



LAFAYETTE REGIONAL AIRPORT

Disadvantaged Business Enterprise  
Federal DBE Program

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- ATTACHMENT 3 – Bidders List
- ATTACHMENT 4 – DBE Goal Setting Methodology (Revised Aug 2018)
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- ATTACHMENT 6 – Monitoring and Enforcement Mechanisms/Legal Remedies
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## DBE FORMS

(Available for fill-in and print at: <https://lftairport.com/disadvantaged-enterprise-program/> under DBE Forms.)

- FORM 1 – Schedule of Contract Participation and DBE Commitment
- FORM 2 – Participation Questionnaire & Confirmation (Same as Bidders List Data Collection Form)
- FORM 3 – Good Faith Efforts Documentation
- FORM 4 – Statement of Intent to Perform as a DBE
- FORM 5 – Site Review (Internal Use Only)
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## Federal DBE Program Policy Statement

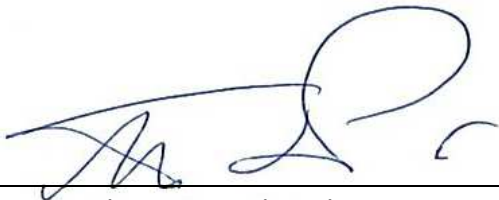
The Lafayette Airport Commission (LAC) has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The LAC has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the LAC has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the LAC to ensure that DBEs, as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is our policy:

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

Ms. Rene Cotton has been delegated as the DBE Liaison Officer. In that capacity, Ms. Cotton 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 LAC in its financial assistance agreements with the Department of Transportation.

The LAC has disseminated this policy statement to the appointed Lafayette Airport Commissioners and all of the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts. The DBE program manual is available to the minority, female, non-minority, and business communities on the agency website or in bound form. The manual is also made available to all airport sponsors, political jurisdictions and any other interested parties.



Steven L. Picou, Executive Director

12.17.18

Date

## SUBPART A – GENERAL REQUIREMENTS

### Applicability 26.3

The LAC is the recipient of federal airport funds authorized by 49 U.S.C. 47101, *et.seq* and has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26 (Attachment 1).

This program is approved by the LAC for implementation by the DBELO. The DBELO is authorized to make changes to the program that are consistent with the requirements of 49 CFR Part 26 and/or changes to 49 CFR Part 26 as warranted. Changes to the program that reflect discretionary policies and/or have budgetary impact require approval of the LAC prior to implementation.

### Definitions 26.5

The LAC will use terms in this program that have meaning defined in Section 26.

### Non-Discrimination Requirements 26.7

The LAC shall 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 LAC shall 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.

### Record Keeping Requirements 26.11

The LAC will report DBE participation to DOT/FAA as follows:

The LAC will transmit to FAA annually on December 1, the “Uniform Report of DBE Awards or Commitments and Payments” form. The LAC will also report the DBE Contractor firm information either on the FAA DBE Contractor’s Form or a similar format. The LAC will begin using the revised Uniform Report of DBE Awards or Commitments and Payments for reporting FY 2015 reports due December 1, 2015.

### Bidders List 26.11(c)

LAC shall maintain a Bidders List of DBE and non-DBE contractors and subcontractors who seek to work on LFT federally funded contracts. The data collected will assist in establishing future DBE goals that are based on reliable and accurate market data of ready, willing, and able firms in the Lafayette Market Area.

Data collected will include: firm name, address, DBE or non-DBE status, age of firm, annual gross receipts. The data will be collected from Form 2 – Participation Questionnaire. This information will also be solicited at pre-bid/proposal conferences via voluntary survey.

### Federal Financial Assistance Agreement 26.13

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

#### Assurance: 26.13 (a)

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

#### Contract Assurance: 26.13 (b)

The LAC shall ensure that the following clause is included in each contract between LAC and a contractor/vendor and in all subcontracts between prime contractor and lower-tier subcontractors at all levels of contracting.

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

### DBE Compliance Audits and Program Updates 26.21

The Disadvantaged Business Enterprise Liaison Officer (DBELO) will perform an annual compliance audit of the DBE program at the end of each Federal Fiscal Year cycle. This audit will review the forms, processes, procedures and implementation to ensure compliance and efficiency. As part of the audit, staff of the Lafayette Regional Airport, program managers, and contractors may be surveyed or consulted for future program improvements to enhance efficiency of operations and adherence to compliance.

Program updates will be recommended based on implementation enhancements, new DBE guidance, or changes to the regulations. These changes will be implemented within 3-6 months of recommendation depending on the urgency and complexity of the change.

### DBE Liaison Officer (DBELO) 26.25

The LAC has designated the following individual as the DBE Liaison Officer:

Ms. Rene Cotton  
Lafayette Airport Commission  
222 Jet Ranger X Drive  
Lafayette, LA 70508  
337-266-4401  
Renec@lftairport.com

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the LAC complies with all provisions of 49 CFR Part 26. The DBELO has direct, independent access to Mr. Steven Picou, the LAC Executive Director, concerning DBE program matters. An organizational chart displaying the DBELO's position in the organization is found in Attachment 2 to this program.

The DBELO is responsible for developing, implementing, and monitoring the DBE program, in coordination with other appropriate officials. The DBELO utilizes airport legal counsel and project consultants to assist with the administration of this program. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall 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) and monitors results.
6. Analyzes the LAC's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the Executive Director and the LAC Commissioners on DBE matters and achievement.
9. Determines contractor compliance with good faith efforts.
10. Provides DBEs with access to information on organizations that provide assistance with preparing bids, obtaining bonding and insurance.
11. Provides outreach to DBEs and community organizations to advise them of opportunities.

### DBE Financial Institutions 26.27

It is the policy of the LAC to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community; to make reasonable efforts to use these institutions; and to encourage prime contractors on DOT-assisted contracts to make use of these institutions. The LAC has thoroughly investigated the full extent of services offered by banks owned and controlled by socially and economically disadvantaged individuals in the community. Based on this research,

there is currently one minority owned and controlled bank in the State of Louisiana. However, the bank is not currently DBE certified in the state of Louisiana. The LAC will re-evaluate the availability of DBE financial institutions with regular program updates.

### Prompt Payment 26.29

The Contractor is required to pay all subcontractors for satisfactory performance of their contracts no later than 7 days after the Contractor has received a partial payment from LAC. Accordingly, all subcontractors shall comply with prompt payment provisions and are required to pay lower tier subcontractors within seven (7) days of receipt of payment from the Prime or higher tier contractor.

The Contractor must make prompt and full payment of retainage to the subcontractor within 10 days after the subcontractor's work is satisfactorily completed. 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 LAC. When the LAC 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.

From the total of the amount determined to be payable on a partial payment, five percent of such total amount will be deducted and retained by the LAC until the final payment is made.

The balance of the amount payable, less all previous payments, shall be certified for payment.

Any delay or postponement of payment from the above referenced time frames may occur only for good cause following written approval of the LAC. This clause applies to both DBE and non-DBE subcontractors. Retainage payments may be held for non-compliance by the prime Contractor with the prompt payment regulation.

The DBELO will monitor prompt payment to subcontractors via review of cancelled checks and/or accounts payable ledgers submitted with the monthly reports. The DBELO will verify checks payable to subcontractors are dated within the 7-day prompt payment period. The DBELO may also contact DBE subcontractors by telephone or e-mail to confirm receipt of payment within the prompt payment period.

In the event of the Contractor's or Consultant's noncompliance with these prompt payment provisions, LAC shall impose such sanctions and penalties as it or FAA may determine to be appropriate, including, but not limited to, the following:

1. Withholding of payments to the Contractor or Consultant under the contract until it complies;
2. Deduction from a contract funds due or to become due the Contractor or Consultant;
3. Disqualification of the Contractor or Consultant as non-responsible;
4. Cancellation, termination or suspension of the contract in whole or in part; and/or
5. Any other remedy as LFT or FAA deems appropriate.



### Directory 26.31

The LAC utilizes the Louisiana Uniform Certified Program (LAUCP) Directory maintained by the Louisiana Department of Transportation and Development (LADOTD). The directory lists each type of work for which a firm is eligible to be certified by using the most specific NAICS code available to describe each type of work.

The LADOTD updates the Directory on a monthly basis. The LAUCP Directory is available online at the following web address: [www.laucp.org](http://www.laucp.org).

### Overconcentration 26.33

The LAC has not identified that overconcentration exists in the types of work performed by the DBEs in the region.

### Business Development Program 26.35

The LAC has not established a business development program.

### Monitoring and Enforcement Mechanisms 26.37

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

#### DBE Project Goals

DBE project goals will be established for LAC projects that are supported by federal grants where there are subcontracting opportunities on the project. These project goals will be included in the public notice of solicitation as well as the bid documents and all subsequent contract documents.

#### Contractor Requirement

To be eligible for award of a contract, the contractor/prime bidder MUST either:

1. Meet the DBE goal as advertised with meaningful DBE participation through subcontracts, joint ventures, or suppliers; OR
2. Demonstrate Good Faith Efforts to meet the DBE goal.

All firms participating on LAC projects, including DBE and non-DBE firms, MUST be documented on the Contract Participation and DBE Commitment Form 1. This form must include all information requested and must be signed by an authorized signatory. In order to receive credit for DBE participation the firm must be DBE certified by the Louisiana Unified Certification Program (LAUCP) prior to the bid deadline.

The DBE firms proposed on this form are binding. Any substitutions or removals of DBE firms listed on these forms after submission must be requested through the formal process of contract amendment and be approved by the DBELO (see Substitution and Removal).

Additionally, for each participating prime contractor, subcontractor, consultant, supplier or vendor, a DBE Form 2 - Participation Questionnaire MUST be included and signed by an authorized signatory of the firm. Information gathered on a DBE Form 2 - Participation Questionnaire must be collected and will be used to comply with Bidder's List 26.11 (c).

A Letter of Intent, DBE Form 4, is also required for submission by each DBE Firm listed on the DBE Commitment Form 1. The Letter of Intent must be signed by an authorized representative of the DBE Firm and the prime contractor.

For federally funded Design-Bid-Build solicitations ALL Bidders must submit the DBE Forms with their sealed bid as a matter of responsiveness.

### Monitoring and Enforcement

The LAC has implemented a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award is actually performed by the DBEs to which the work was committed. The program elements described below include the processes in place to ensure compliance with the DBE program. This mechanism includes a written monthly report (DBE Form 9) confirming work performed by, and payments made to, Non-DBE and DBE subcontractors and DBE suppliers. In addition, it includes the process of monitoring work sites and confirmation of DBE participation in committed scopes of work.

### Award of DBE Subcontracts

The Contractor or Consultant shall, no later than three (3) days from the award of a contract, execute formal contracts, agreements and/or purchase orders with the DBE(s) included on the Contract Participation and DBE Commitment Form 1.

The DBELO will review all Prime contracts, DBE and Non-DBE subcontracts prior to Notice to Proceed to ensure that contracts include all required contract language and that the contract does not erode the ownership, control, or independence of the DBE firm. Information collected during contract review will be documented via the DBE Form 8 - Contract Compliance Review Checklist.

In a "design-build" or "turnkey" contracting situation, such as construction-manager-at-risk, in which LAC lets a master contract to a contractor, who in turn lets subsequent subcontracts for the work of the project, the DBELO will review the Prime contract and Letters of Intent (DBE Form 4) for all DBE firms prior to Notice to Proceed. Subcontracts for all DBE and non-DBE subcontractors, suppliers and vendors will be reviewed 60 days prior to the subcontracting firm's start of work on the project.

### Monthly Reports

Prime contractor shall submit monthly reports (DBE Form 9) (and/or electronic reports via the B2G Now compliance monitoring system as applicable) that accurately represent the amount paid to and the value of work completed by Non-DBE and DBE Subcontractors/Subconsultants and DBE Suppliers during the monthly reporting period. This form must be submitted with every monthly invoice, along with a verification of payments, until the contracts with the all firms are closed, and the subcontractors have received all payments

including any retainage held by the Prime. This form is required regardless of the amount of payment or lack of payment to a firm until the subcontract is closed out and all participants have been paid in full. This form shall be signed by the Prime Contractor or Consultant and submitted to the Program Manager.

DBE participation will not officially be counted toward the Prime Contractor's or Consultant's commitment until payment has been rendered to the DBE and after completion of a commercially useful function audit. Failure to submit the required reports will result in the withholding of payment or partial payments to the Contractor or Consultant until the reports are submitted as deemed appropriate by the DBELO.

The DBELO shall have administrative approval on the routing process of each invoice to confirm submission of the DBE monthly report form. Monthly invoices with the DBE monthly report will be reviewed by the DBELO prior to authorization for payment.

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

### Site Monitoring

The DBE construction site monitoring process involves proactive monitoring of construction projects in compliance with the requirements of 49 CFR Part 26 and in response to the US Department of Transportation (USDOT) policies around DBE contractor fraud as detailed by the Office of the Inspector General.

It is the policy of the Lafayette Airport Commission (LAC) to ensure compliance with the provisions of 49 CFR Part 26 through monitoring and enforcement mechanisms for all federally-funded projects. The LAC will ensure compliance with the regulations through document review, site monitoring, analysis of DBE goal attainment and Commercially Useful Function audits in compliance with 49 CFR Parts 37, 53 and 55 as detailed below.

### Contract Review

Among the first steps in the process is the review of the contract between the LAC and the Prime Contractor, as well as review of the contract agreements for all subcontractors (both DBE and non-DBE) on federally funded construction projects. (See Contract Compliance Checklist Form 8.) The contracts are reviewed for compliance with the following requirements of the federal regulations:

- General assurance language regarding non-discrimination 49 CFR 26.13 (b);
- Prompt payment requirements 49 CFR 26.29 (a);
- Removal and substitution and good faith efforts 49 CFR 26.53 (f)(1) – (3);
- Good faith efforts in removal and substitution 49 CFR 26.53 (g).
- Administrative Remedies (26.53)

Additionally, the contract review looks for the inclusion of language which is prohibited by the federal regulations such as termination for convenience.

Failure to include the required language in all contracts and subcontracts (or inclusion of prohibited language) is considered a finding of non-compliance. Moreover, these language requirements must be specifically stated in all contracts and as such, language around flow down provisions from the contract between the LAC and the Prime do not represent compliance with federal language requirements.

### Weekly Site Monitoring

For major construction projects the LAC uses a DBE Site Monitor to conduct regular site reviews of all DBE firms on the project to ensure that the DBE is performing a commercially useful function. The site reviews will be conducted weekly or more frequently as warranted; will provide a snapshot of the DBEs on a construction site; and will identify any Red Flags as defined by the USDOT Office of the Inspector General. (See DBE Form 5 - Site Review Documentation.) The Site Monitor observes and records the activities of all DBEs on the site; interviews workers and supervisors; documents any activities or allegations defined as Red Flags by the USDOT Office of the Inspector General and investigates Red Flags; and identifies and investigates non-compliance issues as warranted.

The Site Monitor also attends weekly program and construction management meetings as a component of the regular compliance review mechanism for identifying potential compliance issues that may require investigation and follow-up. The Site Monitor is available to assist the program managers and is responsible for reporting violations of DBE compliance requirements and/or fraud (by either the DBE firm or the Prime Contractor) to the DBELO. The Site Monitor is also available to assist DBEs with compliance issues arising from the actions of Prime Contractors as a mechanism for preventing problems or complaints.

### Commercially Useful Function Audits

All DBE firms on the project shall participate in at least one (1) Commercially Useful Function (CUF) audit to be conducted after the DBE firm has been on the project site for at least on invoice period and at project close out. (See DBE Form 6 – Commercially Useful Function Audit.) The CUF Audit includes recorded site observations from weekly site reviews and examination of supporting documentation such as certified payroll, invoices, purchase orders, haul tickets, etc. to ensure that the DBE firm is in compliance with the self-performance requirements of the federal regulations.

Moreover, in the event that the site monitoring or a complaint against the DBE firms reveals an OIG Red Flag, a specific Commercially Useful Function Compliance Audit process may be developed to address the specific findings, deficiency or complaint.

### Record Retention

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

### False, Fraudulent or Dishonest Conduct

The LAC shall bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of

Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.107.

### Fostering Small Business Participation 26.39

The LAC has created a Small Business Program 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.

#### Definition and Criteria for a Small Business

The Small Business Program is open to all business owners regardless of race, ethnicity or gender. To be an eligible Small Business Enterprise (SBE) a business must have a least 51% ownership by a person who is economically disadvantaged. To be considered economically disadvantaged the individual's Personal Net Worth, not including their primary place of residence or ownership in the business cannot exceed \$1.32 million in compliance with the 49 CFR Part 26.67. The business must also meet the size standards of the Small Business Administration and all requirements of economic disadvantage a defined in 49 CFR 26.67. A certified SBE business owner must be a U.S. Citizen or lawfully permanent resident of the U.S.

All certified DBE firms are presumed to be eligible to participate as SBEs on LAC projects.

#### Verification

The LAC will require a small business to provide evidence that the business is a certified SBE. DBE certified firms must be listed in the LAUCP as documentation of SBE eligibility. For businesses that are not socially disadvantaged and are not owned by minorities or women, the Louisiana Department of Transportation and Development (LADOTD) and the Regional Transit Authority (RTA) of New Orleans both operate Small Business Enterprise (SBE) programs and both conduct SBE certification for firms that meet the economic criteria detailed above. As such, non-DBE certified SBEs seeking participation on LAC projects must demonstrate SBE certification with either of these LAUCP certifying agencies. Small Businesses that are not currently DBE certified and/or not eligible for certification as a DBE can get SBE certified through LADOTD. For information about the certification process or to apply for certification, firms should contact:

Rhonda Wallace  
DBE/SBE Program Manager  
Louisiana Department of Transportation & Development  
P. O. Box 94245  
Baton Rouge, LA 70804-9245  
(225) 379-1360  
[rhonda.wallace@la.gov](mailto:rhonda.wallace@la.gov)

### Small Business Program Elements

The DBELO will actively pursue the facilitation of more small business participation with the LAC through the following methods:

- A. Work with Project Managers to unbundle large contracts into economically feasible units that can reasonably be performed by small businesses;
- B. Encourage bidders and prime contractors to provide substantial opportunities of a size that small businesses can reasonably perform.
- C. Work with contractors to facilitate joint ventures consisting of small businesses to have the ability to compete for prime contracts.
- D. Increase awareness of potential contracts through the dissemination of information and participation in area business organizations.
- E. Build strategic partnerships with area business organizations such as: Greater Lafayette Chamber of Commerce; Greater Southwest Louisiana Black Chamber of Commerce; Asian Chamber of Commerce; National Black Chamber of Commerce; Hispanic Chamber of Commerce (based in New Orleans); Kiwanis Southwest Lafayette; Lafayette Consolidated Government; Lafayette Economic Development Authority; Lafayette Commission on the Needs of Women; 100 Black Men of Greater Lafayette; Pastoral Alliance, Louisiana Economic Development Authority, the Urban League of Louisiana and the Acadiana Regional Development District as a mechanism for proactively recruiting small businesses for DBE certification.
- F. Ensure that all outreach and information programs and events available to small businesses, not just DBE firms.
- G. Develop an active relationship with the Louisiana Small Business Development Center at the University of Louisiana at Lafayette and the Louisiana Procurement and Technical Assistance Center (PTAC) and refer small businesses to the center for assistance and guidance on becoming a certified small business.
- H. Utilize the relationship with the Louisiana Small Business Development Center at the University of Louisiana at Lafayette to recruit entrepreneurs and small businesses for DBE certification.

### Record Keeping and Monitoring

The DBELO will submit annually the Uniform Report of DBE Awards or Commitments and Payment Form, as modified for use by FAA recipients. This report provides detail and analysis of Race Neutral DBE participation. All DBE participation achieved through the Small Business Program will be counted toward attainment of the race-neutral DBE goal.

The DBELO will create and maintain a bidders list, consisting of information about all DBE, non-DBE and certified Small Business Enterprises (SBEs) that:

- bid or quote on any LAC contracts;
- have contracts with the LAC;
- inquire about potential business opportunities through the LAC; and
- are referred to LAC from partner small business organizations and agencies.

**Assurances**

The LAC shall comply with the following assurances:

1. The Small Business program is authorized under state law.
2. Certified DBE’s that meet the size criteria established under the program are presumptively eligible to participate in the program.
3. No geographic preferences or limitations will be imposed small business participation on any federally assisted procurement included in the program.
4. There are no limits on the number of contracts awarded to firms participating in the small business program but that every effort will be made to avoid creating barriers to the use of new, emerging, or untried businesses.
5. Aggressive steps will be taken to encourage those minority and women owned firms that are eligible for DBE certification to become certified.

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

[Set-Asides or Quotas 26.43](#)

The LAC shall not use quotas in any way in the administration of this DBE program.

[Overall Goals 26.45](#)

The LAC shall establish an overall DBE goal covering a three-year federal fiscal year period. In accordance with Section 26.45(f) the LAC will submit its Overall Three-year DBE Goal to FAA by August 1st as required by the established schedule below.

Airport Type	Region	Date Due (Goal Period)	Next Goal Due (Goal Period)
Non-Hub Primary	All Regions	August 1, 2015 (2016/2017/2018)	August 1, 2018 (2019/2010/2021)

The DBE goal will be established in accordance with the 2-step process as specified in 49 CFR Part 26.45.

**STEP 1:** The first step is to determine the relative availability of DBEs in the market area, known as the “base figure”. The LAC will use the Louisiana UCP Directory, the U.S Census Bureau Data, and the Bidders List, as a method to determine the base figure.

If the LAC uses a bidders list, the agency will do the following: Determine the number of DBEs that have bid or quoted (successful and unsuccessful) on our DOT-assisted prime contracts or subcontracts in the past three years. Determine the number of all businesses that have bid or quoted (successful and unsuccessful) on prime or subcontracts in the same time period. Divide the number of DBE bidders and proposers by the number of all businesses to derive a base figure for the relative availability of DBEs in your market. When using this approach, the LAC will establish a mechanism (documented in the goal submission) to directly capture data on DBE and non-DBE prime and subcontractors that submitted bids or quotes on our DOT-assisted contracts.

**STEP 2:** Once a base figure is calculated, the LAC will examine all of the evidence available in the jurisdiction to determine what adjustment, if any, is needed to the base figure to arrive at the overall goal. If the evidence does not suggest an adjustment is necessary, then no adjustment shall be made.

The purpose of the adjustment to the “base figure” percentage from Step 1 is to calculate, as accurately as possible, the DBE participation the recipient would expect in the absence of discrimination based on past participation, a disparity study and/or information about barriers to entry to past competitiveness of DBEs on Contracts.

If a bidders list is utilized, the LAC will do the following: Determine the number of DBEs that have bid or quoted (successful and unsuccessful) on DOT-assisted prime contracts or subcontracts in the past three years. Determine the number of all businesses that have bid or quoted (successful and unsuccessful) on prime or subcontracts in the same time period. Divide the number of DBE bidders and proposers by the number of all businesses to derive a base figure for the relative availability of DBEs in your market. When using this approach, the LAC will establish a mechanism (documented in our goal submission) to directly capture data on DBE and non-DBE prime and subcontractors that submitted bids or quotes on LAC DOT-assisted contracts.

Any methodology LAC chooses will be based on demonstrable evidence of local market conditions and be designed to ultimately attain a goal that is rationally related to the relative availability of DBEs in the market. LAC understands that the exclusive use of a list of prequalified contractors or plan holders, or a bidders list that does not comply with the requirements of paragraph (c)(2) of this section (above), is not an acceptable alternative means of determining the availability of DBEs.

**CONSULTATION:** 26.45 (g)(1) In establishing the overall goal, the LAC will provide for consultation and publication. This includes consultation with minority, women’s and general contractor groups, community organizations, and other officials or organizations which 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 LAC’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 LAC goal setting process, and it will occur before LAC is required to submit the goal methodology to the operating administration for review pursuant to paragraph (f) of this section. LAC will document in our goal submission the consultation process that the agency engaged in. Notwithstanding paragraph (f)(4) of this section, the LAC will not implement our proposed goal until the agency has complied with this requirement.

In addition, the LAC will publish a notice announcing our proposed overall goal before submission to the operating administration on August 1st. The notice will be posted on our 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 our official internet web site. LAC will inform the public that the proposed overall goal and its rationale are available for inspection during normal business hours at our principal office and that the LAC and DOT/FAA 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.**



Our Overall Three-Year DBE Goal submission to DOT/FAA will include a summary of information and comments received, if any, during this public participation process and the agency's responses.

The LAC will begin using our overall goal on October 1 of the reporting period, unless we have received other instructions from DOT.

#### Project Goals 26.45 (e)

If permitted or required by the FAA Administrator, LAC will express the overall goals as a percentage of funds for a particular grant or project or group of grants and/or projects, including entire projects. Like other overall goals, a project goal may be adjusted to reflect changed circumstances, with the concurrence of the FAA. A project goal is an overall goal, and must meet all the substantive and procedural requirements of this section pertaining to overall goals. A project goal covers the entire length of the project to which it applies. The project goal will include a projection of the DBE participation anticipated to be obtained during each fiscal year covered by the project goal. The funds for the project to which the project goal pertains are separated from the base from which the regular overall goal, applicable to contracts not part of the project covered by a project goal, is calculated.

If LAC establishes a goal on a project basis, the agency will begin using the goal by the time of the first solicitation for a DOT-assisted contract for the project.

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

The LAC understands that the agency is not required to obtain prior operating administration concurrence with the overall goal. However, if the FAA's review suggests that the LAC's overall goal has not been correctly calculated or that the method for calculating goals is inadequate, the FAA may, after consulting with LAC, adjust the overall goal or require that LAC do so. The adjusted overall goal is binding.

#### Failure to Meet Overall Goals 26.47

The LAC shall maintain an approved DBE Program and overall DBE goal, if applicable as well as administer the agency's DBE Program in good faith to be considered to be in compliance with this part.

If the LAC awards and commitments shown on the Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall goal applicable to that fiscal year, LAC will do the following in order to be regarded by the Department as implementing our DBE Program in good faith:

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 we have identified in our analysis and to enable LAC to meet fully the goal for the new fiscal year;
3. The DBELO will 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 DBELO will retain copy of analysis and corrective actions in records for a minimum of three years and will make it available to FAA upon request.

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

(a) The LAC will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating race-neutral DBE participation. Race-neutral DBE participation includes any time a DBE wins a prime contract through customary competitive procurement procedures or is awarded a subcontract on a prime contract that does not carry a DBE contract goal.

Race-neutral means include, but are not limited to the following:

- (1) Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under §26.39 of this part.
- (2) Providing information on organizations that provide assistance in overcoming limitations such as inability to obtain bonding or financing);
- (3) Carrying out outreach and communications programs 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; provision of information in languages other than English, where appropriate);
- (4) Providing information on organizations that provide services to help DBEs, and other small businesses, improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency;
- (5) Ensuring distribution of the LAUCP directory, through print and electronic means, to the widest feasible universe of potential prime contractors; and

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment 4 to this program.

## Contract Goals 26.51 (d-g)

The LAC will establish contract goals on all DOT-assisted contracts that have subcontracting opportunities.

The LAC will arrange solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to DBEs AND small businesses, by means such as those provided under § 26.39.

The LAC will express contract goals as a percentage of the Federal share of a DOT-assisted contract. DBE goals will not be established on the non-federal share of a DOT assisted project.

## Good Faith Efforts 26.53(a) & (c)

In the event that the DBE goal is not met, the apparent lowest bidders or successful respondent must submit a completed Demonstration of Good Faith Efforts (DBE Form 3) in addition to all other supplemental documentation within three days after bids are received. In order to demonstrate Good Faith Efforts, bidders/offerors must complete the DBE Form 3 – Documentation of Good Faith efforts and provide supporting documentation of all efforts taken to secure DBE project participation.

### Good Faith Efforts Requirements

**Evidence of Good Faith Efforts MUST include documentation of the following activities:**

1. Portions of the work were identified to be performed by DBEs in order to facilitate the participation of DBE firms.
2. DBE firms were solicited through all reasonable and available means which must include:
  - a. Attendance and networking with DBE firms at pre-bid/pre-proposal conferences and match-making events;
  - b. Advertising through public notices, emails, faxes, calls to eligible DBEs listed in the LAUCP directory ([www.LAUCP.org](http://www.LAUCP.org)); and
  - c. Documented initial and follow-up contact with DBEs listed in the LAUCP directory. A list of e-mails sent to DBE firms is not sufficient documentation of Good faith Efforts.
3. DBEs were provided adequate information about the plans, specifications, and requirements of the contract in a timely manner as demonstrated through documentation of initial contact, information sent to DBEs, response times and follow-up contact.
4. DBEs were not rejected as being unqualified without sound reasons based on a thorough investigation of their capabilities. Documentation of all responses received from DBEs and the reason for the rejection of a DBE must be provided.
5. Negotiations with DBE firms were conducted in good faith as evidenced by documentation of all bids received and justification of instances when a non-DBE is selected over a DBE.
6. DBEs were notified if their bids were rejected and the reason the bids were rejected as evidenced by copies of correspondence to interested DBE firms.

The fact that there may be additional costs involved in finding and using DBEs is not in itself sufficient reason for a bidder's failure to meet the contract DBE goal as long as such costs are reasonable. **The rejection of a DBE because its quotation for the work was not the lowest received is not considered sufficient good faith effort.**

**As such, bidders/offerors must provide documentation of all bids received from both DBEs and non-DBEs and demonstrate that a DBEs bid was rejected for cost reasonableness.**

The ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts. Prime contractors are not, however, required to accept higher quotes from DBEs if the price difference is excessive or unreasonable.

#### Additional Good Faith Effort Strategies

In addition to the activities that MUST be conducted and documented, bidders/offerors may conduct the following activities as evidence of good faith:

1. Efforts to assist DBEs in obtaining bonding, lines of credit, or insurance as required by the LAC or contractor.
2. Efforts to assist DBEs in obtaining equipment, supplies, materials, or related assistance or services.
3. Effectively utilizing the services provided by minority/women contractor groups and community organizations, local, state, and federal business assistance centers, and other small business assistance organizations.

A promise to use DBEs after contract award is not considered to be responsive to the contract solicitation or to constitute good faith efforts.

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. (See DBE Form 4 - Good Faith Efforts Evaluation.) The LAC shall not award a contract to a bidder or offeror that has not met the DBE goal or demonstrated Good Faith Efforts to achieve the goal as detailed in this part.

#### Post-Award Documents

The DBELO shall ensure that all information is complete and accurate and adequately documents the bidder/offeror's intent before the agency commits to the performance of the contract.

In the solicitation of DOT/FAA-Assisted contracts for which a contract goal has been established, the following shall be required:

1. Award of the contract shall be conditioned on meeting the requirements of this section;
2. All bidders or offerors shall be required to submit the following information to the LAC, with their bid as a measure of responsiveness:
  - (i) The names and addresses of DBE firms that will participate in the contract;
  - (ii) A description of the work 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 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. 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.

#### Administrative Reconsideration 26.53(d)

If a bidder/offeror fails to meet the requirements of the DBE Program, the bidder shall receive official notification of the non-responsive determination and subsequent rejection of the bid. Prior to award of the contract, the bidder/offeror may elect to submit additional information for administrative reconsideration. Written documentation or argument concerning the bidder/offeror's efforts to meet the goal or make adequate good faith efforts shall be submitted within 5 business days of the notification of bid rejection and will be reviewed by the Reconsideration Official who did not take part in the original determination of non-responsiveness. The Reconsideration Official is currently identified as:

Mr. Steven L. Picou, A.A.E., A.C.E.  
Executive Director  
Lafayette Airport Commission  
222 Jet Ranger X Drive  
Lafayette, LA 70508  
337-266-4401  
[StevenP@lftairport.com](mailto:StevenP@lftairport.com)

Upon request, the bidder/offeror shall be afforded the opportunity to meet in person with the reconsideration official prior to the final reconsideration determination.

The final written decision on reconsideration shall be sent to the bidder/offeror prior to contract award. The written decision shall fully explain the basis for the finding. The result of the reconsideration process is final and is not administratively appealable to the FAA.

#### Substitution and Removal of DBE Contractors 26.53 (f – g)

All contractors on LAC federally-funded projects shall utilize the specific DBEs listed to perform the work and supply the materials for which each is listed in the Contractor Participation and Commitment Form 1. Unless the contractor obtains the written consent of the DBELO as provided in this paragraph, and unless consent of the DBELO is provided the contractor shall not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE.

Contractors must submit a written request via DBE Form 7 - Request for Removal and Substitution to the DBELO prior to removing or substituting DBE contractors that were included on the bidder's Contractor Participation and DBE Commitment Form 1 at the time of contract award. Requests for substitution and removal shall be reviewed by the DBELO with consultation as necessary from the Prime contractor, the DBE contractor, and the Project Manager.

### Preliminary Notice of Intent for Removal

Before transmitting to the DBELO a request 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 DBELO, 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 DBELO and the contractor of the reasons, if any, why it objects to the proposed termination of its subcontract and why the DBELO should not approve the prime contractor's action. If required in a particular case as a matter of public necessity (e.g., safety), the DBELO may provide a response period shorter than five days.

### Good Cause for Removal of a DBE Firm

The DBELO shall only approve the removal and/or substitution of a DBE firm for good cause as detailed in 49 CFR 26.53 and summarized below:

1. The listed DBE subcontractor fails or refuses to execute a written contract;
2. The listed DBE subcontractor fails or refuses to perform the work of its subcontract in a way consistent with normal industry standards. Provided, however, that good cause does not exist if the failure or refusal of the DBE subcontractor to perform its work on the subcontract results from the bad faith or discriminatory action of the prime contractor;
3. The listed DBE subcontractor fails or refuses to meet the prime contractor's reasonable, nondiscriminatory bond requirements;
4. The listed DBE subcontractor becomes bankrupt, insolvent, or exhibits credit unworthiness;
5. The listed DBE subcontractor is ineligible to work on public works projects because of suspension and debarment proceedings pursuant 2 CFR Parts 180, 215 and 1,200 or applicable state law;
6. LFT staff determines that the listed DBE subcontractor is not a responsible contractor;
7. The listed DBE subcontractor voluntarily withdraws from the project and provides written notice to the Project Manager 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 you determine 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.

### Good Faith Efforts for Substitution of a DBE Firm

After review, the DBELO will submit an approval or rejection of the request in writing to the Prime Contractor and the Project Manager. If the DBELO approves the termination of the DBE firm, the Prime Contractor is required to make Good Faith Efforts to replace the DBE firm with another qualified, certified DBE firm. These good faith efforts shall be directed at finding another DBE to perform at least the same amount of work under the contract as the DBE that was terminated, to the extent needed to meet the contract goal that the LAC established for the procurement. The good faith efforts shall be documented by the contractor via the Documentation of Good Faith Efforts Form 3 and submitted to the DBELO within 7 days, which may be extended for an additional 7 days if necessary at the request of the contractor and approval of the DBELO.

If the contractor fails or refuses to comply in the time specified, the contracting office, at the request of the DBELO, 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.

**A prime contractor's inability to find a replacement DBE at the original price is not alone sufficient to support a finding that good faith efforts have been made to replace the original DBE.** The fact that the contractor has the ability and/or desire to perform the contract work with its own forces does not relieve the contractor of the obligation to make good faith efforts to find a replacement DBE, and it is not a sound basis for rejecting a prospective replacement DBE's reasonable quote.

### Airport Directed Changes

Substitutions/removal of a DBE firm in response to an Airport directed change order causing the reduction of scope intended to be provided by the DBE firm must also follow the same procedures and shall be brought to the attention of the DBELO prior to approval of the change order. DBE firms cannot be terminated for convenience and any such clause in a DBE subcontract shall be rendered void.

### Applicability

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

### Counting DBE Participation 26.55

The LAC shall count DBE participation toward overall and contract goals as provided in 49 CFR 26.55. The agency shall not count the participation of a DBE subcontract toward a contractor's final compliance with its DBE obligations on a contract until the amount being counted has actually been paid to the DBE.

When a DBE subcontracts part of the work from its own contract to a non-DBE firm, the value of subcontracted work shall not count toward the DBE goal. Supplies purchased in the execution of a construction contract are counted toward the DBE goal. However, if the DBE is participating solely as a supplier to the contract, the value of purchased materials only counts at 60% of the total value of materials supplied.

DBE firms must be certified with the LAUCP prior to the bid/proposal deadline. LAC will only count the value of the work actually performed by the DBE toward the DBE goal. If the firm is not currently certified as a DBE at the time of the execution of the contract, LAC will not count the firm's participation toward any DBE goals, except as provided for in 26.87(j).

Work performed by a DBE must provide a Commercially Useful Function which is described as a discrete task or group of tasks, the responsibility for performance of which shall be discharged by the DBE firm by using its own forces or by actively supervising on-site the execution of the tasks by another entity for whose work the DBE firm is responsible. In determining whether a certified firm is performing a commercially useful function, factors including, but not limited to, the following shall be considered:

- Whether the business entity has the skill and expertise to perform the work for which it is being utilized and possesses all necessary licenses;

- Whether the firm is in the business of performing, managing, or supervising the work for which it has been certified and is being utilized;
- Whether the DBE subcontractor is performing a real and actual service that is a distinct and verifiable element of the work called for in a contract.
- Whether the DBE subcontractor performed at least thirty percent (30%) of the cost of the subcontract (including the cost of materials, equipment or supplies incident to the performance of the subcontract) with their own forces.

### Monthly Reports

Prime contractor shall be required to submit monthly reports (DBE Form 9) that accurately represent the amount paid to and the value of work completed by DBE Subcontractor or sub-consultants during the monthly reporting period. This form must be submitted with every monthly invoice, and an attached copy of the copy of verification of payment, until the contracts with the all firms are closed and the subcontractors have received all payments including any retainage held by the Prime. This form is required regardless of the amount of payment or lack of payment to a firm until the subcontract is closed out and the DBE has been paid in full. This form shall be signed by the Prime Contractor or Consultant and signed by the DBE Subcontractor(s) or Sub-consultant(s) and submitted to the Program Manager.

DBE participation will not officially be counted toward the Prime Contractor's or Consultant's commitment until payment has been rendered to the DBE and after completion of a commercially useful function audit. Failure to submit the required reports will result in the withholding of payment or partial payments to the Contractor or Consultant until the reports are submitted as deemed appropriate by the DBELO.

The DBELO shall have administrative approval on the routing process of each invoice to confirm submission of the DBE monthly report form. Monthly invoices with the DBE monthly report will be reviewed by the DBELO prior to authorization for payment.

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



## SUBPART D – CERTIFICATION

### Certification Process 26.61 – 26.73

The certification standards of Subpart D of Part 26 as applied by the Louisiana Department of Transportation and Development are utilized to certify DBE firms to participate on DOT assisted projects at LAC.

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

Rhonda Wallace  
DBE/SBE Program Manager  
Louisiana Department of Transportation & Development  
P. O. Box 94245  
Baton Rouge, LA 70804-9245  
(225) 379-1360  
[rhonda.wallace@la.gov](mailto:rhonda.wallace@la.gov)

## SUBPART E – CERTIFICATION PROCEDURES

### Section 26.81 Unified Certification Programs

The LAC is a member of the Louisiana Unified Certification Program (LAUCP) administered by the Louisiana Department of Transportation and Development.

The LAC shall use and count for DBE credit only those DBE firms certified by the LAUCP. Information can be obtained at [www.laucp.org](http://www.laucp.org). (See Attachment 5)

## SUBPART F – COMPLIANCE AND ENFORCEMENT

### Information, Confidentiality, Cooperation and Intimidation or Retaliation 26.109

The LAC shall safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. La.R.S. 42:4.1etseq; La.R.S. 44:1 etseq.

Notwithstanding any provision of Federal or state law, the LAC shall not release any information that may reasonably be construed as confidential business information to any third party without the written consent of the firm that submitted the information. This includes applications for DBE certification and supporting information. However, the LAC will transmit this information to DOT in any certification appeal proceeding under § 26.89 of this part or to any other state to which the individual's firm has applied for certification under § 26.85 of this part.

All participants in the Department's DBE program (including, but not limited to, recipients, DBE firms and applicants for DBE certification, complainants and appellants, and contractors using DBE firms to meet contract

goals) shall cooperate fully and promptly with DOT and recipient compliance reviews, certification reviews, investigations, and other requests for information. Failure to do so shall be grounds for appropriate action against the party involved (e.g., with respect to recipients, a finding of noncompliance; with respect to DBE firms, denial of certification or removal of eligibility and/or suspension and debarment; with respect to a complainant or appellant, dismissal of the complaint or appeal; with respect to a contractor which uses DBE firms to meet goals, findings of non-responsibility for future contracts and/or suspension and debarment).

*The LAC, contractor, or any other participant in the program shall not intimidate, threaten, coerce, or discriminate against any individual or firm for the purpose of interfering with any right or privilege secured by this part or because the individual or firm has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part.*

## DBE Grievance Procedure

### Overview

A grievance is a written or electronic statement of complaint concerning allegations of discrimination or allegations of violation(s) of 49 CFR Part 26. Anonymous or unsigned correspondence, verbal allegations or inquiries seeking advice or information are not considered a grievance.

A grievance may be filed by any DBE firm that is: 1) actively participating on a LAC project; 2) bidding on a LAC project; 3) submitted for inclusion on a project via letter of intent by a Prime bidder; 4) has participated on a LAC project within the past 180 days; or 5) has been subject to discrimination or retaliation prohibited by any civil rights authority with 180 days of the complaint.

Correspondence or verbal communications that is not a complaint or grievance, but potentially involves a Civil Rights issue or violation of 49 CFR Parts 26 shall be investigated by the DBELO, especially if the DBELO believes an issue may eventually rise to a complaint.

Additionally, any indications of disparate treatment or disparate impact must be investigated by the DBELO as required by the non-discrimination assurances of 49 CFR Part 26.13. These investigations are conducted as compliance reviews.

### Accepting the Grievance

Once the correspondence is deemed a grievance the DBELO shall acknowledge acceptance of the grievance via a written or electronic (e-mail) statement.

If the grievance is submitted on behalf of a complainant by an attorney, the DBELO must contact the attorney and must request permission to contact the complainant directly.

Upon deciding to proceed with an investigation, the DBELO shall also notify all parties involved in the grievance that are alleged to have violated the DBE requirements or non-discrimination provisions.

The notification will also be submitted via a written or electronic statement and will include a cautionary statement that the parties to the grievance shall not intimidate, threaten, coerce or discriminate against the complainant or any party that testifies, assists or participates in the investigation in any manner.

The notification will also advise that no request for removal and substitution of the DBE complainant can be initiated by any party to the grievance until the grievance is resolved. If appropriate, the notice will also encourage the parties to continue good faith negotiations. Finally, the notification will advise the parties to the grievance that contact with Commissioners of the LAC is prohibited during the grievance process.

### Investigating the Grievance

The DBELO will review the grievance for complete information in order to proceed with processing, investigation and resolution. For a grievance to be complete it must include the following information:

- A written explanation of what happened;
- Complete and correct contact information for the complainant;
- Sufficient information to understand the facts that led to the grievance.

The DBELO may contact the parties to the grievance by telephone, e-mail or in person to obtain additional or missing information. Here again, if the complainant or any party to the grievance is represented by an attorney, the DBELO must contact the attorney for additional information and/or must request permission to contact the parties directly.

In identifying the basis of the grievance investigation, the DBELO shall look for one or more of the following:

- Failure to comply with the requirements of 49 CFR Parts 26;
- Different standards, requirements or eligibility factors for participation by the DBE firm(s);
- Disparate treatment in any manner of the DBE participant; or
- Use of any policy, procedure or practice that has the effect of disproportionately excluding or adversely affecting DBE firms.

Once the basis of the grievance investigation is determined, the DBELO will initiate the investigation. The grievance investigation may involve:

- Interviews with the parties to the grievance;
- Interviews with third parties involved with the issue, incident or event;
- Collection and review of supporting documentation;
- Review of applicable regulations; and/or
- Other methods of data collection and analysis as warranted.

All parties to the grievance, including the complainant, must comply with all requests for information from the DBELO. Failure to comply with requests for information on the part of the complainant may result in dismissal of the grievance. Failure to comply with a request for information by any party alleged to be in violation of the DBE program requirements represents a material breach of the contract with the LAC and may result in termination of the contract or other such remedy a deemed appropriate by the LAC.

### Timeframe for Response

The DBELO has 45 business days to conduct and complete the investigation and prepare an investigative report, except in cases of a disparate impact investigation.

### Investigative Report

The Investigative Report will be prepared within 45 business days of acknowledgement of the grievance and will be formatted as follows:

- *Introduction* – This section must provide an historical overview of the grievance prior to the involvement of the DBELO.
- *Claims* – This section shall succinctly state the allegations of the complainant.
- *Basis of the Grievance* -- This section should describe the basis of the grievance as detailed above in the section titled Investigating the Grievance.
- *Methodology* – The report shall state how the investigation was conducted, what documents were reviewed, who was interviewed, etc. The methodology should detail both quantitative and qualitative information as warranted.
- *Findings and Analysis* – All facts relevant to the investigation will be provided in this section. Analysis of factual issues in dispute should be presented with resolution based on examination of relevant documentation and reliable information. Where appropriate, specific evidence supporting a finding will be cited.
- *Decision and Recommended Action* – This section should include a statement indicating the findings of the investigation and any recommended remedy to resolve the grievance.

A Letter of Findings and/or Resolution shall be sent to the parties, along with a copy of the Investigative Report.

### Dismissing Complaints

The DBELO may decline to proceed with a grievance for one or more of the following reasons:

- The grievance is not supported by the regulations, is lacking in detail, without merit and as a whole cannot be considered to be grounded in fact.
- The complainant fails to respond to repeated requests for additional information needed to process the grievance.
- Litigation has been filed by the complainant with the same basis and issues involved in the complaint. In such cases, the grievance should not be held in abeyance, but dismissed.
- The complainant withdraws the grievance.
- The complainant does not accept a reasonable resolution of the grievance, where reasonableness is determined by the DBELO.

### Administrative Reconsideration/DBE Grievance Appeals Panel

Once an investigation is complete and a final decision is rendered by the DBELO, the parties to the grievance are entitled to reconsideration through a formal appeals process. A request for reconsideration must be issued in writing or electronically within five business days of receipt of the Letter of Findings and/or Resolution.

In the event of a request for reconsideration the DBELO shall refer the grievance to a DBE Grievance Panel to review the investigation process and outcomes and render a decision of findings and recommendations.

The Panel shall consist of a minimum of three members including the LAC General Counsel, a representative from the Louisiana Department of Transportation (LADOTD) Office of Civil Rights and the DBELO for the Baton Rouge Regional Airport or the New Orleans International Airport.

No participant in the original investigation, including the DBELO, can serve as a member of the Panel.

Reasons for reconsidering a decision are limited to the following circumstances:

- The original investigation is deemed insufficient relative to the basis of the investigation.
- Allegations made by the complainant were not investigated.
- Facts or documentation were not adequately considered.
- Issues were investigated under the wrong regulatory guidance, or in the absence of any regulatory guidance.
- Material information becomes available that was not available previously.
- Fraud or misrepresentation occurred at any level of the investigation.

The Panel must convene within 30 days of receipt of a request for reconsideration and has a total of 60 working days after convening to render a final decision. The Panel will receive written and verbal presentations from the DBELO and may request and consider written and verbal reports and guidance from other relevant experts. Notably, in the absence of abuse of discretion, the DBE Grievance Panel shall give administrative deference to the report and recommendations of the DBELO.

Additionally, the Airport's General Counsel may intervene at any point in the administrative reconsideration process.

The General Counsel of the LAC may, at his/her discretion, refer the grievance to the FAA Office of Civil Rights.

## ATTACHMENTS

ATTACHMENT 1 – Regulations : 49 CFR Part 26

ATTACHMENT 2 – Organizational Chart

ATTACHMENT 3 – Bidders List

ATTACHMENT 4 – DBE Goal Setting Methodology (Revised Aug 2018)

ATTACHMENT 5 – DBE Directory

ATTACHMENT 6 – Monitoring and Enforcement Mechanisms/Legal Remedies

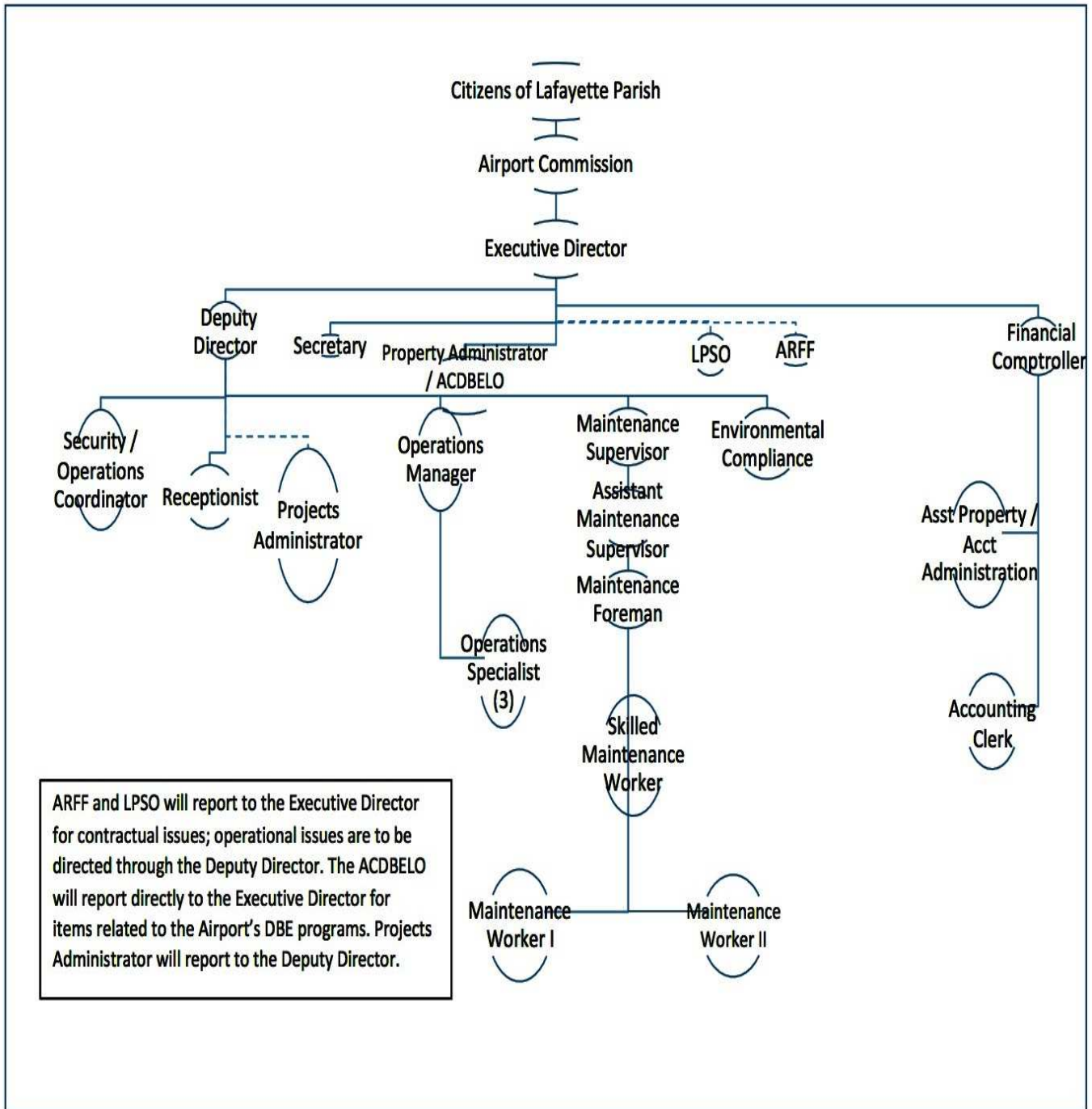
ATTACHMENT 7 – DBE Certification Application Form

ATTACHMENT 8 – Louisiana Unified Certification Program Agreement

ATTACHMENT 1 –  
Regulations : 49 CFR Part 26

The link to Regulations: 49 CFR Part 26 is [www.ecfrbrowse/title49/49cfr26](http://www.ecfrbrowse/title49/49cfr26)

ATTACHMENT 2 –  
Organizational Chart





ATTACHMENT 3 –  
Bidders List

The Bidders List Data Collection Form is attached as DBE Form 2

ATTACHMENT 4 –  
DBE Goal Setting Methodology (Revised Aug 2018)

LAFAYETTE AIRPORT COMMISSION  
LAFAYETTE REGIONAL AIRPORT



222 Jet Ranger X Dr  
Lafayette, LA 70508-2159  
(P) 337-266-4401  
(F) 337-266-4410  
(E) airport@lraairport.com

December 5, 2018

Dolores P. Leyva  
DBE/ACDBE Compliance Specialist  
Federal Aviation Administration  
Southwest Region Office  
Office of Civil Rights  
10101 Hillwood Parkway  
Fort Worth, TX 76177

RE: DBE Goal Methodology 2019 -2021

Dear Ms. Leyva:

On August 1, 2018, the Lafayette Regional Airport submitted its 2019 -2021 goal methodology with a recommendation to use the base goal of 6.91% after reviewing all relevant data. Using the two-step method yielded a goal of 5.90%, which did not accurately reflect the market. LRA has developed and implemented a stronger DBE program which was shown in the recent DBE performance reports and also on participation commitments on projects solicited in 2018.

LRA will use the base goal as calculated at 6.91%.

Should you have any questions, feel free to contact our DBE Liaison Officer, Rene Cotton at 337/266-4403.

Sincerely,



Steven L. Picou, A.A.E., A.C.E.  
Executive Director

SLP:rrc

Attachment(s) - 1

LAFAYETTE AIRPORT COMMISSION (LAC)  
LAFAYETTE REGIONAL AIRPORT

2019 – 2021 DISADVANTAGED BUSINESS ENTERPRISE GOAL

Goal Setting Methodology and Calculations for DBE Participation

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**GOAL OVERVIEW**

The Lafayette Airport Commission (LAC) proposes an overall Disadvantaged Business Enterprise (DBE) Goal applicable to contracting opportunities that are budgeted to receive federal financial assistance from the U.S. Department of Transportation. **The proposed overall goal of 5.90% was developed in compliance with 49 CFR Part 26 to ensure a level playing field for DBE certified businesses.** Of the overall goal all 5.90 % will be Race and Gender Conscious.

**MARKET AREA**

Upon embarking on the new terminal development program, the Lafayette Regional Airport has worked with partner organizations in the Lafayette region to determine the appropriate market area. The Lafayette Metropolitan Statistical Area, as defined by the US Census Bureau, includes the following five parishes: Lafayette, St. Martin, Acadia, Iberia, and Vermillion. The combined statistical area adds two additional parishes, St. Landry and St. Mary to include two more populous cities of Opelousas and Morgan City.

Lafayette Regional Airport consulted with the Louisiana Small Business Development Center at the University of Louisiana at Lafayette to understand the local business market. The LSBDC – Lafayette had established an eight-parish catchment area which includes: Acadia, Evangeline, Iberia, Lafayette, St. Landry, St. Martin, St. Mary, and Vermillion parishes. As such, LAC used the eight-parish area as the market area for the goal methodology.

**FEDERALLY FUNDED PROJECTS – CONTRACTING OPPORTUNITIES**

Eight (8) federally-funded contracting opportunities are identified for the reporting period for a total of \$44,877,500 based on total FAA AIP Commitments and AIP Discretionary Funds request. These projects, and the overall weighting of each project for calculation of the base goal is detailed in Table 1 below.

<b>TABLE 1</b>				
<b>FAA Assisted Capital Program (Actual &amp; Projected)</b>				
<b>Year</b>	<b>Project</b>	<b>Budget</b>	<b>Weight</b>	<b>Weight (%)</b>
2018	New Terminal Design & Construction	10,000,000	0.22282881	22.28%
2018	RTR Relocation	2,000,000	0.04456576	4.46%
2019	New Terminal Design & Construction	12,000,000	0.26739457	26.74%
2020	New Terminal Construction	12,000,000	0.26739457	26.74%
2021	New Terminal Construction	6,740,000	0.15018662	15.02%
2021	Taxiway Removal & Reconfiguration	1,260,000	0.02807643	2.81%
2021	Taxiway Kilo Removal	495,000	0.01103003	1.10%
2012	Taxiway Delta Removal	382,500	0.00852320	0.85%
	<b>TOTAL</b>	<b>44,877,500</b>		<b>100.00%</b>

### **READY, WILLING & ABLE CONTRACTING POOL**

In this goal setting period, the Lafayette Regional Airport is embarking on a major capital program supported by Federal funds. This program will include extensive flatwork to the Airport's aprons and runways, demolition of ancillary buildings, and the construction of a new terminal building. This robust capital program is unmatched by opportunities that have been offered by the Airport in prior years and the Lafayette Airport Commission has invested a great deal of time and resources to expanding outreach to contractors within the local region to communicate the upcoming contract opportunities and promote the DBE Program. Outreach efforts began in 2016 to increase the availability of certified DBE firms. Through outreach, the Lafayette Airport Commission has increased awareness of the DBE Program requirements to the local contractor community and has increased interest from small, women and minority-owned business.

The Louisiana Unified Certification Program (LAUCP) is the basis of the airport's DBE pool. For the defined market area, a total of 59 DBE certified firms are identified as detailed below.

<b>Parish</b>	<b>DBEs</b>
Acadia	4
Evangeline	0
Iberia	4
Lafayette	37
St. Landry	6
St. Martin	3
St. Mary	2
Vermillion	3
<b>Total</b>	<b>59</b>

The list of certified DBE contractors is compared to a more global list of businesses, segregated by NAICS Code. The U.S. County Business Pattern (USCBP) 2016 Economic Census data for the Lafayette MSA is used to determine the general market population of ready, willing and able businesses.

These data sources reveal a total market availability of 585 firms for the construction and professional services trades represented in the federally funded contracting opportunities. Of these, 33 firms in the Lafayette market are certified DBE firms as detailed in Table 3 below.

<b>TABLE 3</b>			
<b>NAICS</b>	<b>Type of Work</b>	<b>DBE</b>	<b>Market</b>
541330	Engineering	1	150
541310	Architectural	1	41
541620	Environmental Design	1	35
238110	Poured Concrete	1	25
238910	Site Preparation Contactors	5	44
238210	Electrical Contractors	3	124
237110	Water/Sewer Line	1	17
541320	Landscape Architecture	0	6
236210	Industrial Building Construction	0	4
237990	Other Heavy Civil Engineering Construction	0	8
541360	Geophysical Surveying/Mapping	0	13
237130	Power & Communications Lines & Structures	1	17
484110	Trucking	11	62
332312	Fabricated Metal	3	12
238320	Painting & Wall Covering	5	27
	<b>Total</b>	<b>33</b>	<b>585</b>

#### **BASE FIGURE**

In accordance with the current FAA and DOT guidance, the Airport is utilizing a two-step process in setting the goal. The first step examines the relative availability of DBE firms in the established market area and the second step allows for adjustments to the relative availability based on:

- Information from available Disparity Studies;
- Information gained from research and outreach with other relevant entities; and
- Historical accomplishments of the Airport's DBE program.

The Base Figure calculation conducted in Step 1 of the goal setting process weighs the relative availability of DBE contractors to the amount of contracting opportunities available for the total pool of contractors in the market area. The calculation factors all funded and anticipated projects.

(See Appendix A for project details.) Based on the ready willing and able analysis, a base figure of 6.91% participation was developed as detailed in Table 4 below.

<b>TABLE 4</b>						
<b>FAA Assisted Capital Program</b>						
<b>Project</b>	<b>Amount</b>	<b>DBE</b>	<b>Market</b>	<b>Relative Availability</b>	<b>Relative Weight</b>	<b>Base Goal</b>
<b>2018</b>						
New Terminal Design & Construction	10,000,000	28	531	0.0527307	0.22282881	1.17%
RTR Relocation	2,000,000	9	197	0.04568528	0.04456576	0.20%
<b>2019</b>						
New Terminal Design & Construction	12,000,000	27	496	0.05443548	0.26739457	1.46%
<b>2020</b>						
New Terminal Construction	12,000,000	30	332	0.09036145	0.26739457	2.42%
<b>2021</b>						
New Terminal Construction	6,740,000	30	332	0.09036145	0.15018662	1.36%
Taxiway Removal & Reconfiguration	1,260,000	9	193	0.04663212	0.02807643	0.13%
Taxiway Kilo Removal	495,000	6	69	0.08695652	0.01103003	0.10%
Taxiway Delta Removal	382,500	6	69	0.08695652	0.00852320	0.07%
<b>TOTAL</b>	<b>44,877,500</b>					
					<b>Base Goal</b>	<b>6.91%</b>

#### **ADJUSTMENTS TO THE BASE GOAL**

Step 2 to this process is intended to adjust the Base Figure percentage from Step 1 so that it reflects as accurately as possible the DBE participation the recipient would expect in the absence of discrimination.

The Airport searched out the availability of information from Disparity Studies. No documents of disparity studies for the Lafayette market area could be located.

Additionally, the Airport contacted area entities and was unable to document any existing disparity studies performed for the region. These entities include:

- University of Louisiana at Lafayette Small Business Development Center
- Lafayette Consolidated Government Business and Career Solutions
- Greater Lafayette Chamber of Commerce

No relevant Disparity Studies were identified to inform the study. Therefore, after calculating the Base Figure of 6.91%, LAC's historic data was calculated for a five-year period from 2013 to 2017 to determine if the goal is consistent with the agency's performance. (See attached the updated Federal DBE Past Performance Summary for the period from 2013 through 2017.) It was determined that LAC has historic DBE direct participation ranging from 0% to 9.74% as detailed in Table 5 below. <sup>1</sup>

TABLE 5 <sup>2</sup>							
Historic Participation							
Year	DBE Goal	Award	Description	Status	DBE Attainment	Race Conscious	Race Neutral
<b>Projects Completed</b>							
2013	5.50%	No projects completed in 2013					
2014	5.50%	\$ 189,450.00	Perimeter Road - Design	Complete	0.00%		
<b>2014 Total</b>		<b>\$ 189,450.00</b>			<b>0.00%</b>	<b>0.00%</b>	<b>0.00%</b>
2015	5.50%	No projects completed in 2015					
2016	7.31%	\$ 1,413,874.54	Perimeter Road Construction	Complete	4.77%		
		\$ 9,388.22	Wildlife Hazard Management Plan	Complete	0.00%		
<b>2016 Total</b>		<b>\$ 1,423,262.76</b>			<b>4.73%</b>	<b>4.73%</b>	<b>0.00%</b>
2017	7.31%	\$ 6,412.50	RW 29 EMAS Constuctability Review	Complete	98.25%		
		\$ 437,903.21	Construct Terminal Building P1 of 7 - PMCM	Complete	11.17%		
		\$ 71,449.06	CIP PMCM	Complete	30.76%		
		\$ 1,030,990.50	Construct Terminal Building P1 of 7 - Design	Complete	10.43%		
<b>2017 Total</b>		<b>\$ 1,546,755.26</b>			<b>9.74%</b>	<b>9.74%</b>	<b>0.00%</b>
<b>Awarded Prime Contract with FAA Funds</b>							
2017	7.31%	\$ 12,126,266.00	RW 29 East End Construction	Ongoing	N/A	N/A	N/A
		\$ 958,288.50	Noise Program Phase I	Ongoing	N/A	N/A	N/A
		\$ 620,892.29	Construct Terminal Building P1 of 7 - Design	Ongoing	N/A	N/A	N/A
		\$ 504,954.00	Noise Program Phase II	Not Started	N/A	N/A	N/A
		\$ 1,554,849.00	Terminal Schematic Design	On going	N/A	N/A	N/A
		\$ 36,494.10	Historic American Building Survey	On going	N/A	N/A	N/A
<b>2017 Total</b>		<b>\$ 15,801,743.89</b>					
<b>Projects in Litigation<sup>3</sup></b>							
2013		\$ 5,831,000.00	4R - 22L Overlay	Litigation	N/A	N/A	N/A
2015		\$ 1,037,163.66	TW Sealcoat	Litigation	N/A	N/A	N/A

<sup>2</sup> Historic performance data includes actual spending to date for AIP assisted projects. For Noise Mitigation projects where LAC has not drawn down all the FAA funds, only the expended funds are used in the calculation of historic participation. Additionally, AIP funding for Runway 29 has additional funds in the grant balance for testing and inspection which is not yet complete. For the Wildlife Management grant, LAC expended less than the total AIP grant amount.

<sup>3</sup> DBE participation for the projects noted as "litigation" are not included in past performance due to not having final figures. DBE Participation will be included once each project is final (out of litigation). As such, only the participation for contracts identified as complete are factored into the average participation calculation. When litigation is resolved, the goal methodology will be updated counting these projects as completed in the year litigation is complete.

TABLE 5 <sup>2</sup>							
Historic Participation							
Year	DBE Goal	Award	Description	Status	DBE Attainment	Race Conscious	Race Neutral
2015		\$ 6,073,779.30	RW 11 EMAS Construction	Litigation	N/A	N/A	N/A
<b>Litigation Total</b>		<b>\$ 12,941,942.96</b>					

As such, adjustments to the base goal factor the average DBE participation of 4.89% for a five-year period (2013–2017) yields an overall goal of 5.90% as detailed in Table 6 below.

TABLE 6	
Base Goal	6.91%
2013 (No Completed Projects)	
2014	0.00%
2015 (No Completed Projects)	
2016	4.73%
2017	9.94%
Three-Year Average Historic Participation = (0% + 4.73% + 9.74%)/3	4.89%
Adjusted Goal = (6.17 + 4.89%)/2	5.90%

**USE OF RACE NEUTRAL MEANS**

Historically, Lafayette Regional Airport has used race-conscious measures in obtaining its overall contract goals on federally-assisted contracts. It is estimated that, in meeting the overall adjusted 5.90% DBE goal, 0% will be obtained from race-neutral participation and the entire 5.90% will be obtained from race-conscious measures (e.g. setting contract goals). The estimation of race-neutral participation and race-conscious measures percentages are based on past participation and established goals.

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

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



The Airport will also utilize race-neutral means of facilitating DBE participation. The race-neutral measures include:

- Inclusion of DBE firms and other small businesses in project notifications.
- Supplying a list of potential subcontractors to potential prime contractors.
- Ensuring the widest feasible distribution of this program by utilizing the DOT UCP Directory.

### **CALCULATION OF THE FY 2019 – 2021 DBE GOAL**

The base DBE goal calculated for 2019 – 2021 is 6.91%.

The average DBE participation is 4.89%.

The FY 2019 – 2021 DBE Goal is calculated using the following formula:

$$\begin{aligned} & \text{[(Five-Year Participation Average + FY 2019 Base Goal)/2=Adjusted DBE Goal]} \\ & \text{((4.89 \% + 6.91\%) divided by 2) = 5.90\%} \end{aligned}$$

### **PUBLIC PARTICIPATION AND CONSULTATION**

The notice of the proposed overall goal will be available to the public for 30 days following the date of the notice and comments regarding these documents will be accepted for 45 days after the date the notice is published. The public notice indicates the location where the proposal can be reviewed and where comments can be transmitted. The notice will be published in the following publications:

- The Lafayette Daily Advertiser
- Lafayette Airport Commission Website – LFAirport.com

LAC has engaged the following professional, technical, civic, business, and community-based organizations as a DBE Advisory Committee for consultation on the DBE Goal. The DBE Advisory Committee includes the following organizations:

- |  |   |
|--|---|
| • Asian Chamber of Commerce                  | • Greater Southwest Black Chamber of Commerce |
| • National Black Chamber of Commerce         | • Hispanic Chamber of Commerce                |
| • Kiwanis Southwest                          | • Lafayette Consolidated Government           |
| • Lafayette Economic Development Authority   | • Lafayette Commission on the Needs of Women  |
| • Louisiana Procurement and Technical Center | • Louisiana Small Business Development Center |
| • 100 Black Men of Greater Lafayette         | • Pastoral Alliance                           |

At the time of this submittal, no information from minority stakeholders has been received based on recent contact. If or when such information becomes available, the Airport will provide an addendum to this report and re-submit to the FAA for further review.

## APPENDIX A

NAICS	Type of Work	Weight	DBE	Market	Relative Availability
<b>2018 NEW TERMINAL DESIGN &amp; CONSTRUCTION</b>					
541330	Engineering	2%	1	150	0.000133333
541310	Architectural	1%	1	41	0.000243902
541620	Environmental Design	1%	1	35	0.000285714
238110	Poured Concrete	10%	1	25	0.004000000
238910	Site Preparation Contactors	20%	5	44	0.022727273
238210	Electrical Contractors	10%	3	124	0.002419355
237110	Water/Sewer Line	12%	1	17	0.007058824
236210	Industrial Building Construction	20%	0	4	0.000000000
237130	Power & Communications Lines	6%	1	17	0.003529412
484110	Trucking	10%	11	62	0.017741935
332312	Fabricated Metal	8%	3	12	0.020000000
	<b>Total</b>	100%	28	531	0.078139748
					7.81%

<b>2018 RTR RELOCATION</b>					
238110	Poured Concrete	10%	1	25	0.004000000
238910	Site Preparation Contactors	10%	5	44	0.011363636
238210	Electrical Contractors	60%	3	124	0.014516129
236210	Industrial Building Construction	20%	0	4	0.000000000
		100%	9	197	0.029879765
	<b>Total</b>				2.99%

<b>2019 NEW TERMINAL DESIGN &amp; CONSTRUCTION</b>					
541330	Engineering	2%	1	150	0.000133333
541310	Architectural	1%	1	41	0.000243902
238110	Poured Concrete	10%	1	25	0.004000000
238910	Site Preparation Contactors	20%	5	44	0.022727273
238210	Electrical Contractors	10%	3	124	0.002419355
237110	Water/Sewer Line	12%	1	17	0.007058824
236210	Industrial Building Construction	20%	0	4	0.000000000
237130	Power & Communications Lines	6%	1	17	0.003529412
484110	Trucking	10%	11	62	0.017741935
332312	Fabricated Metal	8%	3	12	0.020000000
	<b>Total</b>	99%	27	496	0.077854034
					7.79%

NAICS	Type of Work	Weight	DBE	Market	Relative Availability
<b>2020 NEW TERMINAL CONSTRUCTION</b>					
238110	Poured Concrete	10%	1	25	0.004000000
238910	Site Preparation Contactors	10%	5	44	0.011363636
238210	Electrical Contractors	10%	3	124	0.002419355
237110	Water/Sewer Line	12%	1	17	0.007058824
236210	Industrial Building Construction	20%	0	4	0.000000000
237130	Power & Communications Lines	10%	1	17	0.005882353
484110	Trucking	10%	11	62	0.017741935
332312	Fabricated Metal	8%	3	12	0.020000000
238320	Painting & Wall Covering	10%	5	27	0.018518519
	<b>Total</b>	100%	30	332	0.086984622
					8.70%

<b>2021 NEW TERMINAL CONSTRUCTION</b>					
238110	Poured Concrete	10%	1	25	0.004000000
238910	Site Preparation Contactors	10%	5	44	0.011363636
238210	Electrical Contractors	10%	3	124	0.002419355
237110	Water/Sewer Line	12%	1	17	0.007058824
236210	Industrial Building Construction	20%	0	4	0.000000000
237130	Power & Communications Lines	10%	1	17	0.005882353
484110	Trucking	10%	11	62	0.017741935
332312	Fabricated Metal	8%	3	12	0.020000000
238320	Painting & Wall Covering	10%	5	27	0.018518519
	<b>Total</b>	100%	30	332	0.086984622
					8.70%

<b>2021 TAXIWAY REMOVAL &amp; RECONFIGURATION</b>					
238110	Poured Concrete	70%	1	25	0.028
238910	Site Preparation Contactors	20%	5	44	0.022727273
238210	Electrical Contractors	10%	3	124	0.002419355
	<b>Total</b>	100%	9	193	0.053146628
					5.31%

<b>2021 TAXIWAY KILO REMOVAL</b>					
238110	Poured Concrete	20%	1	25	0.008000000
238910	Site Preparation Contactors	80%	5	44	0.090909091
		100%	6	69	0.098909091
					9.89%

NAICS	Type of Work	Weight	DBE	Market	Relative Availability
	<b>2021 TAXIWAY DELTA REMOVAL</b>				
238110	Poured Concrete	20%	1	25	0.008000000
238910	Site Preparation Contactors	80%	5	44	0.090909091
		100%	6	69	0.098909091

ATTACHMENT 5 –  
DBE Directory

The link to the Louisiana DOTD's DBE Directory is [www.laucp.org](http://www.laucp.org).

## ATTACHMENT 6 – Monitoring and Enforcement Mechanisms/Legal Remedies

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

1. Breach of contract action, pursuant to the terms of the contract;
2. Breach of contract action, pursuant to Louisiana State Code.

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

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

ATTACHMENT 7 –  
DBE Certification Application Form

A copy of the LA UCP certification application form can be found at  
<http://www8.dotd.la.gov/UCP/UCPdownloads.aspx>

ATTACHMENT 8 –  
Louisiana Unified Certification Program Agreement

A copy of the LAUCP agreement can be found at <http://www.laucp.org/ucp/>



## DBE FORMS

(Available for fill-in and print at: <https://lftairport.com/disadvantaged-enterprise-program/> under DBE Forms.)

FORM 1 – Schedule of Contract Participation and DBE Commitment

FORM 2 – Participation Questionnaire & Confirmation (Same as Bidders List Data Collection Form)

FORM 3 – Good Faith Efforts Documentation

FORM 4 – Statement of Intent to Perform as a DBE

FORM 5 – Site Review (Internal Use Only)

FORM 6 – Commercially Useful Function Audit (Internal Use Only)

FORM 7 – Removal and Substitution Request

FORM 8 – DBE Contract Compliance Checklist (Internal Use Only)

FORM 9 – DBE Monthly Report

FORM 10 – Joint Check Agreement and Form

FORM 11 – Subcontractor Modification Form

FORM 12 – Good Faith Efforts Evaluation (Internal Use Only)

## LAFAYETTE AIRPORT COMMISSION

### DBE FORM 1 - CONTRACT PARTICIPATION AND DBE COMMITMENT PRIME(S) & SUB-CONTRACTOR/CONSULTANT/VENDOR(S) INSTRUCTIONS

Fill out fields Project Title, Project No., Project Type and Project DBE Goal.

Complete a table row for each firm that will participate on the contract, including the Prime, as a labor subcontractor, broker

**Column A.** Indicate the firm's role: Prime, Sub-Tier 2 (first-level sub), Sub-Tier 3 (sub of a sub), Manufacturer, Regular Dealer/Supplier, or Broker/Agent.

- 100% of DBE labor subcontractor/subconsultant and manufacturer services can be counted toward DBE participation.
- Only 60% of the value of Regular Dealer/Supplier services provided can be counted toward DBE participation.
- 100% of DBE Broker/Agent commissions and fees can be counted toward DBE participation; product provided must be listed, separately, as Non-DBE participation.

**Column B.** Provide the name and address of the firm.

**Column C.** Provide the principal contact person and phone number of the firm.

**Column D.** Describe the work, goods, and/or services to be provided by the firm.

**Column E.** Indicate the dollar amount of work assigned to the firm. On the row *Total Value of Participation*, enter the Total Bid Amount which equals the sum of the Base Bid and any Alternatives.

**Column F.** Indicate the value of work assigned to the firm as a percent of the total bid amount. This percent should equal the amount indicated in Column E divided by the total bid amount. On the row *Total Value of Participation*, enter the total percent value of work – should equal 100% to account for all work being performed on the contract.

**Column G.** Indicate whether firm is a DBE or Non-DBE. DBE-certified means federally certified by a member of the Louisiana Unified Certification Program ([www.LAUCP.org](http://www.LAUCP.org)). Firms must be DBE-certified at the time of bid submission in order to count their participation towards the DBE goal. Firm(s) providing Regular Dealer/Supplier work or purchases can only have 60% of their value counted toward DBE goal. Only DBE Broker/Agent commissions and fees can be counted toward DBE participation; product provided must be listed, separately, as Non-DBE participation.

#### **Good Faith Efforts to Secure DBE Participation**

If on this form, the proposed attainment demonstrated does not, at least, meet the assigned DBE goal, complete and attach DBE Form 3 - Good Faith Efforts to this submission.

# LAFAYETTE AIRPORT COMMISSION

## DBE FORM 1 - CONTRACT PARTICIPATION AND DBE COMMITMENT PRIME(S) SUB-CONTRACTOR/CONSULTANT/VENDOR(S)

**(PRIME MUST SUBMIT WITH BID OR PROPOSAL.)**

Project Title: \_\_\_\_\_ Contract or Work/Task Order No.: \_\_\_\_\_

Project Type: DBE DBE Goal: \_\_\_\_\_ %

Name of Bidder / Prime Contractor: \_\_\_\_\_

A FIRM ROLE	B FIRM NAME AND ADDRESS	C PRINCIPAL CONTACT NAME AND PHONE NUMBER	D WORK TO BE SUBCONTRACTED / GOODS / SERVICES TO BE PURCHASED	E DOLLAR VALUE OF WORK / PURCHASES	F % VALUE OF WORK / PURCHASES	G Non-DBE or DBE
<small>*Prime, Sub-Tier 2, Manufacturer, Supplier, etc.</small>						

**TOTAL VALUE OF PARTICIPATION FROM CONTINUATION PAGES:**

*\*DBE Regular Dealer/Supplier work/purchases is counted at 60% participation toward goal.*

<small>Enter Total Bid Amount</small>	<small>Total Value Equal 100%</small>	<small>Total DBE Participation</small>

**TOTAL VALUE OF PARTICIPATION:**

If Total DBE Participation is less than the goal, attach DBE Form 3 - Documentation of Good Faith Efforts and all other necessary documentation. Firms must be DBE-certified with an authorized agent of the LAUCP to count participation towards the goal.

The undersigned Prime firm will enter into a formal written agreement with the Subcontractors / Consultants / Vendors identified herein for work and/or goods and services as shown in this schedule, conditioned upon the execution of a contract with the LAC. The undersigned agrees to be contractually bound to maintain the level of DBE participation set forth above. Failure to comply with this agreement constitutes breach.

\_\_\_\_\_  
Signature \_\_\_\_\_  
Title

SWORN AND SUBSCRIBED, before me, this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC  
(Seal)  
My commission expires \_\_\_\_\_



# LAFAYETTE AIRPORT COMMISSION

## DBE FORM 2 - PARTICIPATION QUESTIONNAIRE AND CONFIRMATION

**(PRIME MUST SUBMIT WITH SEALED BID.)**

**Instructions:** Must be filled out by each prime firm, subconsultant, subcontractor, and any other tier of subconsultant or subcontractor, as a condition of responsiveness. This information is to be collected and documented for all federally funded projects as required by the Department of Transportation 49 CFR Part 26. All items requested on the form are required, if an item is not applicable, respondents shall enter N/A. Each prime firm participating as a joint venture should complete a separate form and indicate (Item 9) that the response is a joint venture.

1. Project name, project number and date of submittal:	2. Official name of firm, indicate if prime or subconsultant:  Indicate if Prime or Subcontractor:	3. Address of office to perform work:																	
4. Name of parent company, if any:	5. Location of headquarters (city):	6. Age of firm:																	
7. Name, title, and telephone number of principal contact:	8. Indicate Special Status:  <table style="width: 100%; border: none;"> <tr> <td><input type="checkbox"/> Small business</td> <td><input type="checkbox"/> SBA certified</td> </tr> <tr> <td><input type="checkbox"/> Minority-owned business</td> <td><input type="checkbox"/> LAUCP DBE certified</td> </tr> <tr> <td><input type="checkbox"/> Woman-owned business</td> <td><input type="checkbox"/> SBE certified</td> </tr> </table> <p>*A firm participating as a DBE or SBE must be certified by the Louisiana Unified Certification Program (LAUCP) by the date of submittal. Current letter of certification shall be attached.</p>		<input type="checkbox"/> Small business	<input type="checkbox"/> SBA certified	<input type="checkbox"/> Minority-owned business	<input type="checkbox"/> LAUCP DBE certified	<input type="checkbox"/> Woman-owned business	<input type="checkbox"/> SBE certified											
<input type="checkbox"/> Small business	<input type="checkbox"/> SBA certified																		
<input type="checkbox"/> Minority-owned business	<input type="checkbox"/> LAUCP DBE certified																		
<input type="checkbox"/> Woman-owned business	<input type="checkbox"/> SBE certified																		
9. Is this submittal a joint venture (JV)? <input type="checkbox"/> Yes <input type="checkbox"/> No  If so, has the JV worked together before? <input type="checkbox"/> Yes <input type="checkbox"/> No	13. Summary of firm's annual revenues, insert index number: <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;"><u>Last Year</u></td> <td style="text-align: center;"><u>2 Years Ago</u></td> <td style="text-align: center;"><u>3 Years Ago</u></td> </tr> </table> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;"><u>Index</u></td> <td style="border: none;"></td> <td style="text-align: center;"><u>Index</u></td> </tr> <tr> <td style="text-align: center;">1</td> <td style="border: none;">less than \$250,000</td> <td style="text-align: center;">4</td> </tr> <tr> <td style="text-align: center;">2</td> <td style="border: none;">\$250,000 to \$1,000,000</td> <td style="text-align: center;">5</td> </tr> <tr> <td style="text-align: center;">3</td> <td style="border: none;">\$1,000,000 to \$3,000,000</td> <td style="border: none;"></td> </tr> </table> </td> <td style="width: 50%; border: none; vertical-align: top;">                     Ranges of annual revenues received:                 </td> </tr> </table>		<u>Last Year</u>	<u>2 Years Ago</u>	<u>3 Years Ago</u>	<table style="width: 100%; border: none;"> <tr> <td style="text-align: center;"><u>Index</u></td> <td style="border: none;"></td> <td style="text-align: center;"><u>Index</u></td> </tr> <tr> <td style="text-align: center;">1</td> <td style="border: none;">less than \$250,000</td> <td style="text-align: center;">4</td> </tr> <tr> <td style="text-align: center;">2</td> <td style="border: none;">\$250,000 to \$1,000,000</td> <td style="text-align: center;">5</td> </tr> <tr> <td style="text-align: center;">3</td> <td style="border: none;">\$1,000,000 to \$3,000,000</td> <td style="border: none;"></td> </tr> </table>	<u>Index</u>		<u>Index</u>	1	less than \$250,000	4	2	\$250,000 to \$1,000,000	5	3	\$1,000,000 to \$3,000,000		Ranges of annual revenues received:
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1	less than \$250,000	4																	
2	\$250,000 to \$1,000,000	5																	
3	\$1,000,000 to \$3,000,000																		

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

Typed Name: \_\_\_\_\_ Title: \_\_\_\_\_

# LAFAYETTE AIRPORT COMMISSION

## DBE FORM 3 - DOCUMENTATION OF GOOD FAITH EFFORTS FORM – FEDERAL PROJECTS

### INFORMATION

If the Respondent or Proposer cannot fully meet the DBE goal of this Contract, the Respondent or Proposer shall complete Schedule DBE Form 3 **and attach documentation demonstrating the Respondent's or Proposer's good faith efforts**. LAC has the authority to make a fair and reasonable judgment whether a Respondent or Proposer that did not meet the contract goal made adequate good faith efforts. Respondents are required to demonstrate Good Faith Efforts with additional documentation as applicable including call logs, posted advertisements, attendance to pre-bid/submittal meetings, and records of negotiation.

The following is a list of types of actions which LAC considers as part of the bidder's good faith efforts to obtain DBE participation. It is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases.

1. (A) Conducting market research to identify small business contractors and suppliers and soliciting through all reasonable and available means the interest of all certified DBEs that have the capability to perform the work of the contract. This may include attendance at pre-bid and business matchmaking meetings and events, advertising and/or written notices, posting of Notices of Sources Sought and/or Requests for Proposals, written notices or emails to all DBEs listed in the Louisiana Unified Certification Program (LAUCP) database.  
  
(B) The bidder should solicit this interest as early in the acquisition process as practicable to allow the DBEs to respond to the solicitation and submit a timely offer for the subcontract. The bidder should determine with certainty if the DBE firms are interested by taking appropriate steps to follow up initial solicitations.
2. Selecting portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units (for example, smaller tasks or quantities) to facilitate DBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces. This may include, where possible, establishing flexible timeframes for performance and delivery schedules in a manner that encourages and facilitates DBE participation.
3. Providing interested DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation with their offer for the subcontract.
4. (A) Negotiating in good faith with interested DBE firms. It is the bidder's responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional Agreements could not be reached for DBEs to perform the work.  
  
(B) A bidder using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBEs is not in itself sufficient reason for a bidder's failure to meet the contract DBE goal, as long as such costs are reasonable. Also, the ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts. Prime contractors are not, however, required to accept higher quotes from DBE firms if the price difference is excessive or unreasonable.
5. (A) Not rejecting DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The contractor's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union status) are not legitimate causes for the rejection or non-solicitation of bids in the contractor's efforts to meet the project goal. Another practice considered an insufficient good faith effort is the rejection of the DBE firm because its quotation for the work was not the lowest received. However, nothing in this paragraph shall be construed to require the bidder or prime contractor to accept unreasonable quotes in order to satisfy contract goals.  
  
(B) A prime contractor's inability to find a replacement DBE at the original price is not alone sufficient to support a finding that good faith efforts have been made to replace the original DBE firm. The fact that the contractor has the ability and/or desire to perform the contract work with its own forces does not relieve the contractor of the obligation to make good faith efforts to find a replacement DBE, and it is not a sound basis for rejecting a prospective reasonable quote from a replacement DBE firm.
6. Making efforts to assist interested DBE firms in obtaining bonding, lines of credit, or insurance as required by the recipient or contractor.
7. Making efforts to assist interested DBE firms in obtaining necessary equipment, supplies, materials, or related assistance or services.

# LAFAYETTE AIRPORT COMMISSION

## DBE FORM 3 - DOCUMENTATION OF GOOD FAITH EFFORTS FORM –FEDERAL PROJECTS

If you have not demonstrated attainment of the amount of DBE participation needed to meet the contract goal, you are required to complete and submit this form along with DBE Form 1 – Contract Participation and DBE Commitment.

**BIDDERS:** *If the bidder is unable to meet the DBE Goal, this completed form, along with all required supporting documentation, must be furnished by the two (2) apparent lowest bidders within three (3) days of the bid opening. Should the bidder fail to comply with this request, the bid shall be considered non-responsive.*

**RESPONDENTS:** *If the proposer is unable to meet the DBE goal, this completed form must be furnished with your proposal.*

RFP / RFQ / Bid / Solicitation / Other # \_\_\_\_\_ Bid / Proposal Amount: \$ \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Project Title: \_\_\_\_\_  
 \_\_\_\_\_  
Name of Bidder/Respondent Firm

\_\_\_\_\_ has satisfied the requirements of the bid/proposal specifications for the above

BID / RFP / RFQ or solicitation by the LAC in the following manner: *(Please, check the appropriate box.)*

- The Bidder / Respondent is unable to meet the DBE contract goal and has completed and submitted DBE Form 1 – Contract Participation and DBE Commitment, along with all required supporting GFE documentation.
- The Bidder / Respondent is unable to meet the DBE contract goal, however is committed to a minimum of \_\_\_\_\_ % DBE utilization on this contract and has completed and submitted DBE Form 1 – Contract Participation and DBE Commitment, along with all required supporting GFE documentation.

I HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT.

PRINTED NAME: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_, TITLE \_\_\_\_\_

**Instructions:** Please, complete sections A through D, and include all specific supporting documentation, as outlined below. Attach additional pages, if necessary. All sections of this form MUST be completed, or your response will be deemed non-responsive. If you feel that any section of this is Not Applicable, DO NOT respond/write Not Applicable or N/A. You must provide a written statement as to why section is Not Applicable to your response. Attach additional pages, if necessary.

- SPECIFIC PORTIONS OF WORK IDENTIFIED FOR DBE SUBCONTRACTOR: Complete section A.
- NOTIFYING CERTIFIED DBES OF CONTRACTING OPPORTUNITIES: Please, attach a copy of the announcement and written notices distributed to DBEs. Example: Newspaper, e-mail, mail correspondence, and community outreach notices, etc.
- INITIAL SOLICITATION & FOLLOW-UP OF INITIAL SOLICITATION: Bidders / Respondents may only solicit from any local or state certifying agency.
- NEGOTIATE IN GOOD FAITH: Please, provide a copy of all correspondence documenting negotiation efforts including written rejection notices and copies of DBE and non-DBE quotes.

**LAFAYETTE AIRPORT COMMISSION  
DBE FORM 3 - DOCUMENTATION OF GOOD FAITH EFFORTS FORM - FEDERAL PROJECTS**

**A. SPECIFIC PORTIONS OF WORK IDENTIFIED FOR DBE SUBCONTRACTOR:** You MUST list all selected scopes or portions of work to be performed by DBE firms in order to increase the likelihood of meeting the contract goal for this project and the estimated value of each scope or portions of work identified. Use additional pages, if warranted.

Scope or Portions of Work Identified for DBE Participation	Estimated Value	% of Contract Value
1	\$	
2	\$	
3	\$	
4	\$	
5	\$	
6	\$	
7	\$	
8	\$	
9	\$	
10	\$	
11	\$	
12	\$	
13	\$	
14	\$	
15	\$	
16	\$	
17	\$	
18	\$	
19	\$	
20	\$	
<b>TOTALS</b>	\$	

Previous versions obsolete.

Revised 12/17/2018

Initial \_\_\_\_\_



**DBE FORM 3 - DOCUMENTATION OF GOOD FAITH EFFORTS FORM - FEDERAL PROJECTS**  
**LAFAYETTE AIRPORT COMMISSION**

**B. NOTIFYING CERTIFIED DBEs OF CONTRACTING OPPORTUNITIES:** Please complete all fields below, list all sources of advertisement and outreach to DBE subs.

I. Did you attend all pre-bid and/or outreach meeting scheduled by the LAC to inform DBEs of subcontracting opportunities?

YES	NO	Date of Meeting
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	

II. You MUST identify publications in which announcements or notifications were placed and published. Include a copy of each announcement or notification.

Source of Advertising/Outreach	What subcontracting areas of work were advertised?	Date of Ad	Due Date & Time for Sub Bids		LAC VERIFICATION
			Date	Time	
1					
2					
3					
4					

**C. INITIAL SOLICITATION & FOLLOW-UP:** You MUST complete all fields below, list all certified DBE firms that received written notification of work items to be subcontracted. If no response was received to the initial solicitation, you must indicate when firms received subsequent telephone or e-mail solicitations (list delivery or read receipts date and certified firm's response). You must include copies of the physical and/or electronic notice(s) sent to certified firms. Use additional pages, as warranted.

DBE FIRM & CONTACT	PHONE	Scope of Work Solicited	Date of Written Notification	Result of Initial Communication	Date of Follow-up and Method of Contact (Phone, Fax, E-mail)	Result of Follow-up Communication
Ex. ABC Company/Jane Smith	(337) 123-4567	Legal services	01/10/18	Will submit a quote	01/10/18 e-mail	Quote received
1						
2						
3						
4						
5						
6						
7						
8						
9						

**LAFAYETTE AIRPORT COMMISSION  
DBE FORM 3 - DOCUMENTATION OF GOOD FAITH EFFORTS FORM - FEDERAL PROJECTS**

DBE FIRM & CONTACT <i>Ex. AEC Company / Jane Smith</i>	PHONE <i>(337) 123-4567</i>	Scope of Work Solicited <i>Legal services</i>	Date of Written Notification <i>01/01/18</i>	Result of Initial Communication <i>Will submit a quote</i>	Date of Follow-up and Method of Contact (Phone, Fax, E-mail) <i>01/10/18</i> <i>e-mail</i>	Result of Follow-up Communication <i>Quote received</i>
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						
21						
22						
23						
24						
25						
26						
27						
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29						
30						
31						
32						

**DBE FORM 3 - DOCUMENTATION OF GOOD FAITH EFFORTS FORM - FEDERAL PROJECTS**  
**LAFAYETTE AIRPORT COMMISSION**

DBE FIRM & CONTACT	PHONE	Scope of Work Solicited	Date of Written Notification	Result of Initial Communication	Date of Follow-up and Method of Contact (Phone, Fax, E-mail)	Result of Follow-up Communication
<i>Ex. AEC Company Jane Smith</i>	<i>(337) 123-4567</i>	<i>Legal services</i>	<i>01/01/18</i>	<i>Will submit a quote</i>	<i>01/10/18</i>	<i>Quote received</i>
33						
34						
35						
36						
37						
38						
39						
40						

**D. NEGOTIATE IN GOOD FAITH:** You MUST provide an explanation for any rejected DBE bid or price quotation, unless another DBE is accepted for the same work, as follows:

I. Where price competitiveness is not the reason for rejection, you **MUST** complete all fields below and provide a copy of the written rejection notice including the reason for rejection to the rejected DBE firm. A meeting may be held with the rejected DBEs, if requested, to discuss the rejection. Use additional pages, as warranted. You **MUST** attach a copy of the notice.

DBE Subcontractor	Scope	Date rejection notice sent	Reason	Meet with DBE Sub?	
				Yes	No
1				<input type="checkbox"/>	<input type="checkbox"/>
2				<input type="checkbox"/>	<input type="checkbox"/>
3				<input type="checkbox"/>	<input type="checkbox"/>
4				<input type="checkbox"/>	<input type="checkbox"/>
5				<input type="checkbox"/>	<input type="checkbox"/>
6				<input type="checkbox"/>	<input type="checkbox"/>
7				<input type="checkbox"/>	<input type="checkbox"/>
8				<input type="checkbox"/>	<input type="checkbox"/>
9				<input type="checkbox"/>	<input type="checkbox"/>
10				<input type="checkbox"/>	<input type="checkbox"/>

**LAFAYETTE AIRPORT COMMISSION  
DBE FORM 3 - DOCUMENTATION OF GOOD FAITH EFFORTS FORM - FEDERAL PROJECTS**

DBE Subcontractor	Scope	Date rejection notice sent	Reason	Meet with DBE Sub?		
				Yes	No	Not requested
11				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

II. Where price competitiveness is the reason for rejection, you MUST complete all fields below, and attach copies of all DBE and non-DBE bid quotes. Use additional pages, as warranted.

DBE Subcontractor	Scope	Quote	Non-DBE Subcontractor	Scope	Quote	Price Variance (+/-)
1		\$	1		\$	%
2		\$	2		\$	%
3		\$	3		\$	%
4		\$	4		\$	%
5		\$	5		\$	%
6		\$	6		\$	%
7		\$	7		\$	%
8		\$	8		\$	%
9		\$	8		\$	%
10		\$	8		\$	%

**LAFAYETTE AIRPORT COMMISSION  
DBE FORM 3 - DOCUMENTATION OF GOOD FAITH EFFORTS FORM - FEDERAL PROJECTS**

	DBE Subcontractor	Scope	Quote	Non-DBE Subcontractor	Scope	Quote	Price Variance (+/-)
11			\$	8		\$	%
12			\$	8		\$	%
13			\$	8		\$	%
14			\$	8		\$	%
15			\$	8		\$	%
16			\$	8		\$	%
17			\$	8		\$	%
18			\$	8		\$	%
19			\$	8		\$	%
20			\$	8		\$	%

III. You MUST provide a copy of all correspondence documenting negotiation efforts, including copies of DBE and non-DBE quotes and written rejection notices.

IV. Please, provide narrative details of any other efforts your firm conducted to attain the DBE goal. Use additional pages, as warranted.

LAFAYETTE AIRPORT COMMISSION
DBE FORM 4 – STATEMENT OF INTENT TO PERFORM
AS A DBE PRIME / SUBCONTRACTOR / SUBCONSULTANT / VENDOR

(PRIME MUST SUBMIT WITH SEALED BID.)

TO: \_\_\_\_\_
Name of Prime Contractor / Consultant / Vendor

RE: Contract No. \_\_\_\_\_ Task/Work Order No. \_\_\_\_\_

The undersigned intends to perform work, provide services and/or goods in connection with the above referenced project, as: (Check the appropriate designation)

- an individual, a Corporation, a Partnership, a Joint Venture, a Limited Liability Corporation, a Limited Liability Partnership

The undersigned is prepared to perform the following detailed description of work and/or provide services or provide goods in connection with the above referenced project:

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

at the following price \$ \_\_\_\_\_ / percentage (of total bid amount) \_\_\_\_\_ %.

The undersigned will further subcontract or award \_\_\_\_\_ % of the dollar value of this subcontract to non-DBE firms.

The undersigned agrees to enter into a contract with you to perform the above work, if you are awarded the prime contract.

DATE \_\_\_\_\_

DBE SUBCONTRACTOR

Subcontractor's Address \_\_\_\_\_

By: \_\_\_\_\_

Signature

City and State \_\_\_\_\_

Title

Phone No. \_\_\_\_\_

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

Printed or Typed

SWORN TO AND SUBSCRIBED, before me this \_\_\_\_\_ day of \_\_\_\_\_.

NOTARY PUBLIC

(Seal)

My commission expires \_\_\_\_\_.

# LAFAYETTE AIRPORT COMMISSION

## DBE FORM 7 - REQUEST FOR REMOVAL and/or SUBSTITUTION

(FOR USE ANYTIME AFTER BID SUBMITTAL)

Project Title: \_\_\_\_\_

Prime Contractor \_\_\_\_\_

All reasonable efforts need to be made to avoid termination or substitution of an DBE listed at bid or on DBE Form 1 - Contract Participation and DBE Commitment. Approval of this removal/substitution request does not relieve the Prime Contractor of its obligation to meet the DBE contract/project goal.

Subcontractor to be substituted: \_\_\_\_\_

Is subcontractor a certified DBE?       LAUCP       Non-DBE

Indicate the following dates (attach supporting documentation for each):

Determined to be unwilling, unable, ineligible to perform	Date of written notice to subcontractor	Date of subcontractor response

Original scope of work: \_\_\_\_\_

Indicate the following:

Original subcontract	Services completed	Paid, to date
\$	\$	\$

Detailed reason for substitution: (Use additional sheets if necessary, and attach any supporting documentation)

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

Proposed subcontractor: \_\_\_\_\_

Is proposed subcontractor a certified DBE?       LAUCP       Non-DBE

Scope of work to be substituted: \_\_\_\_\_

Amount of subcontract: \$ \_\_\_\_\_

Is substitution schedule/time-sensitive?    Yes    No   If Yes, give date: \_\_\_\_\_

Title: \_\_\_\_\_      Printed Name: \_\_\_\_\_

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

FOR OFFICE USE ONLY	Printed Name	Signature	Date Reviewed	Decision
Project Manager				<input type="checkbox"/> Approve <input type="checkbox"/> Deny
DBELO				<input type="checkbox"/> Approve <input type="checkbox"/> Deny

# LAFAYETTE AIRPORT COMMISSION

## Lafayette Regional Airport

### DBE Form 9 - Invoice & Monthly Activity Report of DBE Participation

#### Instructions & Definitions & Document Checklist

As per your agreement with the Lafayette Airport Commission (LAC), your firm is required to complete a report of Disadvantaged Business Enterprise (DBE) participation. This report should consist of all labor subcontractors (DBE and non-DBE) and DBE suppliers and brokers (list commissions/fees separate from brokered item) whereby purchases of goods and/or services have occurred **during the life of the contract**. Non-DBE suppliers should only be listed upon request. **This report must be submitted, monthly, whether it is attached to an invoice or not. If this report is not attached to an invoice, it must be submitted by the 20th day following the month of payment activity being reported.** At the end of the federal fiscal year (Oct – Sep), an annual activity report will be sent out to Prime contractors, summarizing fiscal year activity for each contract (or task/work order), and the notarized original must be submitted to the DBE Office. To reduce paperwork, the monthly activity report has been combined with information collection on the invoice being submitted.

DBE-certified means federally certified by a member of the Louisiana Unified Certification Program ([www.LAUCP.org](http://www.LAUCP.org)). Firms must be DBE-certified at the time of bid and execution of subcontract, change or task order to be counted toward meeting the goal.

For the previous month, each report should be accompanied by back-up documentation to confirm reported subcontractor payments. Back-up documentation may be in the form of an accounts payable log or copies of cancelled checks (front and back). The first page of the report serves as a summary of all detailed participation on the invoice and contract or task/change order.

IF YOU ARE FILLING THIS OUT USING MS WORD, use the TAB and arrow keys to make the form auto-calculate.

#### Invoice, Report and Contract General Information (1<sup>st</sup> page; top half)

1. Monthly Payment Activity – Indicate the month of payments being reported to the DBE Office, usually the month preceding an attached invoice. Only monies received or paid during the specific month should be reported.
2. Invoice – Enter the submission date of the current invoice for this report. Indicate the invoice number; total amount requested; and estimated dollar amount of DBE participation. Est. DBE Participation should only reflect monies that can be counted toward the goal (see Item 6).
3. Enter the contact information for the Prime; the title of the Project; and the Contract No. (number) for this report.
4. Contract – Provide information about this specific contract or task/work order. Your contract may or may not have task or work orders issued. If it does not, leave *This Task/Work Order No.* blank. Enter the number of currently executed change orders (for this contract or order), if applicable. Indicate this contract's NTP or start date and projected completion date; the original and current, total contract amounts; and the assigned DBE goal.

#### Subcontractor Details (2<sup>nd</sup> and subsequent pages)

5. List each labor or professional service subcontractor, trucking company, DBE supplier and DBE broker listed at bid, award or utilized during the life of the contract, on all tier levels. The Prime is Tier 1. Indicate contact information for compliance inquiries; original contract amount for this contract or order; the role of the participant (subcontractor, supplier, trucking, broker); anticipated start and end date of services; and Description to be provided. No Tier 3+ monies should be reflected in upper tiers.
6. DBE Credit – Refer to 49 CFR Part 26.55 for complete details. Firm must have been DBE-certified at bid and sub/contract execution. If a firm's DBE-certification status has changed during contract execution, please, contact the DBE Office for clarification on counting.
  - Non-DBE labor or professional services subcontractors and trucking firms contribute **0%** towards the DBE goal. Information on Non-DBE suppliers and brokers do not need to be listed unless otherwise requested by the DBE Office.
  - Labor or professional services subcontractor – **enter 100%**. If a subcontractor's DBE-certification status has changed, please, contact the DBE Office for assistance. If subcontractor is a joint venture, list DBE-certified ownership percentage. 49 CFR Part 26.55(b) states, "When a DBE performs as a participant in a joint venture, count a portion of the total dollar value of the contract equal to the distinct, clearly defined portion of the work of the contract that the DBE performs with its own forces toward DBE goals."



- Regular dealer or supplier – Per 49 CFR Part 26.55(e)(3), only 60% of Regular Dealer/Supplier materials provided can be counted toward DBE participation, so **enter 60%**. If a joint venture is acting as a Regular Dealer/Supplier, indicate 60% for the materials provided by any DBE partner, or, if acting together, wholly, calculate 60% of the JV DBE percentage.
  - Broker – **100% of commissions/fees and 0% of material** can be counted. The cost of materials obtained through a Broker/Agent is not eligible for DBE participation and must be listed separately, at 0%. If a joint venture is acting as a Broker/Agent, indicate 60% for the DBE partner commissions/fees earned and 0% for non-DBE partner commissions/fees earned, or, if acting together, wholly, calculate 60% of the JV DBE percentage for DBE commissions earned and 0 for JV non-DBE commissions earned.
  - Trucking – **100%** of services provided by firm's fleet may be counted. Other counting arrangements must be evaluated by the DBELO to ensure federal regulations allow any further counting.
7. For each subcontract, indicate: Original and Current Total Subcontract Amounts; total number of executed change orders, if applicable; Total monies paid during the month indicated; and Total monies paid during the life of the subcontract agreement.
  8. Amount Requested This Invoice should reflect the total dollars requested for each participant.

**Report Summary (1<sup>st</sup> page; middle, summary section)**

9. Amount Paid To Prime During Month and To Date – Should only reflect dollars received or paid during the indicated month, relative to this contract or order.
10. DBE Participation During Month and To Date -- Should only reflect the DBE participation portion of dollars received or paid during the indicated month or to-date, relative to this contract or order, as indicated by each participant's DBE Credit box.
11. DBE Participation Total Contract Amount – Should reflect the DBE participation portion, relative to this order, as indicated by each participant's DBE Credit box.
12. DBE Attainment – This section is optional and only represents a best-guess as to your current and final attainment towards the goal. The DBELO will ascertain committed, current, and projected DBE attainment. Estimated DBE Attainment percentage is calculated by dividing DBE Payments To Date by Amount Paid to Prime To Date. Projected DBE Attainment percentage is calculated by dividing DBE Current Total Contract Amount by This Task/Change Order's Current Contract Amount.

**Sworn Statement (1<sup>st</sup> page, bottom)**

13. This report must be signed and dated by a representative of the Prime's firm. LAC may impose a penalty for submitting false information.

**Documentation Checklist**

With Every Payment Request:

- Invoice
- This DBE Form 9 – Invoice & Monthly Activity Report
- Accounts payable log(s) or copies of cancelled checks (front and back) for amounts reported paid to participants during the month

One-Time or As-Needed:

- Copy of executed contract or task/work order referenced in DBE Form 9
- Copy of each listed participant's executed subcontract agreement or purchase order(s) to Program Management and the DBE Office

[NOTE: Documentation must contain the appropriate contract compliance language and provisions.]

- Request to Remove or Substitute (if necessary) – Any removal, substitution, or reduction in scope of work or commitment value of a DBE participant **MUST** be approved by DBELO

**Additional Notes**

14. A minimum of two (2) Commercially Useful Function (CUF) audits will be conducted for each DBE firm, per contract.
15. All listed participants will be required to report and/or confirm payments, each month, in B2Gnow, an online compliance reporting system, until final payment is indicated.

**DBE Form 9**  
**Lafayette Airport Commission / Lafayette Regional Airport**  
**Disadvantaged Business Enterprise (DBE)**  
**Invoice & Monthly Activity Report**

This report must be submitted, monthly, whether it is attached to an invoice or not. If this report is not attached to an invoice, it must be submitted by the 20<sup>th</sup> day following the month of payment activity being reported.

<b>Monthly Payment Activity</b> <small>(For reporting of monies PAID during an entire, past month; usually, the month prior to this invoice)</small> YEAR _____ MONTH _____	<b>Invoice</b> <small>If this report is not attached to an invoice, skip this Invoice box and each subcontractor's Amount Requested This Invoice item.</small> DATE _____ NO. _____ AMOUNT REQUESTED \$ _____ EST. DBE PARTICIPATION \$ _____
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<b>PRIME CONTRACTOR</b> ADDRESS _____ TELEPHONE NO. _____ FAX NO. _____ E-MAIL _____ PROJECT TITLE _____ CONTRACT NO. _____	DBE Ownership of Prime % _____
<b>CONTRACT THIS TASK / WORK ORDER NO. (if applicable)</b> CHANGE ORDERS (count) _____ START DATE: _____ ORIG AMOUNT \$ _____ CURR AMOUNT \$ _____ EST. END DATE: _____ DBE GOAL % _____	

Amount Paid to Prime During Month	Amount Paid To Prime To Date	DBE Participation During Month	DBE Participation To Date	DBE Participation Total Contract Amount	DBE Attainment				
\$ _____	\$ _____	\$ _____	\$ _____	\$ _____	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Est. To Date</td> <td style="width: 50%;">Projected</td> </tr> <tr> <td style="text-align: center;">%</td> <td style="text-align: center;">%</td> </tr> </table>	Est. To Date	Projected	%	%
Est. To Date	Projected								
%	%								

I, \_\_\_\_\_, certify, under penalty of perjury, that the information contained herein is true and correct. I acknowledge that the LAC may impose a penalty for submitting false information.

\_\_\_\_\_ Title \_\_\_\_\_  
 \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

Submit, With Your Invoice, To:  
 Project Manager  
 Lafayette Airport Commission  
 Lafayette Regional Airport  
 222 Jet Ranger X Dr.  
 Lafayette, LA 70508

<b>FOR OFFICE USE ONLY</b>	Signature	Date	Notes
Project Manager			
DBELO			

*Lafayette Airport Commission / Lafayette Regional Airport  
Disadvantaged Business Enterprise (DBE)  
DBE Form 9 - Invoice & Monthly Activity Report*

YEAR: \_\_\_\_\_ MONTH: \_\_\_\_\_

<b>PRIME CONTRACTOR</b>	<b>TASKWORK ORDER NO. (if applicable)</b>
<b>PROJECT TITLE</b>	
<b>CONTRACT NO.</b>	<b>INVOICE NO.</b>

*List all labor subcontractors (DBE and non-DBE) and DBE suppliers and brokers (list commissions/fees separate from brokered item). DBE Credit indicates percentage of dollars counted toward meeting DBE goal (typically 100% for DBE labor subcontractors and broker commissions/fees; 60% for DBE suppliers; and 0% for non-DBEs and brokered items). Non-DBE suppliers should only be listed upon request.*

1	FIRM NAME	CONTACT PERSON	DBE Credit	Original Total Subcontract Amount	Current Total Subcontract Amount	Change Orders (count)	Amount Paid During Month	Amount Paid To Date	Amount Requested In Attached Invoice
		Name: _____ Title: _____ E-Mail: _____ Phone: _____ Tier: _____ Role: _____ SUBCONTRACTOR   SUPPLIER   TRUCKING   BROKER Start Date: _____ End Date: _____ Description: _____	% \$	\$	\$		\$	\$	\$
		<b>SERVICES PROVIDED</b>							
		Name: _____ Title: _____ E-Mail: _____ Phone: _____ Tier: _____ Role: _____ SUBCONTRACTOR   SUPPLIER   TRUCKING   BROKER Start Date: _____ End Date: _____ Description: _____	% \$	\$	\$		\$	\$	\$
		<b>SERVICES PROVIDED</b>							
		Name: _____ Title: _____ E-Mail: _____ Phone: _____ Tier: _____ Role: _____ SUBCONTRACTOR   SUPPLIER   TRUCKING   BROKER Start Date: _____ End Date: _____ Description: _____	% \$	\$	\$		\$	\$	\$
		<b>SERVICES PROVIDED</b>							

Initial \_\_\_\_\_

# LAFAYETTE AIRPORT COMMISSION

## DBE FORM 10 - REQUEST TO JOINT CHECK WITH DBE SUBCONTRACTOR

### JOINT CHECKS POLICY AND PROCEDURES

What follows is the joint check policy and procedures of the Lafayette Airport Commission (LAC). A joint check is a two-party check between a DBE, a prime contractor and the regular dealer of material/supplies. Typically, the prime contractor issues the check as payer to the DBE and the supplier jointly (to guarantee payment to the supplier) in payment for the material/supplies used by the DBE.

A primary concern with allowing joint checks is that such a practice may make it difficult to determine whether the DBE is performing a commercially useful function. It also makes it much more difficult to gauge the extent to which the DBE is controlling its operations (independent of the other party involved in the joint check arrangement). The cost of material and supplies purchased by the DBE is part of the value of work performed by the DBE to be counted toward the goal. Under LAC policy, in order to receive credit, the DBE must be responsible for negotiating price, determining quality and quantity, ordering the materials, and installing (where applicable) and "paying for the material itself." 49 CFR 26.55(c)(1). When joint checks are used, a question is raised as to whether the transaction being carried out complies with regulatory requirements because of the involvement of another party other than the DBE in the issuance of the check for payment to the supplier.

In light of these concerns, the LAC will not object to the use of joint checks when the following conditions are met: (1) the second party (typically the prime contractor) acts solely as a guarantor, (2) the DBE must release the check to the supplier, (3) the use of joint checks is a commonly recognized business practice in the industry, (4) the LAC approves the practice before it is used, and (5) the LAC monitors its use closely to avoid abuse.

As part of its approval process (programmatically or on a case-by-case basis), the LAC shall analyze industry practice. Standard industry practice is one of several factors to consider in approving the use of joint checks. However, using joint checks should not be approved if doing so conflicts with other aspects of the DBE regulations regarding commercially useful function (CUF). For example, the practice of joint checks might be standard industry practice in a LAC, but the regulations do not allow the DBE to be used as an "extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of DBE participation. In determining whether a DBE is such an extra participant, the LAC must examine similar transactions, particularly those in which DBEs do not participate." See 49 CFR 26.55 (c)(2). Thus, Standard industry practice cannot be shown unless the practice is commonly employed outside of the DBE program for non-DBE subcontractors on both federal and LAC-funded contracts.

The LAC monitoring process ensures its use comports with agreed upon conditions and that such practice is not in conflict with the requirements of the DBE program. LAC requires the prime contractor/DBE furnish the cancelled check used for the payment of materials/supplies under the contract.

Listed below is a set of circumstances and conditions that should be considered in approving the use of joint checks.

**DBE Program -Joint Checks**

The practice of using joint checks in the DBE program should be closely monitored to ensure that such a practice does not erode the independence of the DBE firm. Close monitoring also ensures that the use of joint checks does not inhibit the DBE's ability to control its work and perform a commercially useful function (CUF). The LAC has established a solid basis for the use of joint checks that strikes a reasonable balance between the benefit to the DBE and the potential for abuse. Joint checks should not be allowed simply for the convenience of the prime contractor. Therefore, the following general circumstances should be present in support joint checks:

- Standard Industry practice applies to all contractors (federal and LAC contracts)
- Use of joint checks must be available to all subcontractors
- Material industry sets the Standard industry practice, not prime contractors
- Short term not to exceed reasonable time (i.e., one year, two years) to establish/increase a credit line with the material supplier
- No exclusive arrangement between one prime and one DBE in the use of joint checks that might bring independence into question
- Non-proportionate ratio of DBE's normal capacity to size of contract and quantity of material to be provided under the contract
- DBE is normally responsible for both to install and furnish the work item
- DBE must be more than an extra participant in releasing the check to the material supplier

General conditions for allowance:

- DBE submits request to LAC for action
- Subject of formalized agreement between all parties that specify the conditions under which the arrangement will be permitted
- Full and prompt disclosure of the expected use of joint checks
- Require prior approval
- Even with joint checks, DBE remains responsible for all other elements of 26.55(c)(1)
- LAC clearly determines that independence is not threaten because the DBE retains final decision-making responsibility
- LAC clearly determines that request is not an attempt to artificially inflate DBE participation.
- Certifying Standard industry practice is only one factor
- No requirement by prime contractor that DBE is to use a specific supplier nor the prime "contractors" negotiated unit price

# LAFAYETTE AIRPORT COMMISSION

## DBE FORM 10 - Request to Joint Check with DBE Subcontractor To Be Signed By Prime Contractor, Subcontractor & 3rd Party Supplier

<i>Prime Contractor</i>	<i>DBE Subcontractor</i>
<i>Project Title</i>	<i>Project No.</i>
<i>3rd Party Material/Equipment Supplier</i>	<i>Request Expiration (Date, Dollar Amount)</i>
<i>3rd Party Contact Person</i>	<i>Address of 3rd Party</i>
<i>3rd Party Phone Number and E-Mail Address</i>	

Initial request to joint check?     Prime Contractor     DBE Subcontractor     Material/Equipment Supplier

Reason for joint check utilization: \_\_\_\_\_

Description and cost of goods/services to be provided by 3rd party: \_\_\_\_\_

The Disadvantaged Business Enterprise (DBE) Office of the Lafayette Airport Commission (LAC) will closely monitor the use of joint checks. DBE Subcontractor must "be responsible for negotiating price, determining quality and quantity, ordering the material and installing (where applicable) and paying for the material itself". Only when a DBE meets all requirements should goal credit be counted for the procurement of items by the DBE. If the proper procedures are not followed or the DBE Liaison Officer (DBELO) determines that the arrangement results in a lack of independence for the DBE involved, no goal credit for the DBE's participation as it relates to the material cost will be used toward the contract goal requirement and the prime will be held responsible for not meeting this goal.

### AFFIDAVIT

I acknowledge and agree that any misrepresentations in this affidavit may be grounds for termination, suspension, debarment and for initiating action under federal and/or state law concerning false statement, fraud or other applicable offenses.

I declare under penalty of perjury that the information provided, herein, is true and correct.

Authorized DBE Subcontractor Representative		
<i>Signature</i>	<i>Title</i>	<i>Date</i>
Authorized 3rd Party Representative		
<i>Signature</i>	<i>Title</i>	<i>Date</i>
Authorized Prime Contractor Representative		
<i>Signature</i>	<i>Title</i>	<i>Date</i>

**NOTARY:**

SWORN AND SUBSCRIBED, before me, this \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_  
NOTARY PUBLIC

(Seal)

My commission expires \_\_\_\_\_

For LAC DBE Office Use Only				
Department	Date Reviewed	Printed Name	Signature	Decision
DBE Office				<input type="checkbox"/> Approved <input type="checkbox"/> Denied

**Lafayette Airport Commission (LAC)**  
**DBE FORM 11: REQUEST FOR DBE SUBCONTRACTOR MODIFICATION**  
 (FOR USE ANY TIME AFTER BID SUBMITTAL)

Project \_\_\_\_\_ Prime \_\_\_\_\_ Date \_\_\_\_\_

I certify that the information contained herein is true and correct. I acknowledge that the LAC may impose a penalty for submitting false information.

Printed Name \_\_\_\_\_ Title \_\_\_\_\_ Signature \_\_\_\_\_

Please, itemize any contract change that meets one of the following criteria: new work item or scope which does not fall into the scope of your DBE-certified subcontractor(s); work item or scope removed which fell into the scope of your DBE-certified subcontractor(s); addition of DBE subcontractor due to new work item or scope. Please, attach any relevant back-up documentation. Any Denied or Deferred item can be resubmitted as a new request with additional documentation. Any request to remove or substitute an DBE subcontractor requires an additional form - please, request from the DBELO.

Item No.	Board Action (e.g. LOA No. 7)	Firm	DBE Certification Status	Description of Work Item(s)	Original Item Amount (\$)	Current Item Amount (\$)	Reason(s) for Change	For LAC DBE Office Use Only
1			<input type="checkbox"/> Non-DBE <input type="checkbox"/> DBE					<input type="checkbox"/> Approved <input type="checkbox"/> Denied
2			<input type="checkbox"/> Non-DBE <input type="checkbox"/> DBE					<input type="checkbox"/> Approved <input type="checkbox"/> Denied
3			<input type="checkbox"/> Non-DBE <input type="checkbox"/> DBE					<input type="checkbox"/> Approved <input type="checkbox"/> Denied
4			<input type="checkbox"/> Non-DBE <input type="checkbox"/> DBE					<input type="checkbox"/> Approved <input type="checkbox"/> Denied
5			<input type="checkbox"/> Non-DBE <input type="checkbox"/> DBE					<input type="checkbox"/> Approved <input type="checkbox"/> Denied

<i>For LAC DBE Office Use Only</i>			
Department	Date Reviewed	Signature	
Project Manager			
DBE Office			

DBE FORM 11: Request for DBE Subcontractor Modification

Prime: \_\_\_\_\_

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

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

Item No.	Board Action (e.g. LOA No. 7)	Firm	DBE Certification Status	Description of Work Item(s)	Original Item Amount (\$)	Current Item Amount (\$)	Reason(s) for Change	For LAC DBE Office Use Only
6			<input type="checkbox"/> Non-DBE <input type="checkbox"/> DBE					<input type="checkbox"/> Approved <input type="checkbox"/> Denied
7			<input type="checkbox"/> Non-DBE <input type="checkbox"/> DBE					<input type="checkbox"/> Approved <input type="checkbox"/> Denied
8			<input type="checkbox"/> Non-DBE <input type="checkbox"/> DBE					<input type="checkbox"/> Approved <input type="checkbox"/> Denied
9			<input type="checkbox"/> Non-DBE <input type="checkbox"/> DBE					<input type="checkbox"/> Approved <input type="checkbox"/> Denied
10			<input type="checkbox"/> Non-DBE <input type="checkbox"/> DBE					<input type="checkbox"/> Approved <input type="checkbox"/> Denied
11			<input type="checkbox"/> Non-DBE <input type="checkbox"/> DBE					<input type="checkbox"/> Approved <input type="checkbox"/> Denied
12			<input type="checkbox"/> Non-DBE <input type="checkbox"/> DBE					<input type="checkbox"/> Approved <input type="checkbox"/> Denied
13			<input type="checkbox"/> Non-DBE <input type="checkbox"/> DBE					<input type="checkbox"/> Approved <input type="checkbox"/> Denied

Additional Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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Initial \_\_\_\_\_