



# DBE PROGRAM PLAN

Tallahassee, Florida

APRIL 2025

Prepared by



## **TABLE of CONTENTS**

<b>SUB-PART A - GENERAL REQUIREMENTS &amp; INFORMATION</b>	<b>3</b>
<b>POLICY STATEMENT</b>	<b>4</b>
Section 26.1, 26.23 Objectives/Policy Statement	4
Section 26.1 Objectives	6
Section 26.3 Applicability	6
Section 26.5 Definitions	6
Section 26.7 Non-discrimination Requirements	6
Section 26.11 Record Keeping Requirements	6
Section 26.13 Federal Financial Assistance Agreement	7
<b>SUBPART B - ADMINISTRATIVE REQUIREMENTS</b>	<b>8</b>
Section 26.21 DBE Program Updates	8
Section 26.23 Policy Statement	8
Section 26.25 DBE Liaison Officer (DBELO)	8
Section 26.27 DBE Financial Institutions	9
Section 26.29 Prompt Payment Mechanisms	9
Section 26.31 Directory	12
Section 26.33 Overconcentration	13
Section 26.35 Business Development Programs	13
Section 26.37 Monitoring and Enforcement Mechanisms	13
Section 26.39 Fostering Small Business Participation	14
<b>SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING</b>	<b>14</b>
Section 26.43 Set-asides or Quotas	14
Section 26.45 Overall Goal	14
Section 26.47 Goal Setting and Accountability	16
Section 26.49 Transit Vehicle Manufacturers Goals	16
Section 26.51(a-c) Breakout of Estimated Race-Neutral & Race-Conscious Participation	17
Section 26.51(d-g) Contract Goals	17
Section 26.53 Good Faith Efforts Procedures	17
Section 26.55 Counting DBE Participation	21
<b>SUBPART D – CERTIFICATION STANDARDS</b>	<b>22</b>
Section 26.61 – 26.73 Certification Process	22
<b>SUBPART E – CERTIFICATION PROCEDURES</b>	<b>22</b>
Section 26.81 Unified Certification Programs	22
Section 26.83 Procedures for Certification Decisions	23
Section 26.85 Interstate Certification	23
Section 26.86 Decision Letters	24
Section 26.87 Decertification	25
Section 26.88 Summary Suspension of Certification	25
Section 26.89 Appeals to the Department	26
Section 26.91 Actions Following DOT Certification Appeal Decisions	26
<b>SUBPART F – COMPLIANCE AND ENFORCEMENT</b>	<b>26</b>
Section 26.101 Compliance Procedures Applicable to the City	26
Section 26.103, 105 Enforcement Actions Applicable to FAA Programs	27
Section 26.107 Enforcement Actions Applicable to Participating Firms	27
Section 26.109 Information, Confidentiality, Cooperation	28
<b>ATTACHMENTS</b>	<b>28</b>

## Sub-Part A - General Requirements & Information

Sponsor	City of Tallahassee
Airport	Tallahassee International Airport
Location	Tallahassee, Florida
Trade Area	Leon County and three surrounding counties
Business Support	Manufacturing, Agriculture, Distribution Centers, Retail Sales, State Government, and Educational Facilities
Public Body	City Commission
Signature Body	Reese Goad, City Manager
Local Contact/DBELO	LaTanya Raffington, Manager MWSBE Division
Address	Office of Economic Vitality Minority, Women, & Small Business Enterprise (MWSBE) Division 315 S. Calhoun Street, Suite 450 Tallahassee, Florida 32301
Telephone Number	(850) 300 – 7566
Email	<a href="mailto:lraffington@OEVforBusiness.org">lraffington@OEVforBusiness.org</a>



**United States Department of Transportation - Federal Aviation Administration  
Disadvantaged Business Enterprise Program  
City of Tallahassee - Tallahassee International Airport**

**49 CFR Part 26 Section 26.1, 26.23 - Policy Statement and Objectives**

The City of Tallahassee (City) has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (USDOT), 49 CFR Part 26. The City of Tallahassee, as Sponsor of Tallahassee International Airport, has received Federal funds for airport development and the City has signed Grant Assurances from the Federal Aviation Administration (FAA) that it will comply with 49 CFR Part 26.

It is the policy of the City to ensure that DBEs as defined in Part 26, have an equal opportunity to receive and participate in USDOT-assisted contracts. It is also the City's policy:

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

**Ms. LaTanya Raffington, Senior Coordinator, Tallahassee-Leon County Office of Economic Vitality,** has been designated as the DBE Liaison Officer (DBELO). In this capacity, Ms. Raffington 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 City in its financial assistance agreements with the FAA.

This Policy Statement has been disseminated to the City Manager, Mayor, and City Commission of the City of Tallahassee and to all City Departments via interoffice memoranda. The City has distributed this statement to DBE and non-DBE vendor communities in the area via the City's website, local chambers of commerce, local trade organizations, professional organizations, and local minority, women, and disadvantaged business organizations.

A handwritten signature in black ink, appearing to read "DP", is written over a horizontal line.

David J. Pollard, C.M., Director of Aviation  
Tallahassee International Airport

Apr 11, 2025

Date






# TLH DBE program policy statement

Final Audit Report

2025-04-11

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## **Section 26.1 Objectives**

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

## **Section 26.3 Applicability**

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

## **Section 26.5 Definitions**

The City will adopt the definitions contained in Title 49 Subtitle A Part 26 Subpart A §26.5.

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

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

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

## **Section 26.11 Record Keeping Requirements**

### Reporting to USDOT: 26.11(b)

The City will report DBE participation to USDOT as follows:

The Airport will submit annually, by or before December 1, the Uniform Reports of DBE Awards or Commitments and Payments, as modified for use by FAA recipients, via FAA Civil Rights Connect (<https://faa.civilrightsconnect.com/>). The report will include information about all participating DBE firms.

### Bidders List: 26.11(c)(2)

The City will capture and compile the bidders list information as described in § 26.11(c)(2) and enter it into USDOT's designated system. This data will assist the City in gathering accurate data on both DBE and non-DBE contractors and subcontractors who want to work on federally assisted projects at the Airport. The list may also assist the City in setting overall DBE goals and provide USDOT with data to assess how well the City is meeting the objectives of § 26.1.

The City will collect the following information about all DBE and non-DBE firms who bid as prime contractors and subcontractors on each of its federally assisted contracts:

- Firm name
- Firm address, including ZIP code
- DBE or non-DBE status of the firm
- Race and sex of the firm's majority owner

- Applicable NAICS codes for the scopes of work the firms sought to perform
- Age of the firm
- Annual gross receipts of firms.

The City will collect the data from all bidders for its federally assisted contracts by requiring the information in paragraph (c)(2) of this section to be submitted with their bids or initial responses to negotiated procurements. The City will collect this information using the Bidders List Data Collection form, as shown in [Attachment 9](#).

The City will enter this data into USDOT's designated system no later than December 1 following the fiscal year in which the relevant contract was awarded.

In the case of a "design-build" contracting situation where subcontracts will be solicited throughout the contract period as defined in a DBE Performance Plan pursuant to § 26.53(e), the City will enter the data no later than December 1 following the fiscal year in which the design-build contractor awards the relevant subcontract(s).

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

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

#### Assurance: 26.13(a)

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

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

#### Contract Assurance: 26.13b

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

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

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

## **SUBPART B - ADMINISTRATIVE REQUIREMENTS**

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

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

### **Section 26.23 Policy Statement**

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

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

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

**Ms. LaTanya Raffington, Senior Coordinator**  
**Tallahassee-Leon County Office of Economic Vitality**  
**Minority, Women, & Small Business Enterprise (MWSBE) Division**  
**315 S. Calhoun Street, Suite 450**  
**Tallahassee, Florida 32301**  
**(850) 891 – 6500**  
[LRaffington@OEVforBusiness.org](mailto:LRaffington@OEVforBusiness.org)

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the City complies with all provisions of 49 CFR Part 26. The DBELO has direct, independent access to the Assistant City Manager concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in [Attachment 1](#) to this program.

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

1. Gathers and reports statistical data and other information as required by USDOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.



4. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract-specific goals).
5. Analyzes the City's progress toward attainment and identifies ways to improve progress.
6. Participates in pre-bid meetings.
7. Advises the City on DBE matters and achievement.
8. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
9. Determines compliance of bidders/offerors with good faith efforts in bid submittals.
10. Plans and participates in DBE training seminars.
11. Provides outreach to DBEs and community organizations to advise them of opportunities.

## **Section 26.27 DBE Financial Institutions**

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

In developing this DBE program, the City's efforts did not identify any such institutions within its service area. The DBELO will conduct an evaluation on a yearly basis, using the database at <https://www.fdic.gov/minority-depository-institutions-program/minority-depository-institutions-list>. If any such institutions are established in the Airport's service area, the City will consider the services offered by these institutions and refer them to contractors, as noted above.

## **Section 26.29 Prompt Payment Mechanisms**

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

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

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

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

To implement this measure, for every airport construction project funded under federal grant assistance programs, the City will include the applicable clause from FAA Advisory Circular

150/5370-10 (Section 90-06) pertaining to the selected retainage method. The applicable clause will be included verbatim with the exception that the reference to “30 days” will be changed to “10 days” in accordance with the State of Florida’s prompt payment act<sup>1</sup>.

- a. From the total of the amount determined to be payable on a partial payment, 10% percent of such total amount will be deducted and retained by the City for protection of the City’s interests. Unless otherwise instructed by the City, the amount retained by the City will be in effect until the final payment is made except as follows:*
  - (1) Contractor may request release of retainage on work that has been partially accepted by the City in accordance with Section 50-14. Contractor must provide a certified invoice to the RPR that supports the value of retainage held by the City for partially accepted work.*
  - (2) In lieu of retainage, the Contractor may exercise at its option the establishment of an escrow account per paragraph 90-08.*
- b. The Contractor is required to pay all subcontractors for satisfactory performance of their contracts no later than 10 days after the Contractor has received a partial payment. Contractor must provide the City evidence of prompt and full payment of retainage held by the prime Contractor 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 City. When the City 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.*
- c. When at least 95% of the work has been completed to the satisfaction of the RPR, the RPR shall, at the City’s discretion and with the consent of the surety, prepare estimates of both the contract value and the cost of the remaining work to be done. The City may retain an amount not less than twice the contract value or estimated cost, whichever is greater, of the work remaining to be done. The remainder, less all previous payments and deductions, will then be certified for payment to the Contractor.*

The City will proactively monitor prime contractors’ compliance with subcontractor prompt payment and return of retainage requirements. The City will share information regarding required documentation for payment with subcontractors. The City will take steps to promote the timely submission by contractors of invoices for payment, and will also maintain adequate internal controls to facilitate timely payment to contractors.

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

The City clearly understands and acknowledges that reliance on complaints or notifications from subcontractors about a contractor’s failure to comply with prompt payment and retainage requirements is not a sufficient monitoring and oversight mechanism. Therefore, the City will undertake proactive monitoring and oversight of prime contractors’ compliance with subcontractor prompt payment and return of retainage requirements of 49 CFR Part 26. The City will require prime contractors to report documentation of payments to subcontractors monthly. The City will send emails to subcontractors on the day that prime contractors have been paid to inform them of when

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<sup>1</sup> <https://www.flsenate.gov/Laws/Statutes/2012/0255.073>

the payment clock starts. The DBELO will review and verify that payments have been made and retainage has been returned to subcontractors in accordance with section 26.29.

The City will require prime contractors to maintain records and documents of payments to subcontractors, including DBEs, for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for the City's financial assistance agreement, whichever is longer. These records will be made available for inspection upon request by any authorized representative of the City or DOT. This reporting requirement extends to all subcontractors, both DBE and non-DBE.

The City uses a number of DBE forms, which can be found in [Attachment 3](#), to collect DBE information for initial project setup and for ongoing monitoring of DBE participation:

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

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

#### Prompt Payment Dispute Resolution

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

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

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

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

#### Prompt Payment Complaints

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

1. The affected subcontractor shall file a complaint with the prime contractor directly regarding payment.

2. If filing a complaint with the prime contractor does not result in timely and meaningful action by the prime contractor to resolve the prompt payment dispute, the affected subcontractor may contact the Airport's DBELO.
3. If filing a prompt payment complaint with the DBELO does not result in timely and meaningful action by the City to resolve prompt payment disputes, the affected subcontractor may contact the FAA Office of Civil Rights.
4. Pursuant to Sec. 157 of the FAA Reauthorization Act of 2018, all complaints related to prompt payment will be reported via FAA Civil Rights Connect, including the nature and origin of the complaint and its resolution.

#### Enforcement Actions for Noncompliance of Participants

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

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

The City will actively implement the enforcement actions detailed above.

### **Section 26.31                      Directory**

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

FDOT maintains active lists of certified disadvantaged businesses located throughout the state. Therefore, all of the firms listed in the directory have been certified by this state and in accordance with USDOT criteria. Also, the Florida Department of Management Services, which maintains a list of small businesses<sup>2</sup>, may be consulted to identify potential DBE firms.

The directory lists the following details about each certified firm:

- Business name
- Business address
- Business phone number
- Firm website(s)
- Types of work the firm has been certified to perform as a DBE and/or ACDBE

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<sup>2</sup> <https://osd.dms.myflorida.com/directories>

- The specific North American Industry Classification System (NAICS) code(s) that describes the type of work a DBE and/or ACDBE is eligible to perform

The UCP directory may include additional data fields of other items that are readily verifiable in state or locally maintained databases, such as state licenses held, pre-qualifications, and bonding capacity. The UCP directory is an online system that permits the public to search and/or filter for DBEs by:

- Physical location
- NAICS code(s)
- Work descriptions
- All additional data fields of readily verifiable optional information described above.

The directory includes a prominently displayed disclaimer that states the information within the directory is not a guarantee of the DBE's capacity and ability to perform work.

The City will refer potential bidders to the FDOT DBE directory that is available online. The link for the directory can be found in [Attachment 2](#) to this program.

Prime contractors may also consider the FAA's DBE directory, which can be found at FAA Matchmaker (<https://faa.dbesystem.com>).

### **Section 26.33 Overconcentration**

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

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

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

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

The City implements and carries out appropriate mechanisms to ensure compliance with 49 CFR Part 26 program requirements by all program participants and describes and set forth these mechanisms in its DBE program plan.

#### Running Tally

The City will implement a running tally mechanism to compare the cumulative DBE awards and commitments on federally funded projects to determine whether or not the implementation of contract goals is sufficient to meet the triennial DBE goal. The City will also implement a running tally to provide for a comparison of payments made to each DBE firm relative to the progress of work. The running tally mechanism will help the City whether or not there exists a projected shortfall such that the prime contractor would need to address via good faith efforts to meet the DBE contract goal. The City will use the [DBE Monthly Report](#) form (see [Attachment 3](#)) to track the progress of DBE participation on its federally funded projects. The DBELO will maintain the running tally of DBE participation.

### Monitoring Contracts and Work Sites

The City will review contracting records and will engage in active monitoring of work sites to ensure that work committed to DBEs at contract award or subsequently (*e.g.*, as the result of modification to the contract) is actually performed by the DBEs to which the work was committed. The DBELO and/or the City's designated representative will monitor the work site, and the DBELO will review all contracting records. The City will maintain written certification that contracting records have been reviewed and work sites have been monitored for this purpose.

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

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

This element is included as [Attachment 4](#). The City will actively implement the program elements to foster small business participation. Doing so is a requirement of good faith implementation of the DBE program.

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

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

The City does not use quotas in any way in the administration of this DBE program. However, the use of race neutral set-asides for small businesses is permissible as a strategy under 26.39 (b) (1).

### **Section 26.45                      Overall Goal**

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

<b>Airport Type</b>	<b>Region</b>	<b>Date Due (Goal Period)</b>	<b>Next Goal Due (Goal Period)</b>
Non-Hub Primary	All Regions	August 1, 2024 (2025/2026/2027)	August 1, 2027 (2028/2029/2030)

[https://www.faa.gov/sites/faa.gov/files/2021-12/FAAGoalsDueChartNew\\_Final.pdf](https://www.faa.gov/sites/faa.gov/files/2021-12/FAAGoalsDueChartNew_Final.pdf)

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

Step 1. The first step is to determine a base figure for the relative availability of DBEs in the market area. The City will use the DBE Directory information and Census Bureau's City Business Patterns database as the method to determine the base figure. The City 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 49 CFR Part 26.45(c)(2), is not an acceptable alternative means of determining the availability of DBEs.

Step 2. The second step is to adjust, if necessary, 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. Adjustments may be made based on past participation, information from a disparity study (to the extent it is not already accounted for in the base goal), and/or information about barriers to entry to past competitiveness of DBEs on contracts. The City will examine all of the evidence available in its jurisdiction to determine what adjustment, if any, is needed. If the evidence does not suggest an adjustment is necessary, then no adjustment shall be made.

Any methodology selected 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 City's market. A description of the methodology to calculate the overall goal and the goal calculations can be found in [Attachment 5](#) to this program. This section of the program will be updated triennially.

In establishing the overall goal, the City will provide for consultation and publication. This includes consultation with minority, women's and general contractor groups, community organizations, and other officials or organizations that could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the City'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 City's goal setting process, and it will occur before submitting the goal methodology to the FAA for review pursuant to paragraph (f) of this section. The City will document in the goal submission the consultation process that was utilized. Notwithstanding paragraph (f)(4) of this section, the City will not implement the proposed goal until this requirement is fulfilled.

In addition, the City will post a notice announcing the proposed overall goal before submission to the FAA on August 1st. The notice will be posted on the City's official internet web site and may be posted in any other sources (e.g., minority-focused media, trade association publications). If the proposed goal changes following review by the FAA, the revised goal will be posted on the official internet web site.

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

#### Section 26.45 (e) - Project Goals

If permitted or required by the FAA, the City will express its 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 it 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 should 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 the City establishes a goal on a project basis, the City will begin using its goal by the time of the first solicitation for a USDOT-assisted contract for the project.

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

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

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

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

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

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

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

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

N/A



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

The breakout of estimated race-neutral and race-conscious participation can be found in [Attachment 5](#) to this program. This section of the program will be updated triennially when the goal calculation is updated.

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

The City will use contract goals to meet any portion of the overall goal it does not project being able to meet using race-neutral means. Contract goals are established so that, over the period to which the overall goal applies, they will cumulatively result in meeting any portion of the overall goal that is not projected to be met through the use of race-neutral means.

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

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

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

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

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

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

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

### Information to be submitted (26.53(b))

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

- (1) Award of the contract will be conditioned on meeting the requirements of this section;
- (2) All bidders or offerors will be required to submit the following information to the City, at the time provided in paragraph (b)(3) of this section:
  - (i) The names and addresses of DBE firms that will participate in the contract;
  - (ii) A description of the work that each DBE will perform. To count toward meeting a goal, each DBE firm must be certified in a NAICS code applicable to the kind of work the firm would perform on the contract;

- (iii) The dollar amount of the participation of each DBE firm participating;
  - (iv) Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet a contract goal; and
  - (v) Written confirmation from each listed DBE firm that it is participating in the contract in the kind and amount of work provided in the prime contractor's commitment.
  - (vi) If the contract goal is not met, evidence of good faith efforts as described in Appendix A of 49 CFR Part 26). The documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract; and
- (3) The City will require that the bidder/offeror present the information required by paragraph (b)(2) of this section under sealed bid procedures, as a matter of responsiveness, or with initial proposals, under contract negotiation procedures.

For each DBE listed as a regular dealer or distributor, the City will make a preliminary counting determination to assess its eligibility for 60 or 40 percent credit, respectively, of the cost of materials and supplies based on its demonstrated capacity and intent to perform as a regular dealer or distributor, as defined in §§ 26.55(e)(2)(iv)(A), (B), (C), and (3) under the contract at issue. The City will make the preliminary determination based on the DBE's written responses to relevant questions and its affirmation that its subsequent performance of a commercially useful function will be consistent with the preliminary counting of such participation. Where the DBE supplier does not affirm that its participation will meet the specific requirements of either a regular dealer or distributor, the City will make appropriate adjustments in counting such participation toward the bidder's good faith efforts to meet the contract goal. The bidder is responsible for verifying that the information provided by the DBE supplier is consistent with the counting of such participation toward the contract goal.

If the City utilizes the design-build method for project delivery, the City may set a DBE goal that proposers must meet by submitting a DBE Open-Ended Performance Plan (OEPP). The City will require proposers to be responsive by including a commitment to meet the DBE goal and to provide details of the types of subcontracting work or services that the proposer will solicit DBEs to perform. Upon the award of a design-build contract, the City will actively monitor the contract to evaluate whether the design-builder is utilizing good faith efforts to comply with the OEPP and the schedule.

This information will be collected using the forms found in [Attachment 6](#).

#### Administrative reconsideration (26.53(d))

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

**Darryl Jones, Deputy Director**  
**Office of Economic Vitality**  
**Minority, Women, & Small Business Enterprise (MWSBE) Division**  
**315 S. Calhoun Street, Suite 450**  
**Tallahassee, FL 32301**  
[djones@oevforbusiness.org](mailto:djones@oevforbusiness.org)

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

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

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

The City will include a clause equivalent to the following in each prime contract a provision stating:

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

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

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

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

The City requires that prime contractors not terminate a DBE subcontractor listed on a bid/contract with a DBE contract goal without the City's prior written consent. Prior written consent will only be provided where there is "good cause" for termination of the DBE firm, as established by Section 26.53(f)(3) of the DBE regulation.

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

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

- (1) The listed DBE subcontractor fails or refuses to execute a written contract;

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

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

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

Each prime contract will include a provision stating:

*The contractor shall utilize the specific DBEs listed in the contractor's bid to perform the work and supply the materials for which each is listed unless the contractor obtains prior written consent of the City of Tallahassee as provided in 49 CFR Part 26, §26.53(f). Unless such consent 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.*

The City will require a contractor to make good faith efforts to replace a DBE that has been terminated or has otherwise failed to complete its work on a contract with another certified DBE. These good faith efforts shall be directed at finding another DBE to perform at least the same amount

of work under the contract as the DBE that was terminated, to the extent needed to meet the contract goal that the City established for the procurement. The good faith efforts shall be documented by the contractor. If the City requests documentation from the contractor under this provision, the contractor shall submit the documentation within seven days, which may be extended for an additional seven days, if necessary, at the request of the contractor, and the City shall provide a written determination to the contractor stating whether or not good faith efforts have been demonstrated.

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

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

#### Sample Bid Specification:

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

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

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

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

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

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

Pursuant to Sec. 150 of the FAA Reauthorization Act of 2018, DBE firms that exceed the business size standard in § 26.65(b) will remain eligible for DBE credit for work in that category as long as they do not exceed the small business size standard for that category, as adjusted by the United States Small Business Administration.

## **SUBPART D – CERTIFICATION STANDARDS**

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

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

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

#### **Florida Department of Transportation**

#### **Equal Opportunity Office (EOO)**

**605 Suwannee St, MS 65**

**Tallahassee, FL 32399**

**(850) 414-4747**

<https://www.fdot.gov/equalopportunity/dbecertification.shtm>

A link to the certification application forms and documentation requirements is found in [Attachment 7](#) to this program plan.

## **SUBPART E – CERTIFICATION PROCEDURES**

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

The City is a member of the Florida Unified Certification Program (FLUCP) administered by the Florida Department of Transportation. The FLUCP will meet all of the requirements of this section. The FLUCP uses the certification standards of Subpart D of Part 26 and the certification procedures of Subpart E of Part 26 to determine the eligibility of firms to participate as DBEs in USDOT/FAA-assisted contracts. Under the FLUCP, there are nine certifying members. The certifying members of the FLUCP include:

- Broward City Office of Economic and Small Business Development
- City of Tallahassee
- Florida Department of Transportation (FDOT)
- Greater Orlando Aviation Authority Office of Small Business Development
- Hillsborough City Aviation Authority
- Jacksonville Transportation Authority
- Lee City Port Authority
- Miami-Dade City Business Support Services
- Volusia Transit Authority

To be certified as a DBE, a firm must meet all certification eligibility standards.

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

The City will take all required steps outlined in § 26.83(c) in determining whether a DBE firm meets the standards of Subpart D of Part 26. In the case of a denial of certification, the City will make an entry in DOCR's Online Portal within five (5) days of the denial. The City will enter the name of the firm, name(s) of the firm's owner(s), date of decision, and the reason(s) for the decision.

Once a firm has been certified as a DBE, it shall remain certified until and unless its certification has been removed, in whole or in part (*i.e., NAICS code removal*), through the procedures of § 26.87.

The City will not require a DBE to reapply for certification, renew its certification, undergo a recertification, or any functionally equivalent requirement. However, a certification review of a certified DBE firm may be conducted at a reasonable time and/or at a regular interval of two years. The certification review may, at the City's discretion, include a new onsite review (OSR). The City may also make an unannounced visit to the DBE's offices and/or job site. The City may also rely on another certifier's report of its OSR of the DBE.

#### Notices of Change and Annual Declarations of Eligibility

The FLUCP requires all DBEs to submit every year, on the anniversary of the date they were certified in their Jurisdiction of Original Certification (JOC), a new Declaration of Eligibility (DOE) along with documentation verifying the gross receipts for its most recently completed fiscal year, calculated on a cash basis regardless of the DBE's overall accounting method. The sufficiency of documentation may vary by business type, size, history, resources, and overall circumstances. However, the UCP will generally consider the following documents to be "safe harbors," provided that they include all reportable receipts, properly calculated, for the full reporting period: audited financial statements, a CPA's signed attestation of correctness and completeness, or all income-related portions of one or more (when there are affiliates) signed federal income tax returns as filed. The UCP will treat non-compliance, whether full or partial, as a § 26.109(c) failure to cooperate.

The UCP also requires all DBEs to provide written notice of any change in circumstances affecting their ability to meet size, disadvantaged status, ownership, or control criteria of 49 CFR Part 26, or of any material changes in the information provided with DBEs' applications for certification. DBEs must provide the UCP with written notice of material changes affecting their continued eligibility within 30 days of the occurrence, explain the change fully, and include a duly executed DOE with the notice.

### **Section 26.85                      Interstate Certification**

The City complies with certification procedures requirements of Subpart E of Part 26 in all matters related to interstate certification. Any procedures included here are highlights only. The Florida UCP agreement details the full interstate certification procedures.

When a DBE certified in any UCP applies to the City for certification, the City will accept the DBE's certification from its JOC. To obtain interstate certification, the DBE must provide:

- (1) A cover letter with its application that specifies that the DBE is applying for interstate certification, identifies all UCPs in which the DBE is certified (including the UCP that originally certified it)
- (2) An electronic image of the UCP directory of the original UCP that shows the DBE certification; and
- (3) A new DOE.

Within ten (10) business days of receiving the documents required above, the City will confirm the certification of the DBE by reference to the UCP directory of the JOC. If the DBE fulfills the requirements of this section and the City confirms the DBE's certification, the City will certify the DBE immediately without undergoing further procedures and provide the DBE with a letter documenting its certification.

The City will require DBEs to provide an annual DOE with documentation of gross receipts, under [§ 26.83\(j\)](#), on the anniversary date of the DBE's original certification by its JOC.

If the City has reasonable cause to remove a DBE's certification, in whole or in part (*i.e., NAICS code removal*), the City will notify the other UCPs in which the DBE is certified ("other jurisdictions") via email. The notice will explain the City's reasons for believing that the DBE's certification should be removed.

If the City receives such a notification from another UCP, within 30 days of receiving the notice, the City will email the UCP contemplating decertification a concurrence or non-concurrence with the proposed action. The City's responses may provide written arguments and evidence and may propose additional reasons to remove certification. The City understands a failure to timely respond to the reasonable cause notice from another UCP will be deemed to be a concurrence.

If The City finds a DBE firm ineligible the firm immediately loses certification in all jurisdictions in which it is certified. The City will email a copy of its decision to the other jurisdictions within 3 business days.

## **Section 26.86                      Decision Letters**

When the City denies a firm's request for certification or decertifies the firm, the City will provide the firm a notice of decision (NOD) explaining the reasons for the adverse decision, specifically referencing the evidence in the record that supports each reason. The City will also include, verbatim, the instructions found on the Departmental Office of Civil Rights' web page, available at <https://www.transportation.gov/dbeappeal>. If a currently certified DBE firm is decertified, or if an applicant firm's initial application is denied, the affected firm may not reapply for at least 12 months. The waiting period begins to run the day after the date the decision letter is emailed to the firm. After the waiting period expires, the denied firm may reapply to any member of the UCP that denied the application. The City will inform the applicant of that right, and specify the date when the waiting period ends, in its decision letter.

If an applicant appeals this decision to USDOT pursuant to §26.89, such an appeal does not extend the waiting period.



## **Section 26.87                      Decertification**

The City complies with all decertification procedures requirements of Subpart E of Part 26 in all decertification proceedings. The procedures included here are highlights only. The Florida UCP agreement lists the full decertification procedures.

The City's first step in any decertification proceeding will be to email a notice of intent (NOI) to the DBE. The NOI will clearly and succinctly state each reason for the proposed action, and specifically identify the supporting evidence for each reason. The NOI will notify the DBE of its right to respond in writing, at an informal hearing, or both. The NOI will inform the DBE of the hearing scheduled on a date no fewer than 30 days and no more than 45 days from the date of the NOI.

If the ground for decertification is that the DBE has been suspended or debarred for conduct related to the DBE program, the City will issue a notice of decision (NOD) decertifying the DBE. In this case, there is no NOI or opportunity for a hearing or written response.

The City has determined that **Mr. Darryl Jones, Deputy Director, Office of Economic Vitality** will serve as the hearing officer for informal hearings provided pursuant to §§ 26.87(c)-(e). The hearing is an informal proceeding with rules set by the hearing officer.

The City will ensure that the decision in a decertification case is made by an individual who did not take part in actions leading to or seeking to implement the proposal to decertify the DBE and is not subject, with respect to the matter, to direction from the office or personnel who did take part in these actions. The City implements this requirement for a separation of functions in the following manner: The Tallahassee-Leon County Minority, Women and Small Business Enterprise Citizen Advisory Committee will serve as the final decision maker in decertification proceedings. The City has established an administrative "firewall" to ensure that the DBELO will not participate in any way in the decertification hearing proceedings against the firm (*including the decision to initiate such a proceeding*).

The City will send the firm a NOD no later than 30 days from the date of the informal hearing and/or receiving written arguments/evidence from the firm in response to the NOI. The NOD will conform in all respects to the requirements of § 26.87(g). The City will make an entry in DOCR's Online Portal within five (5) days of the action, entering the name of the firm, names(s) of the firm's owner(s), date of decision, and the reason(s) for its decision. DBEs will remain certified until the City issues a NOD.

Once a firm is decertified, the City will take appropriate actions related to contract and overall goals and DBE participation as described in § 26.87(j).

## **Section 26.88                      Summary Suspension of Certification**

The City will follow procedures consistent with § 26.88 regarding the suspension of a DBE's certification.

The City will mandatorily and immediately suspend a DBE's certification when the City has clear and credible evidence of the DBE's or its SEDO's involvement in fraud or other serious criminal activity, or when directed to suspend the firm by the FAA with oversight responsibility.

The City may elect to suspend a DBE's certification when the City has clear and credible evidence that the DBE's continued certification poses a substantial threat to program integrity, or when an owner upon whom the firm relies for eligibility does not timely file the declaration and gross receipts documentation that [§ 26.83\(j\)](#) requires.

The City will notify the firm, by email, of its summary suspension notice (SSN) on a business day during regular business hours. The SSN will explain the action, the reason for it, the consequences, and the evidence on which The City relies. Elective SSNs will not cite more than one reason for the action. Mandatory SSNs may state multiple reasons. Regardless of whether it is elective or mandatory, the SSN will demand that the DBE show cause why it should remain certified and provide the time and date of a virtual show-cause hearing at which the firm may present information and arguments concerning why the City should lift the suspension. The SSN will also advise that the DBE may provide written information and arguments lieu of or in addition to attending the hearing.

After sending the SSN to the suspended firm, the City will follow all procedures required under §§ 26.88(d)(2)-(6).

#### **Section 26.89                      Appeals to the Department**

Applicants and decertified firms may appeal adverse NODs to USDOT. An ineligibility complainant or the FAA (the latter by the terms of § 26.87(c)) may appeal to USDOT if the City does not find reasonable cause to issue an NOI to decertify or affirmatively determines that the DBE remains eligible.

Appellants must email appeals as directed in the City's NOD within 45 days of the date of NOD. The appeal must at a minimum include a narrative that explains fully and specifically why the firm believes the decision is in error, what outcome-determinative facts the certifier did not consider, and/or what part 26 provisions the City misapplied.

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

#### **Section 26.91                      Actions Following USDOT Certification Appeal Decisions**

If the City is a certifier to which a USDOT determination under § 26.89 is applicable, the City will take any and all required action(s) pursuant to § 26.91.

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

#### **Section 26.101                      Compliance Procedures Applicable to the City**

The City understands that if it fails to comply with any requirement of this part, it may be subject to formal enforcement action under §26.103 or §26.105 or appropriate program sanctions by the FAA, such as the suspension or termination of federal funds, or refusal to approve projects, grants or contracts until deficiencies are remedied. Program sanctions may include, in the case of the FAA program, actions consistent with 49 U.S.C. 47106(d), 47111(d), and 47122.

The City understands that, as provided in statute, it will not be subject to compliance actions or sanctions for failing to carry out any requirement of this part because it has been prevented from complying because a federal court has issued a final order in which the court found that the requirement is unconstitutional.

### **Section 26.103, 105    Enforcement Actions Applicable to FAA Programs**

**Compliance reviews** (§26.103(b)): The FAA may review the recipient's compliance with this part at any time, including reviews of paperwork and on-site reviews, as appropriate. The Office of Civil Rights may direct the FAA to initiate a compliance review based on complaints received.

Compliance with all requirements of this part by airport sponsors and other recipients of FAA financial assistance is enforced through the procedures of Title 49 of the United States Code, including 49 U.S.C. 47106(d), 47111(d), and 47122, and regulations implementing them.

Any person who knows of a violation of this part by a recipient of FAA funds may file a complaint under [14 CFR Part 16](#) with the Federal Aviation Administration Office of Chief Counsel.

### **Section 26.107            Enforcement Actions Applicable to Participating Firms**

If a firm that does not meet the eligibility criteria of subpart D of this part attempts to participate in a USDOT-assisted program as a DBE on the basis of false, fraudulent, or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty, the Department may initiate suspension or debarment proceedings against the firm under 2 CFR parts [180](#) and [1200](#).

If a firm, in order to meet DBE contract goals or other DBE program requirements, uses or attempts to use, on the basis of false, fraudulent or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty, another firm that does not meet the eligibility criteria of subpart D of this part, the Department may initiate suspension or debarment proceedings against the firm under 2 CFR parts 180 and 1200.

In a suspension or debarment proceeding brought under paragraph (a) or (b) of this section, the FAA may consider the fact that a purported DBE has been certified by a recipient. Such certification does not preclude USDOT from determining that the purported DBE, or another firm that has used or attempted to use it to meet DBE goals, should be suspended or debarred.

USDOT may take enforcement action under [49 CFR Part 31](#), Program Fraud and Civil Remedies, against any participant in the DBE program whose conduct is subject to such action under [49 CFR part 31](#).

USDOT may refer to the Department of Justice, for prosecution under [18 U.S.C. 1001](#) or other applicable provisions of law, any person who makes a false or fraudulent statement in connection with participation of a DBE in any DOT-assisted program or otherwise violates applicable Federal statutes.

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

### Availability of Records

1. USDOT adheres to the Federal Freedom of Information and Privacy Acts when responding to requests about the DBE program and can release information unless prohibited by federal law.
2. Confidential business information, such as DBE certification applications, cannot be released to third parties without the firm's written consent. However, this information must be shared with USDOT during certification appeals or with other states for certification purposes.

### Confidentiality of Information on Complainants

- Complainants' identities are kept confidential unless necessary for due process. If confidentiality hinders proceedings, complainants may need to waive this right to avoid investigation closure or dismissal. FAA procedures for confidentiality are followed as per [14 CFR Part 16](#).

### Cooperation

- All participants in the DBE program must fully and promptly cooperate with USDOT and recipient compliance reviews, investigations, and other requests for information. Non-cooperation can lead to penalties, such as noncompliance findings, denial of certification, or suspension.

### Intimidation and Retaliation

- Participants in the DBE program including the City, contractors, subcontractors, and any others must not intimidate, threaten, coerce, or discriminate against anyone for exercising their rights under this part or for participating in investigations. Violating this prohibition results in noncompliance with 49 CFR Part 26.

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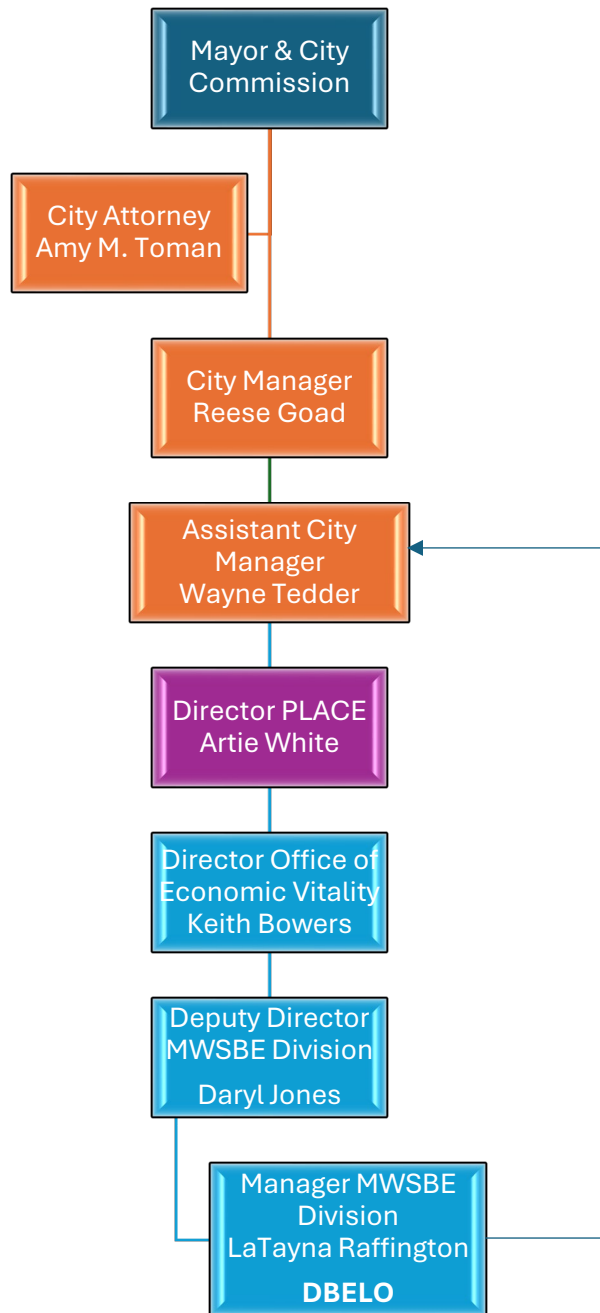
## **ATTACHMENTS**

<a href="#">Attachment 1</a>	Organizational Chart
<a href="#">Attachment 2</a>	DBE Directory
<a href="#">Attachment 3</a>	Monitoring and Enforcement Mechanisms
<a href="#">Attachment 4</a>	Fostering Small Business Participation
<a href="#">Attachment 5</a>	Overall Goal Calculation
<a href="#">Attachment 6</a>	Forms 1, 2, & 3 for Demonstration of Good Faith Efforts
<a href="#">Attachment 7</a>	Certification Application Forms
<a href="#">Attachment 8</a>	Regulations: 49 CFR Part 26
<a href="#">Attachment 9</a>	Bidders List Data Collection Form
<a href="#">Attachment 10</a>	UCP Agreement

# **Attachment 1**

## Organizational Chart

## Organizational chart - City of Tallahassee



# **Attachment 2**

## **DBE Directory**

The DBE Directory for the State of  
Florida may be found at  
[https://fdotxwp02.dot.state.fl.us/Equal  
OpportunityOfficeBusinessDirectory/](https://fdotxwp02.dot.state.fl.us/EqualOpportunityOfficeBusinessDirectory/)



# **Attachment 3**

## **Monitoring and Enforcement Mechanisms**

## City of Tallahassee – Tallahassee International Airport

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

established contract goal. The City shall approve all substitutions prior to contract award and during contract performance in order to ensure that the substitute firms are eligible DBEs.

Additional information on the City's Disadvantaged Business Enterprise Program can be obtained from the DBE Liaison Officer, **Ms. LaTanya Raffington, Senior Coordinator Tallahassee-Leon County Office of Economic Vitality, Minority, Women, & Small Business Enterprise (MWSBE) Division, 315 S. Calhoun Street, Suite 450, Tallahassee, Florida 32301; (850) 891-6500; [LRaffington@OEVforBusiness.org](mailto:LRaffington@OEVforBusiness.org).**

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

[Attachment 8](#) contains a link to 49 CFR Part 26, which describes federal regulations, provisions, and contract remedies available to the City in the event of non-compliance by a participant.

**DBE Commercially Useful Function Report**

Project:	
AIP Number:	
Prime Contractor:	
DBE Firm:	
DBE Start/Complete	
CUF Review Date:	

**GENERAL****Yes No N/A**

1. Does the DBE have its own employees on the job to perform the work?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Does the DBE own the equipment being utilized to perform its work? If No, attach equipment list, ownership documents, and rental/lease agreements.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Is the DBE self-performing the subcontract defined task for a specific item of work (distinct element) on the contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**HAULING FIRMS****Yes No N/A**

1. Does the DBE hauling firm own and/or lease their trucks? (review ownership/vehicle registration and/or lease documents to verify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Does the DBE employ drivers for trucks owned by the company? (If leased trucks include operators, this should be indicated in the agreement/purchase order.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Do the haul tickets and/or bills of lading associated with the project confirm that hauling is being performed by the DBE?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**MATERIAL SUPPLIERS, MANUFACTURERS/FABRICATORS or DISTRIBUTORS****Yes No N/A**

1. Does the DBE's name appear on all applicable invoices, haul tickets, and/or bills of lading?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Did the DBE provide documentation showing that the funds used to pay a supplier in fact came from the DBE's own funds?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. If the DBE had any materials drop shipped to the project site, was the invoice addressed to the DBE?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Did the DBE deliver materials to the site with their own and/or leased trucks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**SUPERVISION****Yes No N/A**

1. Is the DBE self-performing work without assistance from the prime or another subcontractor?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Is the DBE providing supervision of its employees and their work?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Is the supervisor a full-time employee of the DBE?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Completed by:
Date:

**Listing of DBE Subcontractors**  
**(to be submitted with bid)**

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

The Bidder hereby proposes the following DBE participation:

<b>DBE Subcontractor/Supplier/Distributor</b>	<b>Work to be performed</b>	<b>NAICS Code</b>	<b>Subcontract Amount</b>	<b>Amount Applicable to Goal (suppliers = * .60; distributors = * .40)</b>
Total DBE Participation				
Base Bid Amount				
DBE Participation Proposed (%)				
DBE Participation Goal (%)				

<b>Bidder (Firm Name)</b>	<b>Signature</b>	<b>Date</b>

## DBE Monthly Report

<b>Contractor:</b>
<b>Project:</b>
<b>AIP Number:</b>
<b>Date:</b>

<b>DBE Subcontractor/Supplier/Distributor</b>	<b>Committed Award</b>	<b>Total Prior Payments</b>	<b>Current Payment</b>	<b>Total</b>	<b>Date Paid to Vendor / Sub this Invoice</b>	<b>Percent</b>
Totals						

Contractor Name:	Signature:	Title:	Date:

## DBE Project Compliance Review Checklist

Project:
AIP Number:
Prime Contractor:

### Pre-Bid Checklist

- ☐ Review project to determine if a DBE contract goal is needed.
- ☐ Attend pre-bid meeting to inform bidders of DBE requirements.

### Pre-Award Project Checklist

- ☐ Collect the Listing of DBE Subcontractors form.
- ☐ Collect letters of intent for all committed DBEs.
- ☐ If prime contractor is unable to meet the DBE goal, collect documentation of its good faith effort.

### Post Award (Pre-Construction/Design) Project Checklist

- ☐ Collect fully executed (signed) subcontracts for all DBE firms.
- ☐ Review DBE subcontract(s) to ensure scope of work is consistent with what has been committed.
- ☐ Review contracts to verify that all required contract clauses are included.
- ☐ Ensure dollar value of DBE subcontract(s) is/are equal to or greater than the amount committed.

### During Construction and/or Design Checklist

- ☐ Complete DBE Commercially Useful Function Report form, to verify that the DBEs are performing a commercially useful function.
- ☐ Verify that business names on equipment and vehicles are not covered with paint or magnetic signs (visual inspection of vehicles on site).
- ☐ Verify who employs the workers on site (visually inspect badges/IDs; establish reporting relationships of workers on site/review certified payrolls).
- ☐ Review supplier invoices and cancelled checks to verify what firm orders and pays for the necessary supplies being used by the DBE subcontractor.
- ☐ Ensure all DBE firms are paid promptly (within 10 days of payment to prime contractor per 49 CFR 26.29) by collecting and reviewing the DBE monthly report form.
- ☐ Document and file any correspondence related to terminations, substitutions, or deletions of DBE firms.
- ☐ If terminations, substitutions, or deletions were approved, collect documentation of prime contractor's good faith effort to find a replacement firm

### Post Construction/Design Checklist

- ☐ Ensure DBE goal has been achieved by collecting and reviewing the final DBE report.
- ☐ If a shortfall exists, collect Good Faith Effort documentation from prime contractor explaining reasons shortfall took place.

### Certification:

I, \_\_\_\_\_ hereby certify that the contracting records for the federally funded project have been reviewed and the work site has been visited/monitored.

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

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

# **Attachment 4**

## **Fostering Small Business Participation**



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

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

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

1. **Unbundling:** The City, where feasible, may unbundle projects or separate large contracts into smaller contracts which may be more suitable for small business participation. The City will conduct contract reviews on each FAA- assisted contract to determine whether portions of the project could be unbundled or bid separately. This determination will be made based on the estimated availability of small businesses able to provide specific scopes of work and will unbundling. Similarly, the City will encourage its prime contractors or prime consultants to unbundle contracts to facilitate participation by small businesses. The City will assist prime contractors or prime consultants in identifying portions of work which may be unbundled and performed by small businesses. The City will document the factors used to determine whether or not an FAA- assisted contract will be unbundled or bid separately.
2. **Outreach and technical assistance:** The City sponsors and participates in outreach and training opportunities for small businesses through various partnerships. The City staff participates in business outreach sessions conducted by local municipalities and non-profit agencies that are designed to introduce small and minority-owned businesses to the City's procurement processes and practices. The City advertises contracting opportunities through various outlets, including local newspapers, minority-based publications, and trade publications as well as on its website.

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

### **B. Definitions**

1. **Small Business:**  
Small businesses must meet the definitions specified in Section 3 of the Small

Business Act and the Small Business Administration regulations implementing it, (13 CFR Part 121). A small business is a business that is independently owned and operated, is organized for profit, and is not dominant in its field. Depending on the industry, size standard eligibility is based on the average number of employees for the preceding 24 months or on sales volume averaged over a five-year period.

2. Disadvantaged Business Enterprise:

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

- That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals;
- Whose socially and economically disadvantaged owners do not exceed the personal net worth (PNW) of \$2.047 million as described in 49 CFR 26.
- Whose average annual gross receipts, as defined by SBA regulations, over the firm's previous five fiscal years is less than \$31.84 million.
- Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it and;
- Who has been certified as a DBE by a Florida Unified Certification Program (FL UCP) Certifying Agency in accordance with 49 CFR 26.

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

**C. Certification and Verification Procedures**

The City will accept the following certifications for participation in the small business element of the City's DBE Program with applicable stipulations:

1. FL UCP DBE Certification - DBE Certification by the FL UCP which stipulates that a firm has been determined to meet all the requirements in accordance with 49 CFR Part 26. All certification determinations are evidenced by being listed in the FL UCP DBE directory.
2. City of Tallahassee Minority, Women and Small Business Enterprise (MWSBE) Program – SBE certification that stipulates that a firm has been determined to meet all of the requirements in accordance with the City's MWSBE program (<https://oevforbusiness.org/wp-content/uploads/MWSBE-Certification-Eligibility-Table.pdf>). All certification determinations are evidenced by being listed in the City's MWSBE Directory.

3. Florida Department of Management Services' Office of Supplier Development (OSD) small business certification – The County will accept the certification of a Florida small business that has been certified by OSD ([https://www.dms.myflorida.com/business\\_operations/state\\_purchasing/office\\_of\\_supplier\\_development\\_osd](https://www.dms.myflorida.com/business_operations/state_purchasing/office_of_supplier_development_osd)).

#### **D. Assurances**

The City makes the following assurances:

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

#### **E. Principal Responsible Person**

The principal responsible person for overseeing and implementing the City's SBPP will be the currently designated Disadvantaged Business Enterprise Liaison Officer (DBELO). The DBELO for the City is **Ms. LaTanya Raffington, Senior Coordinator Tallahassee-Leon County Office of Economic Vitality.**

# **Attachment 5**

## **Overall DBE Goal Calculation**

(submitted separately)

# **Attachment 6**

Forms 1, 2 & 3 for  
Demonstration of  
Good Faith Efforts

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

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

☐

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

☐

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

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

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

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

**FORM 2: LETTER OF INTENT**

*Note: The authorized representative (AR) named below must be an individual vested with the authority to make contracting decisions on behalf of the firm.*

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

Name & title of firm's AR: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Name of DBE firm: \_\_\_\_\_

Name & title of DBE firm's AR: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Work to be performed by DBE firm:

Description of Work	NAICS	Dollar Amount / %*	Dealer/Manufacturer/Distributor**

*\*Percentage is to be used only in negotiated procurements, including design-build contracts*

*\*\*For material suppliers only, indicate whether the DBE is a manufacturer, a regular dealer, or a distributor as defined by §26.55.*

The undersigned bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The total expected dollar value of this work is \$ \_\_\_\_\_. The bidder/offeror understands that if it is awarded the contract/agreement resulting from this procurement, it must enter into a subcontract with the DBE firm identified above that is representative of the type and amount of work listed. Bidder/offeror understands that upon submitting this form with its bid/offer, it may not substitute or terminate the DBE listed above without following the procedures of 49 CFR Part 26, §26.53.

\_\_\_\_\_  
Signature of Bidder/Offeror's Authorized Representative

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

The undersigned DBE affirms that it is ready, willing, and able to perform the amount and type of work as described above, and is properly certified to be counted for DBE participation, therefore.

\_\_\_\_\_  
Signature of DBE Bidder/Offeror's Authorized Representative

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

**If the bidder/offeror does not receive award of the prime contract, any and all representations in this Letter of Intent shall be null and void.**

*Submit this page for each DBE subcontractor.*

# **Attachment 7**

## **Certification Application Forms**



The UCP DBE certification application for the State of Florida may be found at <http://www.fdot.gov/equalopportunity/dbecertification.shtm>

# **Attachment 8**

Regulations: 49 CFR Part 26

The federal regulations, Title 49 of the Code of Federal Regulations, Part 26, may be found at <https://www.ecfr.gov/>

# **Attachment 9**

Bidders List Data Collection Form

# CITY OF TALLAHASSEE

## BIDDER'S LIST DATA COLLECTION FORM

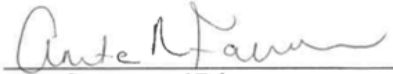
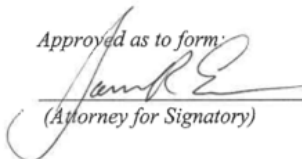
Firm Name	Firm Address + ZIP Code and Phone No.	DBE or Non-DBE Status <i>(verify via UCP DBE Directory)</i>	NAICS Code(s) of Scope(s) Bid	Race/Sex of Majority Owner		Age of Firm	Annual Gross Receipts
		<input type="checkbox"/> DBE <input type="checkbox"/> Non-DBE		<input type="checkbox"/> Black American <input type="checkbox"/> Hispanic American <input type="checkbox"/> Asian-Pacific American <input type="checkbox"/> Subcontinent Asian American <input type="checkbox"/> Native American <input type="checkbox"/> Non-minority Woman <input type="checkbox"/> Other <input type="checkbox"/> Male <input type="checkbox"/> Female		<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1M <input type="checkbox"/> \$1-2M <input type="checkbox"/> \$2-5M <input type="checkbox"/> Greater than \$5M
		<input type="checkbox"/> DBE <input type="checkbox"/> Non-DBE		<input type="checkbox"/> Black American <input type="checkbox"/> Hispanic American <input type="checkbox"/> Asian-Pacific American <input type="checkbox"/> Subcontinent Asian American <input type="checkbox"/> Native American <input type="checkbox"/> Non-minority Woman <input type="checkbox"/> Other <input type="checkbox"/> Male <input type="checkbox"/> Female		<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1M <input type="checkbox"/> \$1-2M <input type="checkbox"/> \$2-5M <input type="checkbox"/> Greater than \$5M
		<input type="checkbox"/> DBE <input type="checkbox"/> Non-DBE		<input type="checkbox"/> Black American <input type="checkbox"/> Hispanic American <input type="checkbox"/> Asian-Pacific American <input type="checkbox"/> Subcontinent Asian American <input type="checkbox"/> Native American <input type="checkbox"/> Non-minority Woman <input type="checkbox"/> Other <input type="checkbox"/> Male <input type="checkbox"/> Female		<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1M <input type="checkbox"/> \$1-2M <input type="checkbox"/> \$2-5M <input type="checkbox"/> Greater than \$5M
		<input type="checkbox"/> DBE <input type="checkbox"/> Non-DBE		<input type="checkbox"/> Black American <input type="checkbox"/> Hispanic American <input type="checkbox"/> Asian-Pacific American <input type="checkbox"/> Subcontinent Asian American <input type="checkbox"/> Native American <input type="checkbox"/> Non-minority Woman <input type="checkbox"/> Other <input type="checkbox"/> Male <input type="checkbox"/> Female		<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1M <input type="checkbox"/> \$1-2M <input type="checkbox"/> \$2-5M <input type="checkbox"/> Greater than \$5M

# **Attachment 10**

UCP Agreement

# State's UCP Agreement

[https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/equalopportunity/dbecertification/ucp-agreement.pdf?sfvrsn=e6ca3bd4\\_0](https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/equalopportunity/dbecertification/ucp-agreement.pdf?sfvrsn=e6ca3bd4_0)

<b>STATE OF FLORIDA</b> <b>UNIFIED CERTIFICATION PROGRAM</b> <b>UCP AGREEMENT</b> <b><i>SIGNATURE and DECLARATION OF STATUS</i></b>	
 <i>IN WITNESS WHEREOF, the UCP Members execute this Agreement prepared</i> <b>MARCH 13,</b> 2002, <i>by authorized signatures, and attached resolutions if</i> <i>appropriate.</i>	
<b>ATTEST:</b>  _____ <i>Signature</i>  <u>Gary Herndon, City Treasurer-Clerk</u> <i>Name, printed</i>	<u>City of Tallahassee</u> <i>Signatory Entity Name, printed</i>   _____ <i>Signature and Title</i>  <u>Anita R. Favors, City Manager</u> <i>Name and Title, printed</i>
 This <u>13<sup>th</sup></u> day of <u>MARCH</u> , 2002.	
 <i>Approved as to form:</i>  _____ <i>(Attorney for Signatory)</i>	
<div style="border: 1px solid black; border-radius: 15px; padding: 5px; display: inline-block;">Certifying Member Status</div>	Non-Certifying Member Status
<div style="display: flex; justify-content: space-between;"><div><small>Florida UCP Agreement 011602</small></div><div><small>Page 24 of 25</small></div></div>	