracting goals on projects. The Compliance Staff or consultant (s) will assist the potential primes by reviewing the project (s), in advance of the solicitation, and by suggesting potential subcontracting opportunities in the solicitation documents. This will help to establish a reasonable race-neutral, Subcontracting Goal.

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

The Glynn County Airport Commission operates both a small, non-hub primary facility (Brunswick Golden Isles Airport), and a general aviation facility (McKinnon St. Simons Island Airport) has given consideration to "unbundling" as a small business strategy and believe that at this time, such a strategy will not be suitable for either of these airports. Because of the limited number of contracts each year for both airports the increased total number of bid solicitations with "unbundling" could significantly increase both administrative and project costs per bid. This would reduce the necessary "economy of scale" for smaller airports.

## C. Definitions for this Element

### 1. Small Business

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

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

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

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

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

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

## 2. Disadvantaged Business Enterprise

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

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

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

### D. Verification Standards and Procedures

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

1. **Georgia Unified Certification Program (GA UCP) DBE Certification** – DBE Certification by the GA UCP which stipulates that a firm has been determined to meet all the requirements in accordance with 49 CFR Part 26. All certification determinations are evidenced by a letter of DBE certification issued by a certifying member of the GA UCP. It should be noted that the Glynn County Airport Commission is a non-certifying member of the GA UCP and relies on certification decisions of the Georgia Department

of Transportation (GDOT). The GDOT certification staff applies the standards and procedures for DBE certification applicants contained in Subparts D, and E, of 49 CFR (26.61 – 26.91). The Glynn County Airport Commission will also rely on the small business verifications of the GA UCP.

2. **A non-DBE certified potential small business concern** may have to complete a simplified application and/or provide the following information at time of response to a solicitation or a bid submittal, as evidence of the small business status:
  - i. Evidence of SBA 8(a) or SBD Certification (as described in 13 CFR Parts 121 and 124)
  - ii. A copy of the business tax returns for the most recent three year period indicating the gross receipts; and/or
  - iii. A notarized statement from a Certified Public Accountant indicating the firms average gross receipts for the past three years.
3. **Use of Personal Net Worth:** The Glynn County Airport Commission, in addition to the standards for small business concerns described above, plans to utilize the current Personal Net Worth standards of the DBE program (26.67), presently at \$1.32 million dollars.

## E. Supportive Services

The Glynn County Airport Commission is a non-certifying member of the Georgia UCP, i.e. does not conduct DBE certifications, but relies on certifications of the GDOT. The Commission also does not provide direct supportive services and/or business development programs to DBEs or small businesses. Although not a direct provider of supportive services, the Airport Staff and its Compliance consultants are aware of several important resources for small businesses in the general market area. The staff will make referrals to these services and provide links to them on the DBE page of the airport web site. Some of these services include:

### Resources for Small Businesses- Glynn County Airport Commission

#### 1. Small Business Development Centers (SBA)

[www.localsmallbusiness.org](http://www.localsmallbusiness.org)

The Georgia SBDC Network provides low cost training and free consulting services including assistance with business plan development, market analysis and marketing strategies, financial analysis, compliance and legal issues, and preparation of loan submissions for individuals who want to start their own businesses or expand an existing one. In the Glynn County area, local SBDC services are provided at:

**The University of Georgia SBDC**  
501 Gloucester Street, Suite 200  
Brunswick, GA 31520-7014  
Phone: (912) 264-7343  
Fax: (912) 262-3095

SBC's and potential SBC's that contact the Glynn County Airport Commission will be referred to the SBDC.

**F. Implementation Plan and Time-Table -Glynn County Airport Commission Small Business Participation Plan (SBPP)**

The Glynn County Airport Commission proposes to have its SBPP fully implemented within 180 days (six months) of the FAA final approval of the Plan. The Commission will utilize the time frame to properly set up the program in order to maximize the potential for ultimate success. These set-up activities will include:

1. Review, in coordination with the Airport's Engineering Consultant, all upcoming projects to try and pre-determine which, if any, will be conducive for application of either of the two selected SBPP strategies, described in Section B, above.
2. Review, in coordination with Engineering Consultant, Compliance Consultants, and with Legal input, the necessary revisions and modifications to bid solicitation language etc., prior to implementation.
3. Coordinate properly with the Georgia UCP to initiate discussions as to whether any changes/modifications are implicated in the UCP stakeholder agreement, due to verification of small business concerns.
4. Coordinate with other entities currently providing relevant supportive services and/or business development for referrals to their programs, appropriate for the small business concerns which may contact the Airport to increase their competitive opportunities at the Airport.
5. The Airport, during the pre-implementation period, "may" also seek consultation with the representative small business community.

### **G. Principal Responsible Person**

The principal responsible person for overseeing and implementing the Airport's SBPP will be the currently designated Disadvantaged Business Enterprise Liaison Officer. The DBELO at the Glynn Airport Commission is **Steve Brian**, Executive Director of the Glynn County Airport Commission. The DBELO is assisted by the Airport Commission's Fiscal Officer, **Shawna Williams**.

Attachment 5

# Overall Goal Calculation

**FY 2019-2021**

**DISADVANTAGED BUSINESS ENTERPRISE PROGRAM METHODOLOGY  
for**



**BRUNSWICK GOLDEN ISLES AIRPORT  
BRUNSWICK, GEORGIA**

With Assistance From



Ken Weeden & Associates, Inc.

**August 2018**

**METHODOLOGY for Establishing the FY 2019 – FY 2021 Overall Disadvantaged Business Enterprise (DBE) Goal for:**

*Brunswick Golden Isles Airport  
Brunswick, GA*

In fulfillment of the requirements of 49 CFR Part 26, the Brunswick Golden Isles Airport (hereafter ‘the Airport’) has developed a proposed Overall Goal for FY 2019-2021 FAA-AIP projects for its Airports. The methodology used in establishing this goal is described herein.

**I. Detailed Methodology: Specific Steps**

**A. Amount of Goal**

The Airport’s overall goal for FY 2019-2021 is **8.7%** of the Federal financial assistance it will expend in USDOT-assisted contracts.

Given the amount of USDOT-assisted contracts that the Airport expects to let from FY 2019-2021, which is approximately **\$9,026,116** this means that the Airport has set a goal of expending approximately **\$787,266** with DBEs during this period.

**B. Determination of the Market Area of the study**

The normal market area was based on discussions with the Airport staff and an assessment of bidders from similar recent projects. Specifically, the market area is based on where the substantial majority of bidders, both successful and unsuccessful are located and where the substantial majority of funding was spent as illustrated in **Table 1** below:

**Table 1: Brunswick Golden Isles Airport  
Market Area**

<b>County</b>	<b>Bidders</b>	<b>Percent of bidders</b>	<b>Dollars</b>	<b>Percent of dollars</b>
Brantley	1	5.6%		
Chatham	3	16.7%		
Clayton	1	5.6%		
Glynn	1	5.6%	\$9,828,031	62.5%
Gwinnet	1	5.6%		
Lowndes	1	5.6%	\$5,634,706	35.5%
Rockdale	2	11.1%		
Walton	2	11.1%		
Wayne	1	5.6%		
<b>Market area total</b>	<b>13</b>	<b>72.2%</b>	<b>\$15,562,737</b>	<b>98.0%</b>
Other	5	27.8%	\$319,442	2.0%
<b>Total</b>	<b>18</b>	<b>100.0%</b>	<b>\$15,882,179</b>	<b>100.0%</b>

### C. Determination of relevant NAICS codes

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

**Table 2: Brunswick Golden Isles Airport  
FY 2019-FY 2021 Projects & Activities**

FY 2019 projects		
PROJECT	ACTIVITY	NAICS
Compass Calibration Pad (Design)	Engineering	541330
Passenger Terminal Parking Lot Expansion (Design)	Engineering	541330
Environmental Assessments For Airfield Improvements	Engineering	541330
North Taxilane Development (Design)	Engineering	541330
FY 2020 projects		
PROJECT	ACTIVITY	NAICS
Compass Calibration Pad (Construction)	Highway & Street	237310
	Site Prep	238910
	Engineering	541330
	Landscaping	561730
ARFF Facility Evaluation & Replacement (Design)	Engineering	541330
Passenger Terminal Security Improvements (Design)	Engineering	541330
Passenger Terminal Vehicle Parking Lot Expansion (Construction)	Highway & Street	237310
	Site Prep	238910
	Engineering	541330
	Landscaping	561730
North Taxilane Development (Construction)	Highway & Street	237310
	Site Prep	238910
	Engineering	541330
	Landscaping	561730
FY 2021 projects		
PROJECT	ACTIVITY	NAICS
Arff Facility Replacement	Building Construction	236220
	Land Subdivision	237210
	Concrete	238110
	Masonry Contractors	238140
	Other Foundation, Structure, and Building Exterior Contractors	238190
	Electrical Contractors	238210

	Plumbing, Heating, and Air-Conditioning	238220
	Drywall and Insulation Contractors	238310
	Engineering	541330
	Landscaping	561730
Passenger Terminal Security Improvements (Construction)	Building Construction	236220
	Electrical Contractors	238210
	Engineering	541330
ARFF Truck Purchase	Motor Vehicle Manufacturing	336211
Runway 7-25 & Taxiway A Sealcoat & Extension (Design)	Engineering	541330
Relocate Windcones (Design)	Engineering	541330

SOURCE: Brunswick Golden Isles Airport

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

**Table 3a: DBES—Brunswick Golden Isles Airport by Relevant NAICS Codes—Compass Calibration Pad (Design)**

<i>NAICS Codes</i>	<i>DBE Firms</i>	<i>All Firms</i>	<i>% of DBE Firms Available</i>	<i>NAICS Dollars</i>	<i>DBE Dollars</i>
541330	23	387	5.9%	\$146,700	\$8,719
<b>Total</b>				<b>\$146,700</b>	<b>\$8,719</b>
<b>WEIGHTED STEP 1 Goal =</b>					<b>5.9%</b>

SOURCES:

- 2016 County Business Patterns, U.S. Census Bureau.
- Georgia UCP DBE Directory, July 2018.

**Table 3b: DBES— Brunswick Golden Isles Airport by Relevant NAICS Codes—Passenger Terminal Parking Lot Expansion (Design)**

<i>NAICS Codes</i>	<i>DBE Firms</i>	<i>All Firms</i>	<i>% of DBE Firms Available</i>	<i>NAICS Dollars</i>	<i>DBE Dollars</i>
541330	23	387	5.9%	\$83,187	\$4,944
<b>Total</b>				<b>\$83,187</b>	<b>\$4,944</b>
<b>WEIGHTED STEP 1 Goal =</b>					<b>5.9%</b>

SOURCES:

- 2016 County Business Patterns, U.S. Census Bureau.
- Georgia UCP DBE Directory, July 2018.

**Table 3c: DBES— Brunswick Golden Isles Airport by Relevant NAICS Codes—Environmental Assessments for Airfield Improvements**

<i>NAICS Codes</i>	<i>DBE Firms</i>	<i>All Firms</i>	<i>% of DBE Firms Available</i>	<i>NAICS Dollars</i>	<i>DBE Dollars</i>
541330	23	387	5.9%	\$333,365	\$19,812
<b>Total</b>				<b>\$333,365</b>	<b>\$19,812</b>
<b>WEIGHTED STEP 1 Goal =</b>					<b>5.9%</b>

SOURCES:

1. 2016 County Business Patterns, U.S. Census Bureau.
2. Georgia UCP DBE Directory, July 2018.

**Table 3d: DBES— Brunswick Golden Isles Airport  
by Relevant NAICS Codes—North Taxilane Development (Design)**

<i>NAICS Codes</i>	<i>DBE Firms</i>	<i>All Firms</i>	<i>% of DBE Firms Available</i>	<i>NAICS Dollars</i>	<i>DBE Dollars</i>
541330	23	387	5.9%	\$54,000	\$3,209
<b>Total</b>				<b>\$54,000</b>	<b>\$3,209</b>
<b>WEIGHTED STEP 1 Goal =</b>					<b>5.9%</b>

SOURCES:

1. 2016 County Business Patterns, U.S. Census Bureau.
2. Georgia UCP DBE Directory, July 2018

**Table 3e: DBES— Brunswick Golden Isles Airport  
by Relevant NAICS Codes—Compass Calibration Pad (Construction)**

<i>NAICS Codes</i>	<i>DBE Firms</i>	<i>All Firms</i>	<i>% of DBE Firms Available</i>	<i>NAICS Dollars</i>	<i>DBE Dollars</i>
237310	7	47	14.9%	\$675,000	\$100,532
238910	17	124	13.7%	\$216,000	\$29,613
541330	23	387	5.9%	\$184,500	\$10,965
561730	20	602	3.3%	\$9,000	\$299
<b>Total</b>				<b>\$1,084,500</b>	<b>\$141,409</b>
<b>WEIGHTED STEP 1 Goal =</b>					<b>13.0%</b>

SOURCES:

1. 2016 County Business Patterns, U.S. Census Bureau.
2. Georgia UCP DBE Directory, July 2018

**Table 3f: DBES— Brunswick Golden Isles Airport  
by Relevant NAICS Codes—ARFF Facility Evaluation & Replacement (Design)**

<i>NAICS Codes</i>	<i>DBE Firms</i>	<i>All Firms</i>	<i>% of DBE Firms Available</i>	<i>NAICS Dollars</i>	<i>DBE Dollars</i>
541330	23	387	5.9%	\$506,374	\$30,095
<b>Total</b>				<b>\$506,374</b>	<b>\$30,095</b>
<b>WEIGHTED STEP 1 Goal =</b>					<b>5.9%</b>

SOURCES:

1. 2016 County Business Patterns, U.S. Census Bureau.
2. Georgia UCP DBE Directory, July 2018

**Table 3g: DBES— Brunswick Golden Isles Airport  
by Relevant NAICS Codes—Passenger Terminal Security Improvements (Design)**

<i>NAICS Codes</i>	<i>DBE Firms</i>	<i>All Firms</i>	<i>% of DBE Firms Available</i>	<i>NAICS Dollars</i>	<i>DBE Dollars</i>
541330	23	387	5.9%	\$60,480	\$3,594
<b>Total</b>				<b>\$60,480</b>	<b>\$3,594</b>
<b>WEIGHTED STEP 1 Goal =</b>				<b>5.9%</b>	

SOURCES:

1. 2016 County Business Patterns, U.S. Census Bureau.
2. Georgia UCP DBE Directory, July 2018

**Table 3h: DBES— Brunswick Golden Isles Airport  
by Relevant NAICS Codes—Passenger Terminal Parking Lot Expansion  
(Construction)**

<i>NAICS Codes</i>	<i>DBE Firms</i>	<i>All Firms</i>	<i>% of DBE Firms Available</i>	<i>NAICS Dollars</i>	<i>DBE Dollars</i>
237310	7	47	14.9%	\$303,750	\$45,239
238910	17	124	13.7%	\$97,200	\$13,326
541330	23	387	5.9%	\$85,500	\$5,081
561730	20	607	3.3%	\$4,050	\$135
<b>Total</b>				<b>\$490,500</b>	<b>\$63,781</b>
<b>WEIGHTED STEP 1 Goal =</b>				<b>13.0%</b>	

SOURCES:

1. 2016 County Business Patterns, U.S. Census Bureau.
2. Georgia UCP DBE Directory, July 2018

**Table 3i: DBES— Brunswick Golden Isles Airport  
by Relevant NAICS Codes—North Taxilane Development (Construction)**

<i>NAICS Codes</i>	<i>DBE Firms</i>	<i>All Firms</i>	<i>% of DBE Firms Available</i>	<i>NAICS Dollars</i>	<i>DBE Dollars</i>
237310	7	47	14.9%	\$1,942,583	\$289,321
238910	17	124	13.7%	\$621,626	\$85,223
541330	23	387	5.9%	\$135,000	\$8,023
561730	20	607	3.3%	\$25,901	\$861
<b>Total</b>				<b>\$2,725,110</b>	<b>\$383,428</b>
<b>WEIGHTED STEP 1 Goal =</b>				<b>14.1%</b>	

SOURCES:

1. 2016 County Business Patterns, U.S. Census Bureau.
2. Georgia UCP DBE Directory, July 2018

**Table 3j: DBES— Brunswick Golden Isles Airport  
by Relevant NAICS Codes—ARFF Facility Replacement**

<i>NAICS Codes</i>	<i>DBE Firms</i>	<i>All Firms</i>	<i>% of DBE Firms Available</i>	<i>NAICS Dollars</i>	<i>DBE Dollars</i>
236220	10	253	4.0%	\$764,592	\$30,221
237210	0	33	0.0%	\$165,317	\$0
238110	12	90	13.3%	\$37,885	\$5,051
238140	7	108	6.5%	\$53,384	\$3,460
238190	4	30	13.3%	\$167,039	\$22,272
238210	16	483	3.3%	\$156,707	\$5,191
238220	2	594	0.3%	\$242,810	\$818
238310	5	101	5.0%	\$110,211	\$5,456
541330	23	387	5.9%	\$157,500	\$9,360
561730	20	602	3.3%	\$12,054	\$400
<b>Total</b>				<b>\$1,867,500</b>	<b>\$82,230</b>
<b>WEIGHTED STEP 1 Goal =</b>					<b>4.4%</b>

SOURCES:

1. 2016 County Business Patterns, U.S. Census Bureau.
2. Georgia UCP DBE Directory, July 2018

**Table 3k: DBES— Brunswick Golden Isles Airport  
by Relevant NAICS Codes—Passenger Terminal Security Improvements  
(Construction)**

<i>NAICS Codes</i>	<i>DBE Firms</i>	<i>All Firms</i>	<i>% of DBE Firms Available</i>	<i>NAICS Dollars</i>	<i>DBE Dollars</i>
236220	10	253	4.0%	\$90,000	\$3,557
238210	16	483	3.3%	\$90,000	\$2,981
541330	23	387	5.9%	\$36,900	\$2,193
<b>Total</b>				<b>\$216,900</b>	<b>\$8,732</b>
<b>WEIGHTED STEP 1 Goal =</b>					<b>4.0%</b>

SOURCES:

1. 2016 County Business Patterns, U.S. Census Bureau.
2. Georgia UCP DBE Directory, July 2018

**Table 3l: DBES— Brunswick Golden Isles Airport  
by Relevant NAICS Codes—ARFF Truck Purchase**

<i>NAICS Codes</i>	<i>DBE Firms</i>	<i>All Firms</i>	<i>% of DBE Firms Available</i>	<i>NAICS Dollars</i>	<i>DBE Dollars</i>
336211	0	2	0.0%	\$634,000	\$0
<b>Total</b>				<b>\$634,000</b>	<b>\$0</b>
<b>WEIGHTED STEP 1 Goal =</b>					<b>0%</b>

SOURCES:

1. 2016 County Business Patterns, U.S. Census Bureau.
2. Georgia UCP DBE Directory, July 2018

**Table 3m: DBES— Brunswick Golden Isles Airport  
by Relevant NAICS Codes—Runway 7-25 & Taxiway A Sealcoat (Design)**

<i>NAICS Codes</i>	<i>DBE Firms</i>	<i>All Firms</i>	<i>% of DBE Firms Available</i>	<i>NAICS Dollars</i>	<i>DBE Dollars</i>
541330	23	387	5.9%	\$756,000	\$44,930
<b>Total</b>				<b>\$756,000</b>	<b>\$44,930</b>
<b>WEIGHTED STEP 1 Goal =</b>					<b>5.9%</b>

SOURCES:

1. 2016 County Business Patterns, U.S. Census Bureau.
2. Georgia UCP DBE Directory, July 2018

**Table 3n: DBES— Brunswick Golden Isles Airport  
by Relevant NAICS Codes—Relocate Windcones (Design)**

<i>NAICS Codes</i>	<i>DBE Firms</i>	<i>All Firms</i>	<i>% of DBE Firms Available</i>	<i>NAICS Dollars</i>	<i>DBE Dollars</i>
541330	23	387	5.9%	\$67,500	\$4,011
<b>Total</b>				<b>\$67,500</b>	<b>\$4,011</b>
<b>WEIGHTED STEP 1 Goal =</b>					<b>5.9%</b>

SOURCES:

1. 2016 County Business Patterns, U.S. Census Bureau.
2. Georgia UCP DBE Directory, July 2018

**NOTE: The County Business Patterns data were used as the source to determine the denominator, or the number of all firms in the market area. The DBE directories listed above were used to determine the numerator, or the number of DBE firms in the market area.**

### **E. Determination of the “Weighted” DBE Base Figure**

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

The Step 1 DBE Base Figures for the Airport are as follows:

Compass Calibration Pad (Design)	5.90%
Passenger Terminal Parking Lot Expansion & Signage Improvements (Design)	5.90%
Environmental Assessment for Airfield Improvements	5.90%
North Taxilane Development (Design)	5.90%
Compass Calibration Pad (Construction)	13.00%
ARFF Facility Eval & Replacement (Design)	5.90%
Passenger Terminal Security Improvements (Design)	5.90%
Passenger Terminal Parking Lot Expansion (Construction)	13.00%

North Taxilane Development (Construction)	14.10%
ARFF Facility Replacement	4.40%
Passenger Terminal Security Improvements (Construction)	4.00%
ARFF Truck Purchase	0.00%
Runway 7-25 and Taxiway A Sealcoat & Extension (Design)	5.90%
Relocate Windcones	5.90%

## II. Adjustments to the DBE Base Figure

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

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

### A. Adjustment Factors to Consider

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

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

The historical overall DBE goals accomplished at the Airports in recent years were examined relative to the above consideration. Notice the annual DBE percent accomplishment indicated in Table 4 below:

**Table 4: Brunswick Golden Isles Airport  
DBE Accomplishment**

Report Period	DBE Goal	Total DBE Percent Achieved	Achieved Over/Under
<b>FY 2013</b>	10.7%	0.2%	-10.5%
<b>FY 2015</b>	10.7%	9.0%	-1.7%
<b>FY 2016</b>	9.1%	8.6%%	-0.5%
<b>MEDIAN</b>	<b>10.7%</b>	<b>8.6%</b>	<b>-1.7%</b>

The median DBE accomplishment for the periods as shown above for the Airport is 8.6%.

## **B. Consultations**

The Airport held a public meeting on September 6, 2018. The purpose of the meeting was to solicit information from interested stakeholders about the draft goal, as well as the availability of potential DBEs, the effects of discrimination on opportunities for DBEs, and the Airport's effort to increase DBE participation. Please see Appendix B for the attendee list and consultation comments.

## **C. Adjustment to Step 1 DBE Base Figures: Brunswick Golden Isles Airport, FY 2019-FY 2021.**

With the adjustment factors considered to this point, the Airport will adjust the Step 1 base figures as calculated above by adding the annual accomplishment factor derived in Table 4 above (8.6%) to the base figure for each project as noted, and averaging the total, for an adjusted overall DBE goal.

**Table 5: Brunswick Golden Isles Airport  
FY 2019 – FY 2021 Overall Goal**

<b>Fiscal Year</b>	<b>Project</b>	<b>Step1</b>	<b>Step 2 adjustment</b>	<b>Overall Goal</b>	<b>Total project costs</b>	<b>DBE Goal (dollars)</b>
2019	Compass Calibration Pad (Design)	5.9%	8.6%	7.3%	\$146,700.00	\$10,635.75
	Passenger Terminal Parking Lot Expansion & Signage Improvements (Design)	5.9%	8.6%	7.3%	\$83,187.00	\$6,031.06
	Environmental Assessment for Airfield Improvements	5.9%	8.6%	7.3%	\$333,365.00	\$24,168.96
	North Taxilane Development (Design)	5.9%	8.6%	7.3%	\$54,000.00	\$3,915.00
<b>FY 2019 Total</b>				<b>7.3%</b>	<b>\$617,252.00</b>	<b>\$44,751</b>
2020	Compass Calibration Pad (Construction)	13.0%	8.6%	10.8%	\$1,084,500.00	\$117,126.00
	ARFF Facility Eval & Replacement (Design)	5.9%	8.6%	7.3%	\$506,374.00	\$36,712.12
	Passenger Terminal Security Improvements (Design)	5.9%	8.6%	7.3%	\$60,480.00	\$4,384.80
	Passenger Terminal Parking Lot Expansion & Signage Improvements (Construction)	13.0%	8.6%	10.8%	\$490,500.00	\$52,974.00
	North Taxilane Development (Construction)	14.1%	8.6%	11.4%	\$2,725,110.00	\$309,299.99
<b>FY 2020 Total</b>				<b>10.7%</b>	<b>\$4,866,964.00</b>	<b>\$520,497</b>
2021	ARFF Facility Eval & Replacement (Construction)	4.4%	8.6%	6.5%	\$1,867,500.00	\$121,387.50
	Passenger Terminal Security Improvements (Construction)	4.0%	8.6%	6.3%	\$216,900.00	\$13,664.70
	ARFF Truck Purchase	0.0%	8.6%	4.3%	\$634,000.00	\$27,262.00
	Runway 7-25 and Taxiway A Sealcoat & Extension (Design)	5.9%	8.6%	7.3%	\$756,000.00	\$54,810.00
	Relocate Windcones	5.9%	8.6%	7.3%	\$67,500.00	\$4,893.75
<b>FY 2021 Total</b>				<b>6.3%</b>	<b>\$3,541,900.00</b>	<b>\$222,018</b>
<b>FY2019-FY2021 Overall Goal</b>				<b>8.7%</b>	<b>\$9,026,116.00</b>	<b>\$787,266</b>

The total DBE goal in dollars was divided by the total project costs to derive the overall DBE goal of **8.7%** for FY 2019-FY 2021.

### III. Process

The Airport will normally submit its overall goal to the FAA on August 1 of each year that a DBE goal is due.

Before establishing the overall goal this year, the Airport consulted with minority, women's and general contractor groups, community organizations, and other officials or organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Airport's efforts to establish a level playing field for the participation of DBEs.

Following this consultation, the Airport published a notice of the proposed overall goal on its website informing the public that the proposed goal and its rationale were available for review and comment during normal business hours at the Airport's administrative office for 30 days following the date of the notice. The notice included addresses (including offices) to which comments could be sent and addresses where the proposal could be reviewed. This process was used to establish the goals for FY 2019 to FY 2021.

The Airport's overall goal submission to the FAA will include a summary of information and comments received during this public participation process and our responses.

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

### IV. Breakout of Estimated Race-Conscious/Race-Neutral Participation

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

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

The Airport proposes a race-conscious goal of **8.7%** and a race-neutral goal of **0.0%**, for a total of **8.7%**. The reason for this breakout is that the projects from the previous years show that the median amount by which the past DBE goals were under-achieved is **-1.7%** (see **Table 4**). Therefore, it is projected that the entire goal of **8.7%** will be achieved using race conscious means.

The Airport will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (26.51(f)) and it will track and report race-neutral and race-conscious participation separately. For reporting purposes,

race-neutral DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry a DBE goal; DBE participation on a prime contract exceeding a contract goal; and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

## **VI. Contract Goals**

The Airport will use contract goals to meet any portion of the overall goal that the Airport 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.

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

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

**Resources: The Brunswick Golden Isles Airport FY 2019-2021 Disadvantaged Business Enterprise Program Methodology**

**A. Resource Documents:**

1. Georgia UCP DBE Directory, July 2018.
2. 2016 County Business Patterns, U.S. Census Bureau.
3. Uniform Report of DBE Commitments/Awards and Payments

**FY 2019-2021**

**DISADVANTAGED BUSINESS ENTERPRISE PROGRAM METHODOLOGY  
for**



**MCKINNON ST. SIMONS ISLAND AIRPORT**  
ST. SIMONS ISLAND, GEORGIA

With Assistance From



Ken Weeden & Associates, Inc.

**August 2018**

**METHODOLOGY for Establishing the FY 2019 – FY 2021 Overall Disadvantaged Business Enterprise (DBE) Goal for:**

*McKinnon St. Simons Island Airport  
St. Simons Island, GA*

In fulfillment of the requirements of 49 CFR Part 26, the McKinnon St. Simons Island Airport (hereafter ‘the Airport’) has developed a proposed Overall Goal for FY 2019-2021 FAA-AIP projects for the Airport. The methodology used in establishing this goal is described herein.

**I. Detailed Methodology: Specific Steps**

**A. Amount of Goal**

The Airport’s overall goal for FY 2019-2021 is **10.7%** of the Federal financial assistance it will expend in USDOT-assisted contracts.

Given the amount of USDOT-assisted contracts that the Airport expects to let from FY 2019-2021, which is approximately **\$2,349,000** this means that the Airport has set a goal of expending approximately **\$252,221** with DBEs during this period.

**B. Determination of the Market Area of the study**

The normal market area was based on discussions with the Airport staff and an assessment of bidders from similar recent projects. Specifically, the market area is based on where the substantial majority of bidders, both successful and unsuccessful are located and where the substantial majority of funding was spent as illustrated in **Table 1** below:

**Table 1 McKinnon St. Simons Island Airport  
Market Area**

<b>County</b>	<b>Bidders</b>	<b>Percent of bidders</b>	<b>Dollars</b>	<b>Percent of dollars</b>
Brantley	1	5.6%		
Chatham	3	16.7%		
Clayton	1	5.6%		
Glynn	1	5.6%	\$9,828,031	62.5%
Gwinnet	1	5.6%		
Lowndes	1	5.6%	\$5,634,706	35.5%
Rockdale	2	11.1%		
Walton	2	11.1%		
Wayne	1	5.6%		
<b>Market area total</b>	<b>13</b>	<b>72.2%</b>	<b>\$15,562,737</b>	<b>98.0%</b>
Other	5	27.8%	\$319,442	2.0%
<b>Total</b>	<b>18</b>	<b>100.0%</b>	<b>\$15,882,179</b>	<b>100.0%</b>

**C. Determination of relevant NAICS codes**

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

**Table 2: McKinnon St. Simons Island Airport  
FY 2019-FY 2021 Projects & Activities**

FY 2019 projects		
PROJECT	ACTIVITY	NAICS
Skylane Taxiway Development	Highway & Street	237310
	Site Prep	238910
	Engineering	541330
	Landscaping	561730
FY 2020 projects		
PROJECT	ACTIVITY	NAICS
Taxiway "D" Extensions & Connector Modifications (Design)	Engineering	541330
FY 2021 projects		
PROJECT	ACTIVITY	NAICS
Taxiway "D" Extensions & Connector Modifications (Construction)	Highway & Street	237310
	Site Prep	238910
	Engineering	541330
	Landscaping	561730

SOURCE: McKinnon St. Simons Island Airport

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

**Table 3a: DBES—McKinnon St. Simons Island Airport  
by Relevant NAICS Codes—Skylane Taxiway Development**

NAICS Codes	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Dollars
237310	7	47	14.9%	\$889,650	\$132,501
238910	17	124	13.7%	\$284,688	\$39,030
541330	23	387	5.9%	\$186,300	\$11,072
561730	20	607	3.3%	\$11,862	\$394
<b>Total</b>				<b>\$1,372,500</b>	<b>\$182,997</b>
<b>WEIGHTED STEP 1 Goal =</b>					<b>13.3%</b>

SOURCES:

1. 2016 County Business Patterns, U.S. Census Bureau.
2. Georgia UCP DBE Directory, July 2018

**Table 3b: DBES—McKinnon St. Simons Island Airport  
by Relevant NAICS Codes—Taxiway “D” Extensions & Connector Modifications  
(Design)**

<i>NAICS Codes</i>	<i>DBE Firms</i>	<i>All Firms</i>	<i>% of DBE Firms Available</i>	<i>NAICS Dollars</i>	<i>DBE Dollars</i>
541330	23	387	5.9%	\$135,000	\$8,023
<b>Total</b>				<b>\$135,000</b>	<b>\$8,023</b>
<b>WEIGHTED STEP 1 Goal =</b>					<b>5.9%</b>

SOURCES:

1. 2016 County Business Patterns, U.S. Census Bureau.
2. Georgia UCP DBE Directory, July 2018

**Table 3c: DBES—McKinnon St. Simons Island Airport  
by Relevant NAICS Codes—Taxiway “D” Extensions & Connector Modifications  
(Construction)**

<i>NAICS Codes</i>	<i>DBE Firms</i>	<i>All Firms</i>	<i>% of DBE Firms Available</i>	<i>NAICS Dollars</i>	<i>DBE Dollars</i>
237310	7	47	14.9%	\$540,000	\$80,426
238910	17	124	13.7%	\$172,800	\$23,690
541330	23	387	5.9%	\$121,500	\$7,221
561730	20	607	3.3%	\$7,200	\$239
<b>Total</b>				<b>\$841,500</b>	<b>\$111,576</b>
<b>WEIGHTED STEP 1 Goal =</b>					<b>13.3%</b>

SOURCES:

1. 2016 County Business Patterns, U.S. Census Bureau.
2. Georgia UCP DBE Directory, July 2018

**NOTE: The County Business Patterns data were used as the source to determine the denominator, or the number of all firms in the market area. The DBE directories listed above were used to determine the numerator, or the number of DBE firms in the market area.**

**E. Determination of the “Weighted” DBE Base Figure**

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

The Step 1 DBE Base Figures for the Airport are as follows:

Skylane Taxiway Development	13.3%
Taxiway “D” Extensions & Connector Modifications (Design)	5.9%
Taxiway “D” Extensions & Connector Modifications (Construction)	13.3%

## II. Adjustments to the DBE Base Figure

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

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

### A. Adjustment Factors to Consider

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

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

The historical overall DBE goals accomplished at the Airports in recent years were examined relative to the above consideration. Notice the annual DBE percent accomplishment indicated in Table 4 below:

**Table 4: McKinnon St. Simons Island Airport  
DBE Accomplishment**

Report Period	DBE Goal	Total DBE Percent Achieved	Achieved Over/Under
FY 2013	10.7%	0.2%	-10.5%
FY 2015	10.7%	9.0%	-1.7%
FY 2016	9.1%	8.6%%	-0.5%
<b>MEDIAN</b>	<b>10.7%</b>	<b>8.6%</b>	<b>-1.7%</b>

The median DBE accomplishment for the periods as shown above for the Airport is 8.6%.

### B. Consultations

The Airport held a public meeting on September 6, 2018. The purpose of the meeting was to solicit information from interested stakeholders about the draft goal, as well as the availability of potential DBEs, the effects of discrimination on opportunities for DBEs, and the Airport’s effort to increase DBE participation. Please see Appendix B for the attendee list and consultation comments.

### C. Adjustment to Step 1 DBE Base Figures: McKinnon St. Simons Island Airport, FY 2019-FY 2021.

With the adjustment factors considered to this point, the Airport will adjust the Step 1 base figures as calculated above by adding the annual accomplishment factor

derived in Table 4 above (8.6%) to the base figure for each fiscal year as noted, and averaging the total, for an adjusted overall DBE goal.

**Table 5: McKinnon St. Simons Island Airport  
FY 2019 - FY 2021 Overall Goal**

<b>Fiscal Year</b>	<b>Project</b>	<b>Step1</b>	<b>Step 2 adjustment</b>	<b>Overall Goal</b>	<b>Total project costs</b>	<b>DBE Goal (dollars)</b>
2019	Skylane Taxiway Development	13.3%	8.6%	11.0%	\$1,372,500.00	\$150,289
<b>FY 2019 Total</b>				<b>11.0%</b>	<b>\$1,372,500.00</b>	<b>\$150,289</b>
2020	Taxiway "D" Extension & Connector (Design)	5.9%	8.6%	7.3%	\$135,000.00	\$9,788
<b>FY 2020 Total</b>				<b>7.3%</b>	<b>\$135,000.00</b>	<b>\$9,788</b>
2021	Taxiway "D" Extension & Connector (Construction)	13.3%	8.6%	11.0%	\$841,500.00	\$92,144
<b>FY 2021 Total</b>				<b>11.0%</b>	<b>\$841,500.00</b>	<b>\$92,144</b>
<b>FY2019-FY2021 Overall Goal</b>				<b>10.7%</b>	<b>\$2,349,000.00</b>	<b>\$252,221</b>

The total DBE goal in dollars was divided by the total project costs to derive the overall DBE goal of 10.7% for FY 2019-FY 2021.

### III. Process

The Airport will normally submit its overall goal to the FAA on August 1 of each year that a DBE goal is due.

Before establishing the overall goal this year, the Airport consulted with minority, women's and general contractor groups, community organizations, and other officials or organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the Airport's efforts to establish a level playing field for the participation of DBEs.

Following this consultation, the Airport published a notice of the proposed overall goal on its website informing the public that the proposed goal and its rationale were available for review and comment during normal business hours at the Airport's administrative office for 30 days following the date of the notice. The notice included addresses (including offices) to which comments could be sent and addresses where the proposal could be reviewed. This process was used to establish the goals for FY 2019 to FY 2021.

The Airport's overall goal submission to the FAA will include a summary of information and comments received during this public participation process and our responses.

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

#### **IV. Breakout of Estimated Race-Conscious/Race-Neutral Participation**

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

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

The Airport proposes a race-conscious goal of **10.7%** and a race-neutral goal of **0.0%**, for a total of **10.7%**. The reason for this breakout is that the projects from the previous years show that the median amount by which the past DBE goals were under-achieved is **-1.7%** (see **Table 4**). Therefore, it is projected that the entire goal of **10.7%** will be achieved using race conscious means.

The Airport will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (26.51(f)) and it will track and report race-neutral and race-conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry a DBE goal; DBE participation on a prime contract exceeding a contract goal; and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

#### **VI. Contract Goals**

The Airport will use contract goals to meet any portion of the overall goal that the Airport 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.

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

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

**Resources: The McKinnon St. Simons Island FY 2019-2021 Disadvantaged Business Enterprise Program Methodology**

**A. Resource Documents:**

1. Georgia UCP DBE Directory, July 2018.
2. 2016 County Business Patterns, U.S. Census Bureau.
3. Uniform Report of DBE Commitments/Awards and Payments

Attachment 6

Form 1 & 2 for  
Demonstration of  
Good Faith Efforts

**Glynn County Airport Commission**

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

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

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

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

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

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

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

**Glynn County Airport Commission**

**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:

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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 7

Certification Application  
Forms

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

Attachment 8

Regulations: 49 CFR Part 26

The federal regulations,  
Title 49  
Code of Federal  
Regulations Part 26, may  
be found at [www.ecfr.gov](http://www.ecfr.gov).

Attachment 9

Bidders List Data Form

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

Attachment 10

DBE Forms





Ken Weeden Associates Inc  
 DBE Report Data Form-DBR-04  
 Contracts COMPLETED and PAYMENTS Form  
**ON GOING PROJECTS**

**Information Needed To Complete Uniform Report of DBE Commitments / Awards and Payments.  
 (USE MORE THAN ONE SHEET IF NEEDED)**

List **ALL PRIME** contracts ON GOING in FY 20XX (October 1, 20XX - September 30, 20XX) and PAYMENTS

Prime	Payments made in FY 2018	DBE Prime?/ Ethnic Group	Non-DBE subcontractors	DBE subcontractors	Ethnic Group/Gender of DBE subcontractor	Amount of payments to DBEs (during FY 2018)

\* Ethnic Codes:

<b>BA</b> -Black American	<b>SAA</b> - Subcontinent Asian American
<b>HA</b> -Hispanic American	<b>APA</b> - Asian Pacific American
<b>NA</b> -Native American	<b>NMW</b> -Non-Minority Woman
	<b>OT</b> -Other