



DBE

**CITY OF FRESNO DISADVANTAGED
BUSINESS ENTERPRISE PROGRAM
FOR FEDERAL PROJECTS**

October 2016

**49 CODE OF FEDERAL REGULATIONS PARTs 23 and 26 (Issued October 2, 2014)
PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES**

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DBE PROGRAM – 49 CFR PART 26

DOT published Part 26 in the Federal Register on February 2, 1999, and it became effective March 4, 1999 (64 F.R. 5096). It made extensive revisions to DOT's DBE program, formally administered under 49 CFR Part 23. The Final Rule to 49 CFR Part 26 was published in the Federal Register, Volume 68, No. 115 on June 16, 2003. Five (5) subsequent Final Rules to 49 CFR Part 26 were published in the Federal Register on April 2, 2007, April 3, 2009, February 3, 2010, January 28, 2011 and November 3, 2014, which made additional revisions to the regulation. The e-version of the regulations has combined all of these documents into one for easy reading <http://www.ecfr.gov/cgi-bin/ECFR?page=browse>.

You may obtain an electronic version of this document, from FAA Office of Civil Rights website:

http://www.faa.gov/about/office_org/headquarters_offices/acr/bus_ent_program/dbe_program adm/.

POLICY STATEMENT

The City of Fresno has established a Disadvantaged Business Enterprise (DBE) Program in accordance with the regulations of the U.S Department of Transportation (DOT) 49 CFR Part 26; 49 CFR Part 23. The City of Fresno in the past has received federal financial assistance from the Department of Transportation and as a condition of receiving this future/ongoing assistance, the City of Fresno has signed an assurance that it will comply with 49 CFR Part 26 (Part 26) and 49 CFR Part 23 (Part 23).

The City of Fresno also receives federal financial assistance from the US Department of Housing and Urban Development (HUD) 2 CFR Part 200, and the US Environmental Protection Agency (EPA) 40 CFR Part 33 through the State of California State Water Resources Control Board.

It is the policy and commitment of the City of Fresno to ensure that DBEs as defined in Part 26, Part 23, Part 200 and Part 33 have an equal opportunity to receive and participate in DOT, HUD and EPA -assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT, HUD and EPA-assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for contracts and subcontracts relating to construction, professional services, supplies, equipment, materials and other services for DOT, HUD and EPA-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that meet 49 CFR Part 26, 49 CFR Part 23, 2 CFR Part 200 and 40 CFR Part 33 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the Participation of DBEs in DOT, HUD and EPA -assisted contracts;
6. To assist the development of firms that can compete successfully in the marketplace outside the DBE Program; and
7. To outreach to local firms and encourage certification and participation in the DBE Program.

The City Manager of the City of Fresno has the general responsibility for implementing Council policy.

It is the policy of the City of Fresno, in compliance with Federal rules and regulations, to develop and implement a Disadvantaged Business Enterprise (DBE) Program pursuant to

Title 49 of the Code of Federal Regulations (49 CFR), Part 26, effective March 4, 1999, and to continue a DBE Program for Airports Concessions pursuant to 49 CFR, Part 23.

The Council established by Resolution 2000-248 the basic policy of the City relative to the Disadvantaged Business Enterprise Program.

The DBE operating expenditures participation shall be delegated and administered directly by the departments which, at minimum, contribute to the overall goals of the City as a whole.

The Purchasing Manager for the City of Fresno Finance Department, 2600 Fresno Street Room 2156, Fresno, CA 93721, (559-621-1332) has been designated the DBE Liaison Officer. The DBE Liaison Officer has direct, independent access to the Chief Executive Officer of the City of Fresno concerning DBE program matters. The City shall ensure that the DBE Liaison Officer is at all times provided with staff adequate and sufficient to administer the DBE program in compliance with 49 CFR Part 26 and 49 CFR Part 23, including a DBE Program Coordinator. The DBE Liaison Officer is responsible for implementing and administering all aspects of the City's 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 DOT.

This policy statement will be circulated throughout the City of Fresno departments and the community in general. Copies of this policy will be sent to DBE and to non-DBE business communities that perform work for us on DOT, HUD and EPA-assisted contracts.

The Council of the City of Fresno hereby adopts its policy statement expressing a commitment to use Disadvantaged Business Enterprises (DBEs) and other small businesses in all aspects of contracting financed in whole or in part by the Federal Government, U.S. Department of Transportation (DOT); US Department of Housing and Urban Development and the US Environmental Protection Agency.



City Manager



Date

SUBPART A – GENERAL REQUIREMENTS

SECTION 26.1 OBJECTIVES OF THE DBE PROGRAM

Objectives of the DBE Program are:

To aggressively seek out and identify firms owned and controlled by socially and economically disadvantaged individuals who are qualified to provide the City of Fresno with required goods, materials, supplies and services needed for the City's operations.

To develop and implement information and communication programs and procedures geared to acquaint prospective DBEs with the City of Fresno's contracting and procurement procedures and requirements.

To develop the necessary interdepartmental relationships within the City of Fresno, which will promote, foster, and facilitate the implementation of this program.

To contribute to the economic stability and growth of DBEs in the Fresno metropolitan area.

To attain the annual DBE overall goals as established with the Federal Transportation Administration (FTA), Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), and any other federal agency requiring goal submission, and to meet all Federal guidelines in the administration of this program.

SECTION 26.3 APPLICABILITY

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

The City of Fresno is the recipient of federal-aid highway funds authorized under Titles I and V of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), Pub. L. 102-240, 105 Stat. 1914, or Titles I, III and V of the Transportation Equity Act for the 21st Century (TEA-21), Pub. L. 105-178, 112 Stat. 107.

The City of Fresno is the recipient of federal transit funds authorized by Titles I, III, V and VI of ISTEA, Pub. L. 102-240 or by Federal transit laws in Title 49, U.S. Code, or Titles I, II and V of the TEA-21, Pub. L. 105-178.

SECTION 26.5 DEFINITIONS

(The terms below shall be defined as follows unless inconsistent with or in conflict with any applicable provisions of federal law or regulation including 49 CFR Part 26, § 26.5 and 49 CFR Part 23, § 23.3, in which case the then current federal law or regulation shall control).

Affiliation has the same meaning the term has in the Small Business Administration (SBA) regulations, 13 CFR Part 121, except that the provisions of SBA regulations concerning affiliation in the context of joint ventures (13 CFR § 121.103(f)) do not apply to Part 23.

(1) Except as otherwise provided in 13 CFR Part 121, concerns are affiliates of each other when, either directly or indirectly:

(i) One concern controls or has the power to control the other; or

(ii) A third party or parties controls or has the power to control both; or

(iii) An identity of interest between or among parties exists such that affiliation may be found.

(2) In determining whether affiliation exists, it is necessary to consider all appropriate factors, including common ownership, common management, and contractual relationships. Affiliates must be considered together in determining whether a concern meets small business size criteria and the statutory cap on the participation of firms in the DBE Program.

Alaska Native means a citizen of the United States who is a person of one-fourth degree or more Alaskan Indian (including Tsimshian Indians not enrolled in the Metlaktla Indian Community), Eskimo, or Aleut blood, or a combination of those bloodlines. The term includes, in the absence of proof of a minimum blood quantum, any citizen whom a Native village or Native group regards as an Alaska Native if their father or mother is regarded as an Alaska Native.

Alaska Native Corporation (ANC) means any Regional Corporation, Village Corporation, Urban Corporation, or Group Corporation organized under the laws of the State of Alaska in accordance with the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601, *et seq.*).

Car dealership means, for purposes of Part 23, an establishment primarily engaged in the retail sale of new and/or used automobiles. Car dealerships frequently maintain repair departments and carry stocks of replacement Parts, tires, batteries, and automotive accessories. Such establishments also frequently sell pickup trucks and vans at retail. In the standard industrial classification system, car dealerships are categorized in NAICS code 441110.

Concession means, for purposes of Part 23, one or more of the types of for-profit businesses listed in paragraph (1) or (2) of this definition:

(1) A business, located on an airport subject to Part 23, that is engaged in the sale of consumer goods or services to the public under an agreement with the recipient,

another concessionaire, or the owner or lessee of a terminal, if other than the recipient.

- (2) A business conducting one or more of the following covered activities, even if it does not maintain an office, store, or other business location on an airport subject to this Part, as long as the activities take place on the airport: Management contracts and subcontracts, a web-based or other electronic business in a terminal or which passengers can access at the terminal, an advertising business that provides advertising displays or messages to the public on the airport, or a business that provides goods and services to concessionaires.

Example to paragraph (2): A supplier of goods or a management contractor maintains its office or primary place of business off the airport. However the supplier provides goods to a retail establishment in the airport; or the management contractor operates the parking facility on the airport. These businesses are considered concessions for purposes of Part 23.

- (3) For purposes of this definition, a business is not considered to be “located on the airport” solely because it picks up and/or delivers customers under a permit, license, or other agreement. For example, providers of taxi, limousine, car rental, or hotel services are not considered to be located on the airport just because they send shuttles onto airport grounds to pick up passengers or drop them off. A business is considered to be “located on the airport,” however, if it has an on-airport facility. Such facilities include in the case of a taxi operator, a dispatcher; in the case of a limousine, a booth selling tickets to the public; in the case of a car rental company, a counter at which its services are sold to the public or a ready return facility; and in the case of a hotel operator, a hotel located anywhere on airport property.
- (4) Any business meeting the definition of concession is covered by this definition, regardless of the name given to the agreement with the recipient, concessionaire, or airport terminal owner or lessee. A concession may be operated under various types of agreements, including but not limited to the following:
- (i) Leases.
 - (ii) Subleases.
 - (iii) Permits.
 - (iv) Contracts or subcontracts.
 - (v) Other instruments or arrangements.
- (5) The conduct of an aeronautical activity is not considered a concession for purposes of this subpart. Aeronautical activities include scheduled and non-scheduled air carriers, air taxis, air charters, and air couriers, in their normal passenger or freight carrying capacities; fixed base operators; flight schools; recreational service providers (e.g., sky-diving, parachute-jumping, flying guides); and air tour services.

(6) Other examples of entities that do not meet the definition of a concession include flight kitchens and in-flight caterers servicing air carriers, government agencies, industrial plants, farm leases, individuals leasing hangar space, custodial and security contracts, telephone and electric service to the airport facility, holding companies, and skycap services under contract with an air carrier or airport.

Commercially useful function means to be responsible for the execution of a distinct element of work of the contract and for carrying out this responsibility by actually performing, managing and supervising the work involved; and to be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself. It further has the same meaning as in Part 26, § 26.55(c), except that the requirements of §26.55(c)(3) do not apply to concessions under Part 23.

Compliance means that a recipient has correctly implemented the requirements of Part 26.

Concessionaire/ACDBE means, for purposes of Part 23, a firm that owns and controls a concession or a portion of a concession, located at Airport.

Construction means to build, form, or devise by fitting Parts or elements together systematically and the process of supervision, inspection, building, and all activities related to the construction or reconstruction of projects. This includes construction and reconstruction of streets, buildings, and the repair of buildings, demolition, and rehabilitation.

Contract means a legally binding relationship obligating a seller to furnish supplies or services (including, but not limited to, construction and professional services) and the buyer to pay for them. For purposes of Part 26 and Part 23, a lease is considered to be a contract.

Contractor means one who participates, through a contract or subcontract (at any tier), in a DOT-assisted highway, transit, or airport program.

Department or **DOT** means the U.S. Department of Transportation, including the Office of the Secretary, the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and the Federal Aviation Administration (FAA).

Direct ownership arrangement means, for purposes of Part 23, a joint venture, partnership, sublease, licensee, franchise, or other arrangement in which a firm owns and controls a concession.

Disadvantaged business enterprise or **(DBE) also includes Airport Concession Disadvantage business enterprise (ACDBE)** means a for-profit small business concern;

(1) 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; and

(2) Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

Airport Concessions (ACDBE): same as (1) and (2) above.

Disadvantaged Business Enterprises are also classified for HUD and EPA funds:

- (1) Entities owned and/or controlled by socially and economically disadvantaged individuals as described by Title X of the Clean Air Act Amendments of 1990 (42 U.S.C. 7601 note) (10% statute), and Public Law 102-389 (42 U.S.C. 4370d) (8% statute), respectively;
- (2) a Minority Business Enterprise (MBE) are entities that are at least 51% owned and/or controlled by a socially and economically disadvantaged individual as described by Title X of the Clean Air Act Amendments of 1990 (42 U.S.C. 7601 note), and Public Law 102-389 (42 U.S.C. 4370d), respectively.
- (3) a Women Business Enterprise (WBE) are entities that are at least 51% owned and/or controlled by women.
- (4) a Small Business Enterprise (SBE);
- (5) a Small Business in a Rural Area (SBRA);
- (6) a Labor Surplus Area Firm (LSAF); or
- (7) an Historically Underutilized Business (HUB) Zone Small Business Concern or a concern under a successor program.

DOT-assisted contract means any contract between a recipient and a contractor (at any tier) funded in whole or in part with DOT financial assistance, including letters of credit or loan guarantees, except a contract solely for the purchase of land.

DOT/SBA Memorandum of Understanding or MOU, refers to the agreement signed on November 23, 1999, between the Department of Transportation (DOT) and the Small Business Administration (SBA) streamlining certification procedures for Participation in SBA's 8(a) Business Development (8(a) BD) and Small Disadvantaged Business (SDB) programs, and DOT's Disadvantaged Business Enterprise (DBE) program for small and disadvantaged businesses.

Good faith efforts means efforts to achieve a DBE goal or other requirement of Part 26 or Part 23 which, by their scope, intensity, and appropriateness to the objective, can reasonably be expected to fulfill or meet the program requirement.

Home state means the state in which a DBE firm or applicant for DBE certification maintains its principal place of business.

Immediate family member means father, mother, husband, wife, son, daughter, brother, sister, grandmother, grandfather, grandson, granddaughter, mother-in-law, or father-in-law; and, for purposes of Part 23, also means brother-in-law, sister-in-law, or registered domestic partner.

Indian tribe means any Indian tribe, band, nation, or other organized group or community of Indians, including any ANC, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, or is recognized as such by the State in which the tribe, band, nation, group, or community resides. See definition of “tribally-owned concern” in this section.

Joint venture means an association of a DBE firm and one or more other firms to carry out a single, for-profit business enterprise, for which the parties combine their property, capital, efforts, skills and knowledge, and in which the DBE is responsible for a distinct, clearly defined portion of the work of the contract and whose share in the capital contribution, control, management, risks, and profits of the joint venture are commensurate with its ownership interest. For purposes of Part 23, joint venture entities are not certified as airport concession DBEs.

Management contract or subcontract means, for purposes of Part 23, an agreement with a recipient or another management contractor under which a firm directs or operates one or more business activities, the assets of which are owned, leased, or otherwise controlled by the recipient. The managing agent generally receives, as compensation, a flat fee or a percentage of the gross receipts or profit from the business activity. For purposes of this definition, the business activity operated or directed by the managing agent must be other than an aeronautical activity, be located at an airport subject to Part 23, and be engaged in the sale of consumer goods or provision of services to the public.

Material amendment means, for purposes of Part 23, a significant change to the basic rights or obligations of the parties to a concession agreement. Examples of material amendments include an extension to the term not provided for in the original agreement or a substantial increase in the scope of the concession privilege. Examples of nonmaterial amendments include a change in the name of the concessionaire or a change to the payment due dates.

Native Hawaiian means any individual whose ancestors were natives, prior to 1778, of the area which now comprises the State of Hawaii.

Native Hawaiian Organization means any community service organization serving Native Hawaiians in the State of Hawaii which is a not-for-profit organization chartered by the State of Hawaii, is controlled by Native Hawaiians, and for purposes of Part 26, whose business activities will principally benefit such Native Hawaiians.

Noncompliance means that a recipient has not correctly implemented the requirements of Part 26 or Part 23.

Operating Administration or OA means any of the following Parts of DOT: the Federal Aviation Administration (FAA), Federal Highway Administration (FHWA), and Federal Transit Administration (FTA). The “Administrator” of an operating administration includes his or her designees.

Personal net worth means the net value of the assets of an individual remaining after total liabilities are deducted. An individual's personal net worth does not include: The individual's

ownership interest in an applicant or participating DBE firm; or the individual's equity in his or her primary place of residence; and, for purposes of Part 23, other assets that the individual can document are necessary to obtain financing or a franchise agreement for the initiation or expansion of his or her airport concession DBE firm (or have in fact been encumbered to support existing financing for the individual's airport concession DBE business), to a maximum of \$3 million. An individual's personal net worth includes only his or her own share of assets held jointly or as community property with the individual's spouse.

Primary airport means a commercial service airport that the Secretary of Transportation determines to have more than 10,000 passengers enplaned annually.

Primary industry classification means the North American Industrial Classification System (NAICS) designation which best describes the primary business of a firm. The NAICS is described in the *North American Industry Classification Manual—United States, 1997* which is available from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA, 22161; by calling 1 (800) 553-6847; or via the Internet at: <http://www.ntis.gov/product/naics.htm>.

Primary recipient means a recipient which receives DOT financial assistance and passes some or all of it on to another recipient.

Principal place of business means the business location where the individuals who manage the firm's day-to-day operations spend most working hours and where top management's business records are kept. If the offices from which management is directed and where business records are kept are in different locations, the recipient will determine the principal place of business for DBE program purposes.

Program means any undertaking on a recipient's Part to use DOT financial assistance, authorized by the laws to which Part 26 or Part 23 applies.

Race-conscious means a measure or program that is focused specifically on assisting only DBEs, including women-owned DBEs.

Race-neutral means a measure or program that is, or can be, used to assist all small businesses. For the purposes of Part 26 and Part 23, *race-neutral* includes gender-neutrality.

Recipient means any entity, public or private, to which DOT financial assistance is extended, whether directly or through another recipient, through the programs of the FAA, FHWA, or FTA, or who has applied for such assistance.

Secretary means the Secretary of Transportation or his/her designee.

Set-aside means a contracting practice restricting eligibility for the competitive award of a contract solely to DBE firms.

Small Business Administration or **SBA** means the United States Small Business Administration.

SBA certified firm refers to firms that have a current, valid certification from or recognized by the SBA under the 8(a) BD (Business Development) or SDB (Small Disadvantage Business) programs.

Small business or Small business concern means, with respect to firms seeking to participate as DBEs in DOT-assisted contracts, a small business concern as defined pursuant to section 3 of the Small Business Act and Small Business Administration regulations implementing it (13 CFR Part 121) that also does not exceed the cap on average annual gross receipts specified in Part 26, § 26.65(b). For purposes of Part 23, it means a for profit business that does not exceed the size standards of Part 23, § 23.33.

Small hub airport means a publicly owned commercial service airport that has a number of passenger boardings equal to at least 0.05 percent of all passenger boardings in the United States but less than 0.25 percent of such passenger boardings. The Fresno Yosemite International Airport is a small hub airport.

Socially and economically disadvantaged individual means any individual who is a citizen (or lawfully admitted permanent resident) of the United States and who is—

(1) Any individual who a recipient finds to be a socially and economically disadvantaged individual on a case-by-case basis.

(2) Any individual in the following groups, members of which are rebuttably presumed to be socially and economically disadvantaged:

(i) “Black Americans,” which includes persons having origins in any of the Black racial groups of Africa;

(ii) “Hispanic Americans,” which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;

(iii) “Native Americans,” which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians;

(iv) “Asian-Pacific Americans,” which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Philippines, Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), the Commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga, Kiribati, Juvalu, Nauru, Federated States of Micronesia, or Hong Kong;

(v) “Subcontinent Asian Americans,” which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka;

(vi) Women;

(vii) Any additional groups whose members are designated as socially and economically disadvantaged by the SBA, at such time as the SBA designation becomes effective.

State of California Division of Local Assistance Engineer - District Local Assistance Engineer (DLAE),

Tribally-owned concern means any concern at least 51 percent owned by an Indian tribe as defined above.

You refers to a recipient, unless a statement in the text of Part 26 or Part 23 or the context requires otherwise (i.e., 'You must do XYZ' means that recipients must do XYZ).

SECTION 26.7 NON-DISCRIMINATION REQUIREMENTS

The City of Fresno 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 Parts 23 and 26 on the basis of race, color, sex, or national origin.

In administering its DBE Program, the City of Fresno 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 BIDDERS LIST

The City of Fresno has an online bidders list which can be found at <http://www.fresno.gov>. **For Businesses (to the left of the screen), Bid Opportunities** consisting of information about all DBE and non-DBE firms that bid or quote on DOT, HUD or EPA assisted contracts. Contractors may view and maintain their profile at any time. It is the contractor's responsibility to ensure their profile is always up to date with the most current information. The bidder list will include the name, address, DBE/ non-DBE status.

The City of Fresno will collect this information as follows:

As part of the bidding process, the City of Fresno will require that each contractor list their subcontractors along with the type of work being performed. The three lowest bidders will be required to submit contact information, business size capacity and type of work performed for each subcontractor listed at time of bid. The Online bidders list will be on projects by type, federally funded or non-federally funded, along with all of the subcontractors, DBE's and other small businesses listed. **See Attachment 1.**

SECTION 26.13 FEDERAL FINANCIAL ASSISTANCE AGREEMENT

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

SECTION 26.13 (a) ASSURANCE:

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

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

SECTION 26.13 (b) ASSURANCE

We will ensure that the following clause is placed in every DOT-assisted contract and subcontract:

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

RECORD KEEPING REQUIREMENTS

The City will report DBE awards, commitments and payments on the Uniform Report of DBE Awards or Commitments and Payments, found in Appendix B to Part 26, at the intervals stated on the form.

The City of Fresno will report DBE participation to DOT as follows (Part 26, § 26.11(b); Part 23, §23.27):

As an FAA recipient, the City of Fresno will submit annually on December 1 on the form provided in Appendix B to the DBE regulations.

As an FTA recipient, the City of Fresno will report DBE participation on a semiannual basis on June 1 and December 1, using the form provided in Appendix B to the DBE regulations. These reports will reflect payments actually made to DBEs on DOT-assisted contracts. FAX prepares and submits these forms directly to the FTA.

As an FHWA sub recipient, the City of Fresno does not report DBE participation on a quarterly basis

The DBE Program Coordinator shall prepare the required semiannual/annual compliance reports for the various Operating Administrations on the form provided in Appendix B Part 26 to the DBE regulations. These reports shall be coordinated with each department.

The DBE Program Coordinator shall prepare annual reports for department's receiving federal funds and the overall DBE goals for the procurement category of equipment, materials, supplies and professional services. The DBE Program Liaison Officer shall furnish the City Manager with a consolidated DBE Program report for presentation to the Council

The DBE Program Coordinator shall keep on file for a period of three years, reports, records and DBE plans that will enable the respective Operating Administration to evaluate compliance with the federal requirements.

The DBE Program Coordinator and the affected department representative may determine during a fiscal year that it is necessary or appropriate to revise that year's goals.

GENERAL MAINTENANCE OF RECORDS

Each Department, in conjunction with the DBE Program Coordinator, shall develop a comprehensive record keeping system which will facilitate the monitoring and progress assessment of the DBE Program. This system will also provide necessary data for compliance reviews and uniform reporting requirements. Departments shall provide copies of the records to the DBE Program Coordinator who shall be the custodian in charge of maintaining records showing procedures which have been utilized to implement this DBE Program including outreach, technical assistance efforts and referrals, and communication programs.

The records shall also show the contract awards to DBEs including names, addresses, phone numbers, nature of the work, total value of the contract/subcontract and the overall percentage utilization of DBE awards. Records will provide data of actual DBE attainments. DBE participation will be credited toward overall goals only when payments are actually made to DBE firms. The contract awards to DBEs shall be measured against the overall contracts awarded annually and the overall DBE goals.

The records shall be provided to the DBE Program Coordinator on an annual basis for construction, professional services and other procurements, including procurements solicited under City of Fresno Charter Section 1208 for competitive bidding.

Whenever possible, the DBE Program Coordinator shall obtain oral or written reports from contractors on their progress in meeting DBE contractual obligations; and oral or written reports from DBEs to verify that they have performed the work committed to DBEs at contract award, including payments actually made to DBE firms. Final utilization reports will be required to be completed by the contractor within 30 days of Notice of Completion. Reports will be on a form provided by the City.

MAINTENANCE OF RECORDS BY FRESNO AREA EXPRESS (FAX) FOR FTA FUNDED PROJECTS

The development of a comprehensive monitoring system enables the DBE coordinator to evaluate progress in achieving DBE overall goals, determine the priorities for allocating DBE staff time, and identify problem areas in a timely fashion. In order to carry out this monitoring, a record keeping system should be developed which will identify and assess DBE contract awards and other DBE information. This data will facilitate monitoring for internal management purposes, as well as provide data necessary for FTA compliance reviews and uniform reporting requirements.

Specifically, FAX should maintain records showing procedures which have been adopted to comply with the requirements of the FTA DBE Circular 1165.I and these instructions, including but not limited to:

Outreach techniques;

Technical assistance efforts and referrals, and communications programs;

Maintaining copies of all relevant correspondence, minutes of meetings, and lists of attendees at conferences and workshops;

Documenting awards to DBEs, including at a minimum:

- Names of DBE contractors and subcontractors;
- Nature of work;
- Total value of the contract or subcontract; and
- The amount of DBE awards as a percentage of all contracts and subcontracts awarded.

Measuring awards against projected DBE awards (to assist in this effort, the City should obtain regular reports from prime contractors on their progress in achieving contractual DBE obligations); and

Specifying efforts to identify and award contracts to DBEs including but not limited to:

- Number and identity of DBEs contacted and invited to quote/bid by contract; and
- Number and identity of DBEs responding by contract.

MEETING FTA REPORTING REQUIREMENTS

FAX shall ensure compliance with FTA reporting requirements. The scope and intent of FTA's reporting requirements can be found in the following subsections of Chapter III, Section D, Guidelines for Project Administration, of the External Operating Manual:

- Accounting System and Internal Controls, pages 111D through 111D-6;
- Financial Reporting Requirements, page 111D-7;
- Other Financial Reporting Requirements, page 111D-7A;
- Record Retention, page 111D-I.
- These uniform DBE reporting requirements have been designed to be part of the quarterly financial status report which is submitted to the appropriate FTA Regional Office. The appropriate FTA Regional Civil Rights Officer of the Headquarters Office of Civil Rights will be responsible for reviewing the DBE portion of such reports.
- The quarterly report should include, as a minimum, the following for each active FTA assisted project for the previous calendar quarter:
 - Total FTA share;
 - Number of contracts awarded by budget line item;
 - Number, description, and dollar value of contracts awarded to DBEs by budget line item;

- Number, description, and dollar value of all subcontracts, regardless of tier, awarded to DBEs by budget line item;
- Cumulative number and dollar amount of all contracts and subcontracts, regardless of tier, awarded to DBEs under active grant projects.
- Procurement award by ethnic group.
- Quarterly reports should include the following information for the ensuing quarter by budget line item:
 - An estimate of project funds required for activities to be undertaken under each FTA grant project;
 - An estimate of the cumulative number, description, and dollar amount of contracts to be awarded;
 - An estimate of the cumulative number, description, and dollar amount of contracts to be awarded to DBEs; and
 - An estimate of the attainment of DBE percentage goals. Records will provide data of actual attainments. DBE participation will be credited toward overall goals only when payments are actually made to DBE firms.
- These computations shall be submitted to the City of Fresno DBE Program Coordinator for the addition of any construction project DBE awards and commitment activity. Fresno Area Express staff is responsible for assuring that the quarterly report is completed and submitted to the FTA Regional Office.

CERTIFYING AGENCY RECORD KEEPING REQUIREMENTS

As a certifying agency, the City of Fresno will maintain records documenting a firm's compliance with the requirements of this part. At a minimum, the City of Fresno will keep a complete application package for each certified firm and all affidavits of no-change, change notices, and on-site reviews. We understand that these records must be retained in accordance with applicable record retention requirements of our financial assistance agreement. Other certification or compliance related records must be retained for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for our financial assistance agreement, whichever is longer.

The City of Fresno as a member of the California UCP established pursuant to § 26.81 of this part will report to the DOT Office of Civil Rights, by January 1, 2015, and each year thereafter, the percentage and location in the State of certified DBE firms in the UCP Directory controlled by the following:

- (1) Women;
- (2) Socially and economically disadvantaged individuals (other than women); and
- (3) Individuals who are women and are otherwise socially and economically disadvantaged individuals.

SECTION 24 CFR 570.506 (g) (6) CDBG and 24 CFR 92.508 (a) (7)(ii) (B) /HOME GRANTS RECORDKEEPING REQUIREMENTS

Data indicating the racial/ethnic character of each business entity receiving a contract or subcontracts of \$25,000 or more paid or to be paid, with CDBG funds, data indicating which of those entities are women's business enterprises as defined in Executive Order 12138, the amount of the contract or subcontract, and documentation of recipients' affirmative steps to

assure that minority business and women business enterprise have an equal opportunity,
See Attachment 11.

SUBPART B - ADMINISTRATIVE REQUIREMENTS

SECTION 26.21 DBE PROGRAM UPDATES

Since the City of Fresno receives grants of \$250,000 or more for airport planning or development, \$250,000 or more in FTA planning capital, and /or operating assistance in a federal fiscal year, and grants as otherwise authorized by a statute to which part 26 applies, the City of Fresno will continue to carry out this DBE Program until all funds from DOT financial assistance have been expended. The City of Fresno will provide to DOT updates representing significant changes in the DBE Program.

SECTION 26.23 POLICY STATEMENT

The Policy Statement is elaborated on the first page of this DBE Program, Page 1.

SECTION 26.25 DBE LIAISON OFFICER (DBELO)

Under policy set by the Council of the City of Fresno, the City Manager has designated the Finance Purchasing Manager, DBE Liaison Officer (DBELO). The DBELO is located at 2600 Fresno Street; Room 2156 Fresno, CA 93721, phone number is 559-621-7006.

The DBELO, individually or through his/her designee shall meet periodically to review the DBE Program and any proposed changes with City Department Directors or their designees to: (1) review implementation of the DBE Program, (2) ascertain the progress and achievements of the Program, (3) identify problems and/or deficiencies, and (4) make recommendations concerning changes and improvements in the DBE Program.

DUTIES OF THE DBE PROGRAM COORDINATOR

The DBELO is responsible for developing, implementing and monitoring the DBE Program in coordination with other appropriate officials. The DBELO provides general direction to support staff in administering the DBE Program for federal funded projects. In that capacity, the DBELO is responsible for implementing all aspects of the DBE Program and ensuring that the City of Fresno complies with all provision of 49 CFR Part 26 and Part 23. The DBELO has direct, independent access to the City Manager concerning DBE program matters. An organization chart displaying the DBELO's position in the City of Fresno, FAX and Fresno Yosemite International Airport organizations are found in **Attachment 2**.

The DBELO has designated the DBE Program Coordinator and the respective representatives for FAX, Public Works and Fresno Yosemite International Airport, to assist in the administration of the DBE Program.

The duties and responsibilities include:

1. Gathers and reports statistical data and other information as required by DOT.

2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments, including FAX, Public Works and Fresno Yosemite International Airport to set overall annual goals for each respective Operating Administration.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Analyzes DBE participation and identifies ways to encourage participation through race-neutral means.
6. Analyzes and prepares the Uniform Report of DBE Commitments, Awards and Payment.
7. Advises the DBELO on DBE matters and achievement.
8. Participates in pre-bid meetings.
9. Provides DBEs with information and recommends resources to assist in preparing bids, obtaining bonding and insurance.
10. Facilitates DBE training seminars through partners.
11. Certifies DBEs according to the criteria set by Parts 23 and 26 and acts as liaison to the California Uniform Certification Program.
12. Provides outreach to DBEs and community organizations to advise them of bid opportunities.
13. Provides appropriate technical assistance activities to DBEs.

DUTIES OF THE FRESNO AREA EXPRESS SUPPORT STAFF

The responsibility for the implementation and administration of the Fresno Area Express DBE participation program shall rest with the support staff, who is appointed by the Director of Transportation.

Specific duties of staff shall include, but are not limited to the following:

- Actively seeking and identifying DBEs who can supply goods, materials, supplies, and services for Fresno Area Express operating requirements.
- Managing, and implementing the Fresno Area Express DBE participation program on a day-to-day basis.
- Carrying out technical assistance activities for DBEs.
- Disseminating information on available business opportunities for Fresno Area Express operations.
- Maintaining liaison with other City departments for contract compliance purposes.
- Preparing and presenting oral and written reports and responses to requests for information.
- Maintaining statistical data to report how goals are being met for the procurement of

operating goods and services.

- Establishing DBE goals for the Fresno Area Express operation expenditures.

DUTIES OF THE FRESNO YOSEMITE INTERNATIONAL AIRPORT SUPPORT STAFF

The responsibility for the implementation and administration of the Fresno Yosemite International Airport (FYIA) DBE participation program shall rest with the support staff, who is appointed by the Director of Aviation.

Specific duties of staff shall include, but are not limited to the following:

- Actively seeking and identifying DBEs who can supply goods, materials, supplies, and services for FYIA operating requirements.
- Carrying out technical assistance activities for DBEs.
- Disseminating information on available business opportunities for FYIA operations.
- Maintaining liaison with other City departments for contract compliance purposes.
- Preparing and presenting oral and written reports and responses to requests for information.
- Maintaining statistical data to report how goals are being met for the procurement of operating goods and services. Establishing DBE Triennial goals for FYIA

RESPONSIBILITIES OF OTHER PERSONNEL

Support Staff for implementing the Disadvantaged Business Enterprises Regulations:

PUBLIC WORKS – ENGINEERING: will provide engineering support to determine individual project goals, prepare project specifications, and assure compliance of bid documents with the DBE regulations.

FINANCE – PURCHASING: will handle advertising and bid opening.

PUBLIC WORKS – CONSTRUCTION MANAGEMENT (INSPECTION): will monitor contractor compliance and reporting of DBE participation during construction.

The City Manager or his/her designee will evaluate the DBE compliance performance of all department Directors receiving DOT financial assistance.

DUTIES OF ALL DEPARTMENT DIRECTORS

All department Directors are responsible for the management and implementation of the DBE Program within their respective departments. The Directors of all City departments receiving DOT financial assistance shall provide general direction to support staff in administering the DBE Program as it relates to their department's operating expenditures and shall designate a staff person to coordinate DBE activities with the DBE Program Coordinator.

SECTION 26.27 DBE FINANCIAL INSTITUTIONS

It is the policy of the City of Fresno to thoroughly investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contract to make use of these institutions. The City of Fresno has thoroughly investigated to identify such institutions and determined the following: There are none available in the local area.

Information on the availability of such institutions out of the local area can be obtained from the DBE Liaison Officer.

SECTION 26.29 PROMPT PAYMENT MECHANISMS

The City of Fresno will include the following provisions in each DOT-assisted prime contract:

The Contractor shall contain the following provisions in each of its subcontracts and require its subcontractors to pay their subcontractors in the same manner and to contain these provisions in each of their contracts for all tiers of subcontracting.

All Contracts and Subcontracts (all tiers), shall contain the following provisions:

Prompt Progress Payment to Subcontractors. A prime contractor or subcontractor shall pay a subcontractor not later than seven (7) days of receipt of each progress payment in accordance with Section 7108.5 of the California Business and Professions Code concerning prompt payment to subcontractors. The seven (7) days is applicable unless a longer period is agreed to in writing. Any delay or postponement of payment over thirty (30) days may take place only for good cause and with the City's prior written approval. Any violation of Section 7108.5 shall subject the violating contractor or subcontractor to the penalties, sanction and other remedies of that section. These requirements shall not be construed to limit or impair any contractual, administrative, or judicial remedies otherwise available to the prime contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the prime contractor, deficient subcontractor performance, or noncompliance by a subcontractor. This provision applies to both DBE and non-DBE subcontractors.

Prompt Payment of Withheld Funds to Subcontractors. The City shall hold retainage from the prime contractor and shall make prompt and regular incremental acceptances of portions, as determined by the City of the contract work and pay retainage to the prime contractor based on these acceptances. The prime contractor or subcontractor shall return all monies withheld in retention from a subcontractor within 30 days after receiving payment for work satisfactorily completed and accepted including incremental acceptances of portions of the contract work by the City. Any delay or postponement of payment may take place only for good cause and with the City's prior written approval. Any violation of these provisions shall subject the violating prime contractor or

subcontractor to the penalties, sanctions, and other remedies specified in Section 7108.5 of the California Business and Professions Code. These requirements shall not be construed to limit or impair any contractual, administrative, or judicial remedies otherwise available to the prime contractor or subcontractor in the event of a dispute involving late payment, or nonpayment by the prime contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This provision applies to both DBE and non-DBE subcontractors.

MONITORING PAYMENTS TO DBES

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

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

SECTION 26.31 DIRECTORY

The City of Fresno participates in a combined statewide directory identifying all firms eligible to participate as DBEs. The directory lists the firm's name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE. The type of work is listed by using the most specific NAICS code available to describe each type of work. The City of Fresno makes the Directory available as follows: on-line at www.californiaucp.org or by contacting the DBE COORDINATOR.

SECTION 26.33 OVERCONCENTRATION

The City of Fresno has not identified that overconcentration exists in the types of work that DBEs perform. If it is determined that DBE firms are so over-concentrated in a certain type of work as to unduly burden the opportunity of non-DBE firms to participate in this type of work, the City will devise measures to address this over-concentration and obtain the approval of the respective Operating Administrations.

SMALL BUSINESS DEVELOPMENT AND MENTOR-PROTÉGÉ PROGRAMS [49 CFR PART 26.35 AND 26.51]

The City of Fresno has not established a business development program. The City of Fresno participates in the mentor-protégé program established by the California Department of Transportation and approved by FHWA, for DOT-assisted contracts through FHWA. Another DBE or non-DBE firm is the principal source of business development assistance to a DBE firm. Only firms certified as DBEs before they are proposed for participation in the mentor-protégé program are eligible to participate in such program. During the course of the mentor-protégé relationship, no DBE credit will be awarded to a non-DBE mentor firm for using its

own protégé firm either for more than one half of its goal on any contract let by the City, or for more than every other contract performed by the protégé firm. For purposes of making determinations of business size under Part 26, protégé firms are not treated as affiliates of mentor firms, when both firms are participating under a mentor-protégé program.

SMALL BUSINESS PARTICIPATION ELEMENT [49 CFR PART 26.39]

A requirement of good faith effort implementation of the DBE Program includes the active implementation of DBE Program requirements to foster small business participation. Contracting requirements shall be structured to facilitate competition by small businesses, taking all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation as prime contractors or subcontractors.

In meeting a portion of the City's overall goal projected to meet through race-neutral measures, a reasonable number of prime contracts are to be of a size that small businesses, including DBEs, can reasonably perform.

Bidders on design-build contracts for megaprojects shall be required to specify elements of the contract or specific subcontracts that are of a size that small businesses, including DBEs, can reasonably perform.

The DBE Program is open to all small businesses, including DBEs, regardless of their location, and there are no limits on the number of contracts that can be awarded to firms participating in the DBE Program. Every effort will be made to avoid creating barriers to the use of new, emerging or untried businesses.

The departments and DBE Program Coordinator shall offer the following assistance directly to DBEs and other small businesses:

- Information on its organization and contractual needs;
- Instructions to interpret bid specifications, procurement policy procedures, and general bid requirements;
- Opportunity to review and evaluate successful bid documents of previous, similar procurements;
- Information on specific reasons for unsuccessful bids through debriefing sessions;
- Projected procurement opportunities;
- Instruction on job performance requirements;
- Referrals to firms who offer advice and assistance through mentor-protégé programs;

- Monitor and insure that prime contractors make prompt payments to DBE and other subcontractors; and,
- Disseminate contracting information through written materials, seminars, workshops, and specialized assistance to individual firms.

In addition, the departments and DBE Program Coordinator may refer DBEs and other small businesses to other agencies (i.e., Small Business Administration, Minority Business Development Agency) for financial management, personnel management, and other technical assistance related to the specific needs of DBEs or other small businesses. The departments should maintain a list of agencies offering these types of assistance with a description of the services offered. The staff should also familiarize these agencies with the nature of the City's operations and procurement needs.

INCREASING DBE AND OTHER SMALL BUSINESS PARTICIPATION

Assistance shall be provided small businesses, including DBEs, in overcoming barriers to DBE Program participation in all methods of procurement. This assistance should be offered directly by the departments, as well as by referral to other assistance agencies, through established, comprehensive, and continuous programs. Businesses requiring management and technical assistance can be identified through a questionnaire, personal experience with these businesses, and unsolicited requests for assistance.

The departments and DBE Program Coordinator shall offer the following assistance directly to DBEs and other small businesses:

- Information on its organization and contractual needs;
- Instructions for preparation of bid specifications, procurement policy procedures, and general bid requirements;
- Opportunity to review and evaluate successful bid documents of previous, similar procurements;
- Information on specific reasons for unsuccessful bids through debriefing sessions;
- Projected procurement opportunities;
- Instruction on job performance requirements;
- Referrals to firms who offer advice and assistance through mentor-protégé programs;
- Monitor and insure that prime contractors make prompt payments to DBE and other small business subcontractors;
- This data should be disseminated through written materials, seminars, workshops, and specialized assistance to individual firms.

FORMAL BIDS AND REQUESTS FOR PROPOSALS

The outreach and techniques that should be utilized by departments and the DBE Program Coordinator to encourage DBE and other small business participation in the formal bid process include:

- Developing bid packages and requests for proposals so as to increase potential DBE and other small business participation. In addition to that provided above in this section, this may take the form of using certain types of materials and methods and breaking down large projects to include smaller contracts for work that small businesses, including DBEs, can reasonably perform;
- Encouraging the formation of joint ventures between DBEs and other small businesses which provide opportunities for DBEs and other small businesses to gain experience;
- Considering purchasing supplies and/or leasing the required equipment for a job and then contracting only for the expertise required to perform the work;
- Providing specifications and Request for Proposals in a timely manner, in order to allow DBEs and other small businesses adequate time to develop responsive and responsible bids, quotations, and proposals;
- Using the least complicated bid forms;
- Holding a pre-bid conference to emphasize the DBE and other small business requirements, to explain the forms that must be submitted with the bid regarding DBE and other small business participation, documentation required outlining efforts to obtain DBE and other small business subcontractors and joint venture partners, the use and availability of the DBE Directory and small business directory and to answer any questions;
- Placing bid notices in pertinent websites, trade papers, DBE and small business focus newspapers or publications allowing adequate time for development of responsive bids;
- Sending bid notices to DBE and small business trade associations, technical assistance agencies, economic development groups for DBEs and other small businesses, and DBE's and other small businesses with capabilities relevant to the bid notice;
- Making available bid specifications to DBE and other small business contractor associations and technical assistance agencies; and

- Affording a lead time of not less than ten (10) days, unless otherwise required by the respective Operating Administration for advertisement of all invitations for bids and requests for proposals in order that all firms have ample time to develop a complete bid package or proposal and secure necessary assistance.

Since DBE and small business trade associations, small business development agencies, and technical assistance agencies can be important resources for the DBE and Small Business Program, the departments and DBE Program Coordinator shall establish extensive contacts with these organizations. The departments and DBE Program Coordinator shall become familiar with the services and capabilities provided by these groups.

This data should be circulated through written materials, seminars, workshops, and specialized assistance to individual firms and coordinated in conjunction with the City's DBE and Small Business seminars. The various Chambers of Commerce and Business Development Centers will be used as a means of enhancing communications with DBEs and other small businesses.

PARTICIPATION BY DBES AND OTHER SMALL BUSINESSES IN AIRPORT CONCESSIONS

The Airports Department has developed a DBE concession plan in accordance with the regulations of the U.S. Department of Transportation (DOT) 49 CFR, Part 23.

All opportunities for concession/lease agreements with the Airports Department which are aviation related shall be administered pursuant to the DBE Concession Plan and the City's DBE Program.

DBEs with experience in the type of concession under consideration may, upon request, be sent a copy of the Notice of Concession/Lease Opportunity. Each Notice of Concession/Lease Opportunity shall be submitted for publication in newspapers of general circulation or websites. Such notice shall also be sent to business exchanges and other appropriate organizations. Each Notice of Concession/Lease Agreement Opportunity, to the extent feasible, shall be submitted for publication at least sixty (60) days prior to the award of such concession or lease agreement.

The Airports Department representative in conjunction with the DBE Program Coordinator shall actively seek out firms interested in concession/lease opportunities. If any such firms have not been officially certified as a DBE through the DBE Certification Process, the Airport Department representative shall refer that business to the DBE Program Coordinator. The Airports Department representative shall, upon request, provide technical assistance to any certified business expressing an interest in concession/lease opportunities.

Concession/lease agreements shall be subject to the City's overall goals for Disadvantaged Business Enterprises. The City will not use quotas in any way in the administration of the DBE program or to achieve DBE participation.

The Airports Department representative shall submit a written report to the DBE Program Coordinator on an annual basis, in a form satisfactory to the DBE Program Coordinator, addressing the progress made in obtaining certified DBE businesses as lessees and concessionaires at the Fresno Air Terminal.

PARTICIPATION BY DBE'S AND OTHER SMALL BUSINESSES (FAX)

In addition to the procedures contained in this DBE Program, specific procedures applicable to FAX operations is listed in the FAX DBE Enterprise Program Plan, to also ensure a level playing field for DBEs and other small businesses in procurement opportunities at FAX, see website www@fresno.gov

SECTION 26.37 MONITORING AND ENFORCEMENT MECHANISMS [49 CFR PARTS 23 AND 26]

The City of Fresno will utilize the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Parts 23 and 26.

The City of Fresno will bring to the attention of DOT any false, fraudulent, or dishonest conduct in connection with the DBE Program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in Part 26, § 26.109.

The City of Fresno will also consider similar action under our own legal authorities, including responsibility determinations in future contracts. **Attachment 3** lists the regulation, provisions, and contract remedies available to the City of Fresno in the event of non-compliance with the DBE regulation by a participant in our procurement activities

VERIFICATION

The City of Fresno will provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished by the following:

- Requiring prime contractors to maintain records and documents of payments to DBEs for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of the City of Fresno or DOT. This reporting requirement also extends to any certified DBE subcontractor.
- The City of Fresno will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE Participation.

- In conjunction with monitoring contract performance, the City will certify in writing that it has reviewed the contracting records and monitored work sites for the purpose of ensuring that work committed to DBEs at contract award or subsequently is actually performed by the DBEs to which the work was committed.
- The City of Fresno will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award or subsequently and compare this to the actual commitments made at the time of award or subsequently.

NON-COMPLIANCE WITH DBE REQUIREMENTS

It is the intent of the City of Fresno that contractors, on construction or professional service contracts involving DBE subcontractors, shall diligently carry out and adhere to the DBE requirements as set forth in this DBE Program and in the subject contract. The failure of a contractor to comply with the requirements of this DBE Program shall be deemed a material breach of contract and, after due notice and opportunity to cure the breach is afforded the contractor, such breach may result in, among other remedies, termination by City of the awarded contract.

Per 49 CFR Part 26, §26.13(b) the City may impose liquidated damages be paid by a contractor and or other options for failing to comply with DBE requirements on the contract. Upon a final determination by the City of Fresno that a contractor has materially breached the DBE terms of his/her contract, and after due notice of this determination is given to the contractor, liquidated damages, on account of non-compliance with the DBE requirements, may be withheld by the City from progress payments, or the final payment, due to the contractor for work performed under the contract in question. In no event shall the amount of liquidated damages exceed the full dollar amount of the DBE subcontract which is the subject of the contractor's non-compliance with the DBE requirements.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

SECTION 26.43 SET-ASIDES OR QUOTAS

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

SECTION 26.45 OVERALL GOALS

A description of the methodology to calculate the overall goal and the goal calculations can be found in **Attachment 4 - 4-3A**. This Attachment to the DBE Program will be updated every three years based upon the then current schedule established by FAA and FTA and annually based upon the then current schedule established by FHWA through California Department of Transportation (Caltrans):

FAA - Current due date is August 1, - every three (3) years

FTA - Current due date is August 1, every three (3) years

FHWA - Current due date is August 1, every three (3) years (This is sent to Caltrans subject to the Caltrans' Disadvantaged Business Enterprise Implementation Agreement for Local Agencies. See **Attachment 5**.)

In accordance with part 26, § 26.45(f), the City of Fresno will submit its overall goal to DOT on August 1 every three years and annually to Caltrans based upon the schedule above. Before establishing the overall goal each year, the City of Fresno will consult with the various minority chambers of commerce, various local trade and general contractor organizations, and women and minority community organizations, to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the City of Fresno's efforts to establish a level playing field for the participation of DBEs.

Following this consultation, the City of Fresno will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the Office of the City Clerk for 30 days following the date of the notice, and informing the public that the City of Fresno and DOT will accept comments on the goals for 45 days from the date of the notice. The notice will be published on the City of Fresno official internet web site and may be posted in any other sources (e.g., minority focused media, trade associations publications, Fresno Business Journal, various Chambers of commerce and Builder's Exchange. Normally, this notice will be issued by June 1 of each year. The notice must include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed.

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

The City of Fresno will begin using the overall goal on October 1 of each year, unless other instructions have been received from DOT. If an individual goal has been established on a

project basis, the goal will be used starting with the time of the first solicitation for a DOT-assisted contract for the project.

Once the overall goals are established and approved by the respective Operating Administration (and/or Caltrans in the case of FHWA-assisted projects), they shall be incorporated into this DBE Program.. The maximum feasible portion of overall DBE goals will be met by using race-neutral measures in facilitating DBE participation. Race-neutral measures will include outreach and technical assistance to small businesses. Currently, the City may not use race-conscious measures to meet overall DBE goals on FAA or FTA-assisted projects, but may on FHWA-assisted projects through Caltrans. The City will not use set asides or quotas in any way in the administration of the DBE Program or to achieve DBE participation.

The City's Overall Three (3) Year DBE Goal submission to DOT/FAA, will include a summary of information and comments received, if any, during this public participation process and the City's responses.

SECTION 26.45 (e) PROJECT GOALS

If permitted or required by the FAA Administrator the City will express our 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 appropriate operating administration. A project goal is an overall goal, and must meet all the substantive and procedural requirements of this section pertaining to overall goals. A project goal covers the entire length of the project to which it applies. The project goal 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, we will begin using our goal by the time of the first solicitation for a DOT-assisted contract for the project.

SECTION 26.45 (f) PRIOR OPERATING ADMINISTRATION CONCURRENT

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

SECTION 26.45 (g) (1) PUBLIC PARTICIPATION, COMMENT AND CONSULTATION

In establishing the overall goal, the City of Fresno will provide for consultation and publication. This includes consultation with minority, women's and general contractor groups, community organizations, and other officials or organizations which could be expected to

have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the City of Fresno'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 of Fresno's goal setting process, and it will occur before we are required to submit our goal methodology to the operating administration for review pursuant to paragraph (f) of this section. The City will document in our goal submission the consultation process that the City engages in. Notwithstanding paragraph (4) of this section, the City will not implement our proposed goal until the City has complied with this requirement.

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

The City of Fresno Overall Three-Year DBE Goal submission to DOT/FAA and FTA will include a summary of information and comments received, if any, during this public participation process and our responses.

The City of Fresno will begin using the overall goal on October 1st of the reporting period, unless the City receives other instructions from DOT.

Following this consultation, the City of Fresno will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the Office of the City Clerk for thirty (30) days following the date of the notice, and informing the public that the City of Fresno and DOT will accept comments on the goals for forty-five (45) days from the date of the notice. The notice will be published in the Fresno Business Journal and sent to the Builder's Exchange. Normally, this notice will be issued by June 1 of each year. The notice will include an address to where comments can be sent and (including offices and websites) where the proposal may be reviewed.

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

If an individual goal has been established on a project basis, the goal will be used starting with the time of the first solicitation for a DOT-assisted contract for the project.

SECTION 26.47 FAILURE TO MEET OVERALL GOALS

The City of Fresno will maintain an approved DBE Program and overall DBE goal, if applicable as well as administer our DBE Program in good faith to be considered to be in compliance with this part.

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

- (1) Analyze in detail the reasons for the difference between the overall goal and our awards and commitments in that fiscal year;
- (2) Establish specific steps and milestones to correct the problems identified in the City's analysis and to enable us to meet fully your goal for the new fiscal year;
- (3) City of Fresno will submit, within ninety (90) days of the end of the fiscal year, the analysis and corrective actions developed under paragraphs (1) and (2) of this section to the FAA for approval.

OR

(3) City of Fresno will prepare, within 90 days of the end of the fiscal year, the analysis and corrective actions developed under paragraph (1) and (2) of this section. The City will retain copy of analysis and corrective actions in records for a minimum of three years, and will make it available to FAA upon request.

SECTION 26.49 TRANSIT VEHICLE MANUFACTURERS GOALS

The City of Fresno will require each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, to certify that it has complied with the requirements of Part 26, § 26.49. Although alternatively under Part 26, § 26.49, the City of Fresno may, at its discretion and with FTA approval, establish project-specific goals for DBE Participation in the procurement of transit vehicles in lieu of the transit vehicle manufacturer complying with this element of the program.

SECTION 26.51(a-c) BREAKOUT OF ESTIMATED RACE-NEUTRAL & RACE CONSCIOUS PARTICIPATION

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

The breakout of estimated race-neutral and race-conscious participation can be found in **Attachment 6**. This Attachment to the DBE Program will be updated every year when the respective overall goal calculation is updated for FHWA and Caltrans.

PROCESS

Starting with the Federal Fiscal Year 2002, the amount of overall goal, the method to calculate the goal, and the breakout of estimated race-neutral and race-conscious participation will be required annually by June 1st in advance of the Federal fiscal year beginning October 1 for FHWA-assisted contracts. Submittals will be to the Caltrans' DLAE. An exception to this will be if FTA or FAA recipients are required by FTA or FAA to submit the annual information to them or a designee by another date. FHWA recipients will follow this process:

Once the DLAE has responded with preliminary comments and the comments have been incorporated into the draft overall goal information, the City of Fresno will publish a notice of the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the City of Fresno's principal office for 30 days following the date of the notice, and informing the public that comments will be accepted on the goals for forty-five (45) days following the date of the notice. Advertisements in newspapers, minority focus media, trade publications, and websites will be the normal media to accomplish this effort. The notice will include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed.

The overall goal resubmission to the Caltrans DLAE, will include a summary of information and comments received during this public participation process and the City of Fresno's responses. This will be due by September 1 to the Caltrans DLAE. The DLAE will have a month to make a final review so the City of Fresno may begin using the overall goal on October 1 of each year.

SECTION 26.51(d-g) CONTRACT GOALS

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

We will express our contract goals as a percentage of [*the total amount of a DOT-assisted contract*] OR [*the Federal share of a DOT-assisted contract*]. If our approved projection estimates show that we can meet our entire overall goal for a given year through race-neutral means, we will implement our program without setting contract goals during that year, unless it becomes necessary in order meet our overall goal.

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

ESTABLISHMENT OF GOALS BY FAX FOR FTA-ASSISTED PROJECTS

Every three (3) years, FAX must submit to FTA, Sixty (60) days before the beginning of the federal fiscal year, goals for both the dollar amount and percentage of participation by DBEs. The Transportation Director is responsible for establishing the yearly DBE participation goals as they relate to operating expenditures for Fresno Area Express. The DBE Program Coordinator shall work with Fresno Area Express to set yearly goals for DBE participation for

construction/capital improvement projects. The City will not use quotas in any way in the administration of the DBE program or to achieve DBE participation.

49 CFR Part 26 currently provides for a national aspirational goal for DBE participation of not less than 10% of the total FTA funds awarded.

FAX DBE goals can be found on the City of Fresno site www.fresno.gov

INDIVIDUAL DBE GOAL ON A CONTRACT

FHWA-assisted projects are funded through Caltrans. The City of Fresno, as a sub-recipient, is subject to Caltrans' Disadvantaged Business Enterprise Implementation Agreement for Local Agencies, set forth in **Attachment 5**, in establishing and submitting goals on such projects.

The City of Fresno will use contract goals on FHWA-assisted projects to meet any portion of the overall goal the City of Fresno 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 City's overall goal that is not projected to be met through the use of race-neutral means.

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

On FAA and FTA assisted contracts, the method for requiring DBE participation will be by race neutral means. Individual contract goals will not be established.

GOAL METHODOLOGY

(c) Step 1. The first step is to determine the relative availability of DBEs in the market area, "base figure". The City of Fresno will use DBE Directories and Census Bureau Data, a Bidders list could also be used, as a method to determine the base figure. The second step is to adjust the "base figure" percentage from Step 1 so that it reflects as accurately as possible the DBE participation the recipient would expect in the absence of discrimination based on past participation, a disparity study and/or information about barriers to entry to past competitiveness of DBEs on Contracts. *Step 1 Base Figure = Ready, willing and able DBEs divided by All firms ready, willing and able*

$$\text{Step One Base Figure} = \frac{\text{Ready, willing, and able DBEs}}{\text{All firms ready, willing, and able (including DBEs and non-DBEs)}}$$

If the City uses a bidders list, the City will do the following: Determine the number of DBEs that have bid or quoted (successful and unsuccessful) on the DOT-assisted prime contracts or subcontracts in the past three (3) years. Determine the number of all businesses that have

bid or quoted (successful and unsuccessful) on prime or subcontracts in the same time period. Divide the number of DBE bidders and quoters by the number of all businesses to derive a base figure for the relative availability of DBEs in the market.

When using this approach, the City will establish a mechanism (documented in the City's goal submission) to directly capture data on DBE and non-DBE prime and subcontractors that submitted bids or quotes on the DOT-assisted contracts.

Any methodology the City chooses will be based on demonstrable evidence of local market conditions and be designed to ultimately attain a goal that is rationally related to the relative availability of DBEs in the City's market. 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 paragraph (c)(2) of this section (above), is not an acceptable alternative means of determining the availability of DBEs.

(d) *Step 2.* Once the City has calculated a base figure, the City will examine all of the evidence available in our jurisdiction to determine what adjustment, if any, is needed to the base figure to arrive at the City's overall goal. If the evidence does not suggest an adjustment is necessary, then no adjustment shall be made.

SECTION 26.53 GOOD FAITH EFFORTS PROCEDURES

City is subject to Caltrans' Disadvantaged Business Enterprise Implementation Agreement for Local Agencies, set forth in **Attachment 5**.

When a contract goal has been established for an FHWA-assisted project, 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 below under Minimum Documentation of Good Faith Efforts.

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

The Purchasing Manager or responsible department shall forward copies of the bid proposals to the DBE Program Coordinator for evaluation of compliance with DBE Program requirements. The DBE Program Coordinator shall review all the information submitted by the bidders. Should the DBE Program Coordinator determine that additional information is needed to assess whether a particular DBE listed by a bidder/offeror will be performing a commercially useful function in the contract work, whether a particular DBE listed by a bidder/offeror has been previously certified, or for any other pertinent reason, the DBE Program Coordinator shall require said bidder/offeror to submit such information.

In the event the bidder/offeror(s) does not meet the goal or fails to demonstrate that adequate good faith efforts were made or fails to submit the required documentation, the DBE Program Coordinator shall so advise the Purchasing Manager and the responsible department.

A Bidder/offeror who has been informed by the City of Fresno that is deemed non responsive because it has not documented sufficient good faith efforts will be permitted to request administrative reconsideration. Such reconsideration will be by an official who did not play any role in the original determination that the bidder/offeror did not document sufficient good faith efforts. As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with the official to discuss the issue or make such argument. The City of Fresno will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder/offeror 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 DOT.

A bidder/offeror which fails to achieve the specified DBE goal or alternatively fails to demonstrate adequate good faith efforts to meet the goal shall be deemed nonresponsive and, therefore, ineligible for award of the contract.

Each solicitation for which a contract goal has been established will require the bidders/offerors to submit the following information:

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment; and
6. If the contract goal is not met, evidence of good faith efforts.

Additional requirements include the following:

- a. Submission of information required under this section shall be on a form provided by the City.
- b. The DBE information required under this section is in addition to the subcontractor information required pursuant to the provisions of Sections 4100 to 4113, inclusive, of the California Public Contract Code.
- c. All bidders must submit the names and location of the place of business of all proposed DBEs regardless of the dollar amount of the work they will perform.
- d. All bidders must submit a summation of the total dollar value of the proposed work to be performed by all DBEs stated as a percentage of the total bid amount.
- e. The three lowest bidders shall submit to the Purchasing Manager, no later than 5:00 p.m. on the third (3RD) City working day following the date of the bid opening, (unless a later date is authorized by the DBE Program Coordinator) a complete

description of work or supplies to be provided by each of the DBEs and the dollar value of each DBE transaction.

Such information is subject to verification by the DBE Program Coordinator who may require additional information or clarification. Such additional information or clarification can apply only to the DBEs listed in the bid proposal. Additional DBEs not listed with the bid will not be considered in awarding the contract.

- f. Bidders, other than the three lowest bidders, need not submit DBE information unless requested to do so by the DBE Program Coordinator. When such information is requested, the DBE information must be submitted within five (5) calendar days from the date of request, unless a later time is authorized by the DBE Program Coordinator.
- g. Bidders are cautioned that even though the information submitted indicates they have met the goal, they should document and submit their good faith effort information no later than 5 p.m. on the third (3RD) working day following the date of bid opening (unless a later date is authorized by the DBE Program Coordinator), to protect their eligibility for award of the contract, in the event the DBE Program Coordinator finds in his/her review that the goal has not been met.

SECTION 26.53 (a) & (c) DEMONSTRATION OF GOOD FAITH EFFORTS

It shall be noted that, in order to be declared a responsive bidder on an FHWA-assisted project for which a contract goal has been established, the bidder/offeror must clearly document that it has obtained enough DBE participation to meet the goal or that it made adequate good faith efforts to meet the goal, even though it did not succeed in obtaining enough DBE participation to do so. This means that prior to submitting the bid proposal, the bidder/offeror must show that it took all necessary and reasonable steps to achieve a DBE goal or other requirements of 49 CFR Part 26, which, by their scope, intensity, and appropriateness to the objective, could reasonably be expected to obtain sufficient DBE participation, even if they were not fully successful. The types of actions which will be considered as part of the bidder/offeror's good faith efforts to obtain DBE participation include, but are not limited to, the following:

- Attendance at the Pre-Bid meeting, if a meeting is scheduled.
- Advertisement in a pertinent trade association newsletter or minority/women focus newspapers and/or publications, no less than 10 calendar days (or other reasonable period of time, as determined by the City, is sufficient time to allow the DBEs to respond to the solicitation) before bids are due. Acceptable publications include, but are not limited to: The Fresno Bee, the Fresno Business Journal, and the Daily Pacific Builders along with trade association and websites.
- Effectively using the services of available minority/women community organizations; minority/women contractors' groups; local, state and Federal minority/women business assistance offices; and other organizations as allowed

on a case-by-case basis to provide assistance in the recruitment and placement of DBEs.

- Soliciting through all reasonable and available means the interest of all certified DBEs who have the capability to perform the work of the contract. The bidder must solicit this interest within sufficient time to allow the DBEs to respond to the solicitation. The bidder must determine with certainty if the DBEs are interested by taking appropriate steps to follow up initial solicitations.
- Selecting portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces.
- Providing interested DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.
- Negotiating in good faith with interested DBEs. It is the bidder's responsibility to make a portion of the work available to DBE subcontractors and suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and suppliers, so as to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for DBEs to perform the work.
- A bidder using good business judgment would consider a number of factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBEs is not in itself sufficient reason for a bidder's failure to meet the contract DBE goal, as long as such costs are reasonable.

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

- Rejecting DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The contractor's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the contractor's

efforts to meet the project goal.

- Making efforts to assist interested DBEs in obtaining bonding, lines of credit or insurance as required by the recipient or contractor.
- Making efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials or related assistance or services.

SECTION 26.53 INFORMATION TO BE SUBMITTED

The three lowest bidders must include documentation regarding their good faith efforts in the DBE report filed with the Purchasing Manager before 5:00 p.m. on the third City working day following the bid opening (unless a later date is authorized by the DBE Program Coordinator). Only DBEs listed on the DBE Certification of Good Faith Effort will be considered in evaluating Good Faith Effort. The documentation must include a detailed statement of efforts made to select portions of the work to be performed by DBEs and of the contact with DBEs, including the following minimum information: (a) the names, addresses, and telephone numbers of the individuals directly contacted, and the date and time when the DBEs were contacted; (b) a description of the information provided to DBEs regarding the plans and portions of the work to be performed; (c) a list of all DBE bids which were received but not used, giving reasons for rejection (d) copies of all advertisements indicating the date of advertisement; (e) fax or email confirmations; (f) description of work that was broken out for subcontractors and suppliers; and (g) evidence that the California Unified Certification Program (CUCP) data base was accessed at least 10 days prior to bid.

SECTION 26.53 (d) ADMINISTRATIVE RECONSIDERATION

Within Five (5) business of being informed by City of Fresno that it is not responsive or responsible because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official: City of Fresno Purchasing Manager. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

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

SECTION 26.53 (f) (g) GOOD FAITH EFFORTS PROCEDURES IN SITUATION WHEN THERE ARE CONTRACT GOALS

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

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

That, unless our 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.

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

The City will require that a prime contractor not terminate a DBE subcontractor listed in response to paragraph (b) (2) of this section (or an approved substitute DBE firm) without our prior written consent. This includes, but not limited to, instances in which a prime contractor seeks to perform work originally designated for a DBE subcontractor with its own forces or those of an affiliate, a non-DBE firm, or with another DBE firm.

The City will provide such written consent only if we agree, for reasons stated in our concurrence document, that the prime contractor has good cause to terminate the DBE firm. For purposes of this paragraph, good cause includes, but is not limited to, 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) We have 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 we have 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 to the City its request to terminate and/or substitute a DBE subcontractor, the prime contractor must give notice in writing to the DBE subcontractor, with a copy to the 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 (5) 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 (5) days.

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

The City of Fresno will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE. These good faith efforts shall be directed at finding another DBE to perform at least the same amount of work under the contract as the DBE that was terminated, to the extent needed to meet the contract goal that we established for the procurement. The good faith efforts shall be documented by the contractor. If we request documentation from the contractor under this provision, the contractor shall submit the documentation to us within seven (7) days, which may be extended for an additional seven (7) days if necessary at the request of the contractor, and the recipient shall provide a written determination to the contractor stating whether or not good faith efforts have been demonstrated.

We 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 deems appropriate if the prime contractor fails to comply with the requirements of this section.

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

SECTION 26.53 GOOD FAITH EFFORTS WHEN A DBE IS REPLACED ON A CONTRACT

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

The City will require the prime contractor to give notice in writing to the DBE, with a copy to the City, of its intent to request to terminate and/or substitute a DBE and the reason for such request. The prime contractor will be required to give the DBE five (5) calendar days to respond to the contractor's notice and advise the City and the contractor of its reasons, if any, why it objects to the proposed termination and why the City should not approve the contractor's action. If a matter of public necessity (e.g., safety), the City may provide a response period shorter than five (5) calendar days.

The City will require the prime contractor to notify the City 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 the City's prior approval of the substitute DBE and to provide copies of new or amended subcontracts, and documentation of good faith efforts.

If the contractor fails or refuses to comply in the time specified, the City of Fresno may issue an order stopping all or part of payment/work until satisfactory action has been taken or proceed with other contract remedies including, without limitation, termination of the contract for contractor's breach.

The foregoing applies in instances where the contractor seeks to perform the work itself, except in those extreme circumstances where it becomes necessary to perform a particular contract item (such as traffic control, erosion control, etc.) at a moment's notice to protect the public safety with the approval of the City.

The prime contractor is to exert the necessary good faith effort to replace/substitute DBEs for those DBEs unable or unwilling to perform during the life of the contract to the extent needed to meet the contract goal established for the contract or project.

If the contractor fails or refuses to comply in 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 Fresno* 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 [*as determined in the goal calculation Attachment ___*] has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (Attachment 10), 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 for which each DBE firm must be certified in a NAICS code

applicable to the kind of work the firm would perform on the contract; (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; and (5) 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; (6) evidence of good faith efforts if the contract goal is not met.

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

SECTION 26.55 COUNTING DBE PARTICIPATION

The City of Fresno will count DBE participation toward overall and contract goals as provided in Part 26, § 26.55.

The DBEs listed by bidders for participation in the contract work shall be certified by the California Unified Certification Program (CUCP) as eligible DBEs prior to bidding. Where the certification of a proposed DBE has not been established prior to bidding, credit for DBE participation will not be allowed.

DBE subcontractors, suppliers, and manufacturers must perform a commercially useful function in the work of the contract in order for their contribution toward the total contract work to be included in the DBE contract participation percentages. A DBE firm is considered to perform a commercially useful function when it is responsible for execution of a distinct element of the work of the contract and for carrying out its obligations by actually performing, managing and supervising the work involved. A DBE supplier or manufacturer shall be deemed to perform a commercially useful function in the contract work, provided that actual and contractual responsibility for the provision of the materials and supplies is assumed. A DBE subcontractor which, in turn, further subcontracts a significantly greater portion of the assigned work than would be expected on the basis of normal industry practices shall be presumed not to be performing a commercially useful function. Such DBE may present evidence to rebut this presumption to the DBE Program Coordinator; however, this must be done as part of the documentation submitted to the Purchasing Manager before 5:00 p.m. on the third (3rd) City working day following the bid opening (unless a later date is authorized by the DBE Program Coordinator).

The City will use the following factors in determining whether a DBE trucking company is performing a commercially useful function:

- (1) The DBE must be responsible for the management and supervision of the entire trucking operation for which it is responsible on a particular contract, and there cannot be a contrived arrangement for the purpose of meeting DBE goals.
- (2) The DBE must itself own and operate at least one fully licensed, insured, and operational truck used on the contract.
- (3) The DBE receives credit for the total value of the transportation services it provides on the contract using trucks it owns, insures, and operates using drivers it employs.
- (4) The DBE may lease trucks from another DBE firm, including an owner-operator who is certified as a DBE. The DBE who leases trucks from another DBE receives credit for the total value of the transportation services the lessee DBE provides on the contract.
- (5) The DBE may also lease trucks from a non-DBE firm, including from an owner-operator. The DBE that leases trucks equipped with drivers from a non-DBE is entitled to credit for the total value of transportation services provided by non-DBE leased trucks equipped with drivers not to exceed the value of transportation services on the contract provided by DBE-owned trucks or leased trucks with DBE employee drivers. Additional participation by non-DBE owned trucks equipped with drivers receives credit only for the fee or commission it receives as a result of the lease arrangement. If a recipient chooses this approach, it may have to obtain written consent from the appropriate DOT operating administration.
- (6) The DBE may lease trucks without drivers from a non-DBE truck leasing company. If the DBE leases trucks from a non-DBE truck leasing company and uses its own employees as drivers, it is entitled to credit for the total value of these hauling services.
- (7) The lease must indicate that the DBE has exclusive use of and control over the truck. This does not preclude the leased truck from working for others during the term of the lease with the consent of the DBE, so long as the lease gives the DBE absolute priority for use of the leased truck. Leased trucks must display the name and identification number of the DBE.
- (8) Count expenditures with DBEs for materials or supplies toward DBE goals as provided in the following:
 - (A) (1) If the materials or supplies are obtained from a DBE manufacturer, count 100 percent of the cost of the materials or supplies toward DBE goals.

- (2)** For purposes of this paragraph (e)(1), a manufacturer is a firm that operates or maintains a factory or establishment that produces, on the premises, the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications.
- (B) (1)** If the materials or supplies are purchased from a DBE regular dealer, count 60 percent of the cost of the materials or supplies toward DBE goals.
- (2)** For purposes of this section, a regular dealer is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business.
- (a)** To be a regular dealer, the firm must be an established, regular business that engages, as its principal business and under its own name, in the purchase and sale or lease of the products in question.
- (b)** A person may be a regular dealer in such bulk items as petroleum products, steel, cement, gravel, stone, or asphalt without owning, operating, or maintaining a place of business as provided in this paragraph (e)(2)(ii) if the person both owns and operates distribution equipment for the products. Any supplementing of regular dealers' own distribution equipment shall be by a long-term lease agreement and not on an ad hoc or contract by-contract basis.
- (c)** Packagers, brokers, manufacturers' representatives, or other persons who arrange or expedite transactions are not regular dealers within the meaning of this paragraph (e)(2).
- (C)** With respect to materials or supplies purchased from a DBE which is neither a manufacturer nor a regular dealer, count the entire amount of fees or commissions charged for assistance in the procurement of the materials and supplies, or fees or transportation charges for the delivery of materials or supplies required on a job site, toward DBE goals, provided you determine the fees to be reasonable and not excessive as compared with fees customarily allowed for similar services. Do not count any portion of the cost of the materials and supplies themselves toward DBE goals, however.

- (D)** You must determine the amount of credit awarded to a firm for the provisions of materials and supplies (e.g., whether a firm is acting as a regular dealer or a transaction expediter) on a contract-by-contract basis.
- (9)** 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, do not count the firm's participation toward any DBE goals, except as provided for in § 26.87(i).
- (10)** Do not count the dollar value of work performed under a contract with a firm after it has ceased to be certified toward your overall goal.
- (11)** Do not count the participation of a DBE subcontractor 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.

SUBPART D – CERTIFICATION STANDARDS

SECTION 26.61 CERTIFICATION PROCESS

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

The City of Fresno is the member of a Unified Certification Program (UCP) administered by the California Unified Certification Program. A firm must meet all requirements of the CUCP certification process, to apply for certification firms should contact: DBE Program Coordinator, Jean Runnels, 2600 Fresno Street, Room 2156, Fresno, CA 93721 phone # 559-621-1163.

BUSINESS SIZE DETERMINATIONS [49CFR 26.65]

(a) To be an eligible DBE, a firm (including its affiliates) must be an existing small business, as defined by Small Business Administration (SBA) standards in [13 CFR Part 121](#) appropriate to the type(s) of work the firm seeks to perform in DOT-assisted contracts, including the [primary industry classification](#) of the applicant.

(b) Even if the firm meets the requirements of paragraph (a) of this section, a firm is not an eligible DBE in any Federal fiscal year if the firm (including its affiliates) has had average annual gross receipts, as defined by SBA regulations (see [13 CFR 121.402](#)), over the firm's previous three fiscal years, in excess of \$23.98 million.

SOCIAL AND ECONOMIC DISADVANTAGE [49 CFR 26.67]

(1) The City will presume that citizens of the United States (or lawfully admitted permanent residents) who are women, Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, Subcontinent Asian Americans, or other minorities found to be disadvantaged by the SBA, are socially and economically disadvantaged individuals. The City will require applicants to submit a signed, notarized certification that each presumptively disadvantaged owner is, in fact, socially and economically disadvantaged.

(2) (i) The City will require each individual owner of a firm applying to participate as a DBE, whose ownership and control are relied upon for DBE certification, to certify that he or she has a personal net worth that does not exceed \$1.32 million. **(ii)** The City will require each individual who makes this certification to support it with a signed, notarized statement of personal net worth, with appropriate supporting documentation. To meet this requirement, the applicant must use the DOT personal net worth form; to this part without change or revision. Where necessary to accurately determine an individual's net worth the City may, on a case-by-case basis, require additional financial information from the owner of an applicant firm

(e.g., information concerning the assets of the owner's spouse, where needed to clarify whether assets have been transferred to the spouse or when the owner's spouse is involved in the operation of the company). Requests for additional information shall not be unduly burdensome or intrusive. **(iii)** The City in determining an individual's net worth, will observe the following requirements:

(A) Exclude an individual's ownership interest in the applicant firm;

(B) Exclude the individual's equity in his or her primary residence (except any portion of such equity that is attributable to excessive withdrawals from the applicant firm).

DETERMINATIONS CONCERNING CONTROL [49 CFR26.71]

A socially and economically disadvantaged owner must possess the power to direct or cause the direction of the management and policies of the firm and to make day-to-day as well as long-term decisions on matters of management, policy and operations.

(1) The disadvantaged owner must hold the highest officer position in the company (e.g., chief executive officer or president).

(2) In a corporation, disadvantaged owners must control the board of Directors.

(3) In a partnership, one or more disadvantaged owners must serve as general partners, with control over all partnership decisions.

(4) Individuals who are not socially and economically disadvantaged or [immediate family members](#) may be involved in a DBE firm as owners, managers, employees, stockholders, officers, and/or Directors. Such individuals must not, however possess or exercise the power to control the firm, or be disproportionately responsible for the operation of the firm.

(5) The socially and economically disadvantaged owners of the firm may delegate various areas of the management, policymaking, or daily operations of the firm to other participants in the firm, regardless of whether these participants are socially and economically disadvantaged individuals. Such delegations of authority must be revocable, and the socially and economically disadvantaged owners must retain the power to hire and fire any person to whom such authority is delegated. The managerial role of the socially and economically disadvantaged owners in the firm's overall affairs must be such that the City can reasonably conclude that the socially and economically disadvantaged owners actually exercise control over the firm's operations, management, and policy.

(6) The socially and economically disadvantaged owners must have an overall understanding of, and managerial and technical competence and experience directly related to, the type of business in which the firm is engaged and the firm's operations. The socially and economically disadvantaged owners are not required to have experience or expertise in every critical area of the firm's operations, or to have greater experience or expertise in a given field than managers or key employees. The socially and economically disadvantaged

owners must have the ability to intelligently and critically evaluate information presented by other participants in the firm's activities and to use this information to make independent decisions concerning the firm's daily operations, management, and policymaking. Generally, expertise limited to office management, administration, or bookkeeping functions unrelated to the principal business activities of the firm is insufficient to demonstrate control.

(7) If the City, state or local law requires the firm to have a particular license or other credential in order to own and/or control a certain type of firm, then the socially and economically disadvantaged persons who own and control a potential DBE firm of that type must possess the required license or credential. If state or local law does not require such a person to have such a license or credential to own and/or control a firm, the City will not deny certification solely on the ground that the person lacks the license or credential. However, the City may take into account the absence of the license or credential as one factor in determining whether the socially and economically disadvantaged owners actually control the firm.

[49 CFR26.71 (n)(1)]

The City will grant certification to a firm only for specific types of work in which the socially and economically disadvantaged owners have the ability to control the firm. To become certified in an additional type of work, the firm will need to demonstrate to the City that it's socially and economically disadvantaged owners are able to control the firm with respect to that type of work.

The types of work a firm can perform (whether on initial certification or when a new type of work is added) must be described in terms of the most specific available NAICS code for that type of work. A correct NAICS code is one that describes, as specifically as possible, the principal goods or services which the firm would provide to DOT recipients. If the Directory does not list types of work for any firm in a manner consistent with this paragraph the Directory must be updated.

The firm bears the burden of providing detailed company information to the City to make an appropriate NAICS code designation.

If a firm believes that there is not a NAICS code that fully or clearly describes the type(s) of work in which it is seeking to be certified as a DBE, the firm may request that the City, in its certification documentation, supplement the assigned NAICS code(s) with a clear, specific, and detailed narrative description of the type of work in which the firm is certified.

SUBPART E – CERTIFICATION PROCEDURES

SECTION 26.81 UNIFIED CERTIFICATION PROGRAM

On January 8, 2001, the City Council approved a Letter of Agreement/Declaration of Status for the City of Fresno to participate in a statewide DBE Unified Certification Program. The City of Fresno is a member of a Unified Certification Program (UCP) administered by California Unified Certification Program (CUCP). The UCP will meet all of the requirements of this section. The following is a description of the UCP: The CUCP provides “one-stop shopping” certification services to small, minority and women businesses seeking to participate in the United States Department of Transportation [Disadvantaged Business Enterprise](#) (DBE) Program. Certification services are offered to businesses seeking to obtain either DBE or airport concession disadvantaged business enterprise (ACDBE) status.

When applicants are not located within a radius feasible for the DBE Program Coordinator or DBE staff to make a personal interview, the DBE Program Coordinator shall coordinate data with the CUCP in that locality or other certifying agencies.

DBE application forms may be obtained from the City of Fresno Purchasing Division or at

http://www.dot.ca.gov/hq/bep/business_forms.htm.

SECTION 26.83 PROCEDURES FOR CERTIFICATION DECISIONS

The CUCP will ensure that only firms certified as eligible DBEs under this section participate as DBEs in our program. The City of Fresno will take the required steps outlined in 26.83(c) in determining whether a DBE firm meets the standards of subpart D of this part.

The firms that the City of Fresno have certified or reviewed and found eligible under Part 26 will have their eligibility reviewed every three years; but, the City of Fresno is not required to conduct them at any specific interval. These reviews will include the following components: current personal net worth statement, most current personal federal income taxes, corporate meeting minutes and most current firm/affiliates federal income taxes.

Once the City of Fresno have certified a DBE, it shall remain certified until and unless the City of Fresno remove its certification, in whole or in part, through the procedures of § 26.87 of this part, except as provided in § 26.67(b)(1).

The City of Fresno will not require DBEs to reapply for certification or undergo a recertification process. However, the City of Fresno may conduct a certification review of a certified DBE firm, including a new onsite review, if appropriate in light of changed circumstances (e.g., of the kind requiring notice under paragraph (i) of this section or relating to suspension of certification under § 26.88), a complaint, or other information concerning the firm’s eligibility. If information comes to the City’s attention that leads the City to question the firm’s eligibility, the City may conduct an on-site review on an unannounced basis, at the firm’s offices and job sites.

Certification will be done in accordance with 49 CFR Parts 23 and 26, see website below.

<http://www.gpo.gov>

SECTION 26.83 (a) & (c) RE-CERTIFICATIONS

Firms desiring to continue certification for an additional five years must submit a Renewal Application, accompanied by a sworn affidavit attesting to the accuracy and truthfulness of the information provided. Applicants are also required to submit statements of personal net worth for each applicant owner, copies of applicable federal income tax forms, copies of current licenses and current minutes of board meetings if the firm is a corporation

SECTION 26.83 (j) “NO CHANGE ” AFFIDAVITS AND NOTICE OF CHANGE”

The UCP requires all DBEs owners to inform us, in a written affidavit, of any change in its circumstances affecting its ability to meet size, disadvantaged status, ownership or control criteria of 49 CFR Part 26 or of any material changes in the information provided with the City of Fresno’s application for certification.

The UCP also requires all DBE owners we have certified to submit every year, on the anniversary date of their certification, a “no change” affidavit meeting the requirements of 26.83(j). The text of this affidavit is the following:

I swear (or affirm) that there have been no changes in the circumstances of [*name of DBE firm*] affecting its ability to meet the size, disadvantaged status, ownership, or control requirements of 49 CFR Part 26. There have been no material changes in the information provided with [*name of DBE*]’s application for certification, except for any changes about which you have provided written notice to the [*Recipient*] under 26.83(j). [*Name of firm*] meets Small Business Administration (SBA) criteria for being a small business concern and its average annual gross receipts (as defined by SBA rules) over the firm’s previous three fiscal years do not exceed \$23.98 million.

The UCP requires DBEs to submit with this affidavit documentation of the firm’s size and gross receipts (e.g., submission of federal tax returns).

The UCP will notify all currently certified DBE firms of these obligations. This notification will inform DBEs that to submit the “no change” affidavit, their owners must swear or affirm that they meet all regulatory requirements of Part 26, including personal net worth. Likewise, if a firm’s owner knows or should know that he or she, or the firm, fails to meet a Part 26 eligibility requirement (e.g. personal net worth), the obligation to submit a notice of change applies.

When a firm is suspended pursuant to § 26.88 (a) or (b), the City of Fresno will immediately notify the DBE of the suspension by certified mail, return receipt requested, to the last known address of the owner(s) of the DBE. Suspension is a temporary status of ineligibility pending an expedited show cause hearing/proceeding under § 26.87 of this part to determine whether the DBE is eligible to participate in the program and consequently should be removed. The suspension takes effect when the DBE receives, or is deemed to have received, the Notice of Suspension.

While suspended, the DBE may not be considered to meet a contract goal on a new contract, and any work it does on a contract received during the suspension shall not be counted toward a recipient's overall goal. The DBE may continue to perform under an existing contract executed before the DBE received a Notice of Suspension and may be counted toward the contract goal during the period of suspension as long as the DBE is performing a commercially useful function under the existing contract.

Following receipt of the Notice of Suspension, if the DBE believes it is no longer eligible, it may voluntarily withdraw from the program, in which case no further action is required. If the DBE believes that its eligibility should be reinstated, it must provide to the City of Fresno information demonstrating that the firm is eligible notwithstanding its changed circumstances. Within thirty (30) days of receiving this information, we will either lift the suspension and reinstate the firm's certification or commence a decertification action under § 26.87 of this part. If we commence a decertification proceeding, the suspension remains in effect during the proceeding. The decision to immediately suspend a DBE under paragraph § 26.88 (a) or (b) is not appealable to the DOT.

If the City fails within thirty (30) days to either lift the suspension and reinstate the firm's certification or commence a decertification proceeding, as required by US DOT § 26.87 makes it appealable to the U.S. DOT under § 26.89,, as a constructive decertification.

SECTION 26.85 INTERSTATE CERTIFICATION

When a firm currently certified in its home state ("State A") applies to another State ("State B") for DBE certification, State B may, at its discretion, accept State A's certification and certify the firm, without further procedures. The City will follow the procedures defined in Section 26.85.

SECTION 26.86 DENIALS OF INITIAL REQUEST FOR CERTIFICATION

If the City of Fresno deny a firm's application or decertify it, the firm may not reapply until [*select number of months up to 12*] have passed from the City's action. The time period for reapplication begins to run on the date the explanation required by paragraph (a) of this section is received by the firm. An applicant's appeal of the City's decision pursuant to § 26.89 does not extend this period

SECTION 26.87 REMOVAL OF DBE'S ELIGIBILITY

In the event the City of Fresno proposes to remove a DBE's certification, we will follow procedures consistent with 26.87.

SECTION 26.88 SUMMARY SUSPENSION OF CERTIFICATION

The City of Fresno shall follow the procedures consistent with 26.88 of this part regarding suspending a DBEs certification.

The City of Fresno shall immediately suspend a DBE's certification without adhering to the requirements in § 26.87(d) of this part when an individual owner whose ownership and control of the firm are necessary to the firm's certification dies or is incarcerated.

The City of Fresno will immediately suspend a DBE's certification without adhering to the requirements in §26.87(d) when there is adequate evidence to believe that there has been a material change in circumstances that may affect the eligibility of the DBE firm to remain certified, or when the DBE fails to notify the recipient or UCP in writing of any material change in circumstances as required by § 26.83(i) of this part or fails to timely file an affidavit of no change under § 26.83(j).

When a firm is suspended pursuant to 26.88 (a) or (b), the City of Fresno will immediately notify the DBE of the suspension by certified mail, return receipt requested, to the last known address of the owner(s) of the DBE. Suspension is a temporary status of ineligibility pending an expedited show cause hearing/proceeding under § 26.87 of this part to determine whether the DBE is eligible to participate in the program and consequently should be removed. The suspension takes effect when the DBE receives, or is deemed to have received, the Notice of Suspension.

While suspended, the DBE may not be considered to meet a contract goal on a new contract, and any work it does on a contract received during the suspension shall not be counted toward a recipient's overall goal. The DBE may continue to perform under an existing contract executed before the DBE received a Notice of Suspension and may be counted toward the contract goal during the period of suspension as long as the DBE is performing a commercially useful function under the existing contract.

Following receipt of the Notice of Suspension, if the DBE believes it is no longer eligible, it may voluntarily withdraw from the program, in which case no further action is required. If the DBE believes that its eligibility should be reinstated, it must provide to the City of Fresno information demonstrating that the firm is eligible notwithstanding its changed circumstances. Within 30 days of receiving this information, we will either lift the suspension and reinstate the firm's certification or commence a decertification action under § 26.87 of this part. If we commence a decertification proceeding, the suspension remains in effect during the proceeding. The decision to immediately suspend a DBE under paragraph 26.88 (a) or (b) is not appealable to the U.S. DOT.

The failure the City of Fresno to either lift the suspension and reinstate the firm or commence a decertification proceeding, as required by 26.87, is appealable to the U.S. DOT under § 26.89 of this part, as a constructive decertification.

SECTION 26.89 CERTIFICATION APPEALS

Any firm or complainant may appeal the City of Fresno decision in a certification matter to DOT. A firm that wants to file an appeal, must send a letter to the DOT ninety (90) days of the date of the City of Fresno final decision, including information and setting forth a full and specific statement as to why the decision is erroneous, what significant fact that the recipient failed to consider, or what provisions of this part the recipient did not properly apply. The DOT may accept an appeal filed later than ninety (90) days after the date of the decision if the DOT determines that there was good cause for the late filing of the appeal or in the interest of justice.

Such appeals may be sent to:

U.S. Department of Transportation
Departmental Office of Civil Rights
1200 New Jersey Ave., S.E.
Washington, DC 20590-0001

The U.S. DOT makes its decision based solely on the entire administrative record as supplemented by the appeal. The U.S. DOT does not make a de novo review of the matter and does not conduct a hearing. The U.S. DOT may also supplement the administrative record by adding relevant information made available by the DOT Office of Inspector General; Federal, State, or local law enforcement authorities; officials of a DOT operating administration or other appropriate DOT office; a recipient; or a firm or other private party.

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

A reference to certification application forms and documentation requirements are found at http://www.dot.ca.gov/hq/bep/business_forms.htm

SUBPART F – COMPLIANCE AND ENFORCEMENT

SECTION 26.109 INFORMATION, CONFIDENTIALITY, COOPERATION

The City of Fresno will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law, including the California Public Records Act (California Government Code § 6250, et.seq.).

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

MONITORING PAYMENTS TO DBE'S

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

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

See **Attachment 10** for 49 CFR Parts 23 (including Appendix A) and 26 (Including Appendices A-F), see also website <http://www.gpo.gov>

Attachment 1

Bidders List Information

Firm Name	Firm Address/	DBE or Non-DBE Status	Age of Firm	Annual Gross Receipts
	Phone #	(verify via State's UCP Directory)		
A & S GRADING SERVICES, INC.	1089 N. GARFIELD 559 276-2328 FRESNO CA		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
A PLUS SIGNS, INC.	4379 N. BRAWLEY FRESNO CA 559 275-0700		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
A P P L, INC.	908 N. TEMPERANCE AVENUE CLOVIS CA		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
AC-ELECTRUC	2560 S EAST AVE FRESNO CA 559 233-208		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
ABSOLUTE URETHANE	6614 SOUTH ELM FRESNO CA 559 241-0160		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million

Firm Name	Firm Address/	DBE or Non-DBE Status	Age of Firm	Annual Gross Receipts
ACE FENCE COMPANY	P.O. BOX 12102 559 268-1438 FRESNO CA		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
AGEE CONSTRUCTION	P.O. BOX 629 CLOVIS CA 559 299-3290		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
ALERT-O-LITE, INC	2379 S G STREET FRESNO CA 559 486-4570		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
ALL PHASE ELECTRIC	8560 N. LINDA CLOVIS CA 559-323-1940		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
ALLIED ELECRTRIC	4690 E JENSEN FRESNO CA 93725 559 486-4222		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
ALLANTE FENCE COMPANY	3450 S ELM FRESNO CA 558 498-0551		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million

Firm Name	Firm Address/	DBE or Non-DBE Status	Age of Firm	Annual Gross Receipts
AMERICAN CONSTRUCTION	161 CHESTNUT ST STE 23 BRENTWOOD CA 925-516-5800			
AMERICAN DOCK AND DOOR	3725 W. GETTYSBURG FRESNO CA		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
AMERICAN PAVING	315 N THORNE AVE FRESNO CA 559 268-9886		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
AMERICAN ROOFING SERVICES	1132 E. WOODHAVEN FRESNO CA		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
ANTHONY'S LASER LEVELING	7258 W RIALTO FRESNO CA 559 279-1258		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
AREA REMODELING AND CONSTRUCTION, INC.	8896 13TH AVENUE HANFORD CA		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million

Firm Name	Firm Address/	DBE or Non-DBE Status	Age of Firm	Annual Gross Receipts
ARGUELLO CONCRETE CONSTRUCTION	5753 N. MARIPOSA FRESNO CA		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
AS DESIGN INC. DBA ASPHALT DESIGN BY JUAN GOMEZ	4061 W. BELMONT FRESNO CA		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
AVISON CONSTRUCTION, INC.	40434 BRICKYARD DRIVE MADERA CA		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
BAY AREA PROCESS	14365 MEADOW DR GRASS VALLEY CA 530-272-2298		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
BEDARD CONTROLS	4644 W JENNIFER AVE #104 FRESNO CA 559 271-8990		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
BEST ELECTRIC	65 E 13TH MERDED CA 209-723-2061		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million

Firm Name	Firm Address/	DBE or Non-DBE Status	Age of Firm	Annual Gross Receipts
BEST UNIFORMS	10683 N. CORONADO CIRCLE FRESNO CA		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
BILL NELSON CONSTRUCTION	2741 E MALAGA AVE FRESNO CA 559-439-1756		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
BLAIR, CHURCH & FLYNN CONSULTING ENGINEERS	451 CLOVIS AVE, STE 200 CLOVIS CA 559-326-1400		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
BRAHMA CONSTRUCTION INC	5744 EAST SHIELDS, SUITE #102 FRESNO CA 559-291-4652		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
BUILDERS CONCRETE	3664 W. ASHLAN FRESNO CA 559 225-3667		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
C.J.F. HARRIS DISPOSAL AND VENDOR SERVICES	1803 W. HARVARD FRESNO CA		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million

Firm Name	Firm Address/	DBE or Non-DBE Status	Age of Firm	Annual Gross Receipts
CAGLIA DEMOLITION	PO BOX 446 FRESNO CA 559 233-1158		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
CABLE LINKS CONSTRUCTION GROUP, INC.	5940 E SHIELDS, SUITE 101 FRESNO CA		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
CAL VALLEY CONSTRUCTION, INC.	6275 W. BULLARD FRESNO CA 559-274-0300		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
CALIFORNIA CONSTRUCTION SURVEYING, INC	25304 AVENUE 18 1/4 MADERA CA		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
CALIFORNIA PROFESSIONAL ENGINEERING INC	929 OTTERBEIN AVE UNIT E LA PUENTE CA 91748		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
CED	1420 N. CLARK FRESNO CA 93703		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million

Firm Name	Firm Address/	DBE or Non-DBE Status	Age of Firm	Annual Gross Receipts
CEN CAL MACHINERY	1981 N PARKWAY FRESNO CA 559 233-3836		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
CLAY MIRANDA TRUCKING, INC.	3220 W. BELMONT FRESNO CA 559-2756250		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
COLLINS ELECTRIC	1809 N HELM AVE #7 FRESNO CA 559-454-8164			
CROSTOWN ELECTRIC	5463 DIAZ ST IRWINDALE CA 626-813-6693		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
CORPORATE PROJECT MANAGEMENT. INC	3954 ARDEN DRIVE NORTH FRESNO CA		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
CUMMINS WEST	5333 N CORNELIA AVE FRESNO CA 93722 559 274-4400		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million

Firm Name	Firm Address/	DBE or Non-DBE Status	Age of Firm	Annual Gross Receipts
CWES, INC.	3065 N. SUNNYSIDE, #101 FRESNO CA 559-346-1251		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
DAVE CHRISIAN CONSTRUCTION	2233 S MINNEWAWA FRESNO CA 559 255-1222		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
DAVE TRUCKING & SWEEPING	5633 N FIGARDEN DR #109 FRESNO CA 93722 559 275-2333		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
DAVID KNOTT	7340 N. TAMERA AVE 559-449-8935 FRESNO CA 93711		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
DAVIS-MORENO CONSRUCTION	4720 N. BLYTHE FRESNO CA 93722 559 275-9410		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
DAWSON-MAULDIN CONSTRUCTION	9842 HOT SPRINGS DR HUNTINGTON BEACH CA 714 378-1533		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million

Firm Name	Firm Address/	DBE or Non-DBE Status	Age of Firm	Annual Gross Receipts
DELRAY TIRES	2544 S CHERRY AVE FRESNO CA 559 485-1761		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
DE ANDA COMPANY	37647 VERDE AVENUE MADERA CA 559-645-8800		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
DURHAM CONSRUCTION	7120 N. HARRISON FRESNO CA 559 261-1367		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
ELECTRIC MOTOR SHOP	253 FULTON FRESNO CA 559 650-1153		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
EMMETT'S EXCAVATION, GRADING & PAVING	1477 MENLO AVE FRESNO CA 559 299-1256		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
EMMETT VALLEY CONSTRUCTION, INC.	P.O. BOX 12746 FRESNO CA 559 275-4335		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million

Firm Name	Firm Address/	DBE or Non-DBE Status	Age of Firm	Annual Gross Receipts
FANCY TOUCH JANITORIAL SERVICES	4816 E SHIELDS AVE FRESNO CA 559-442-4860		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
FRESNO CONCRETE CONSTRUCTION, INC.	5450 S VILLA AVE 559-834-2031 FRESNO CA		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
GAME TIME	150 PLAYCORE DR SE FORT PAYNE AL 800 235-2440		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
GEORGE DAKOVICH	6135 N GOLDEN STATE BLVD FRESNO CA 559 277-8092		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
GILLIG CORPORATION	PO BOX 3008 HAYWARD C 877-264-4800		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
GLEIM CROWN	3087 S ELM FRESNO CA 559 266-0584		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million

Firm Name	Firm Address/	DBE or Non-DBE Status	Age of Firm	Annual Gross Receipts
GFI GENFAR	751 PRATT BLVD ELK GROVE VILLAGE II 847 593-8855		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
GRAINGER	1335 TUOLUMNE ST FRESNO CA 93706 559-233-5707		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
HAYDON CONSTRUCTION INC	2350 N CHESTNUT SUITE 103 FRESNO CA 559 251-5522		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
HUNSAKER SAFETY & SIGN, INC.	P.O. BOX 11487 FRESNO CA 559-498-7046		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
KERTEL COMMUNICATION, INC DBA SEBASTIAN	7447 N PALM BLUFFS AVE. #101 FRESNO CA 559 432-5800		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
KOOL BREEZE SOLAR HATS, INC.	634 W. MAGILL AVE FRESNO CA 559 456-8510		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million

Firm Name	Firm Address/	DBE or Non-DBE Status	Age of Firm	Annual Gross Receipts
K R C SAFETY CO. INC.	7821 WEST SUNNYVIEW VISALIA CA		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
MGS CONSTRUCTION SERVICES INC	13230 IONA AVE HANFORD CA 559 584-1800		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
MANUFACTURER'S WAREHOUSE	436 RICHMOND AVENUE CLOVIS CA 559 435-4321		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
MARIO'S PAINTING	5108 E OLIVE AVE FRESNO CA 559 270-7692		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
MARTINEZ CONSTRUCTION INDUSTRIES	4398 N. DANTE FRESNO CA		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
MASS X INC.	2524 N. FORDHAM AVENUE FRESNO CA 559-294-1075		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million

Firm Name	Firm Address/	DBE or Non-DBE Status	Age of Firm	Annual Gross Receipts
MCPHEETERS & ASSOCIATES	1486 TOLLHOUSE RD. SUITE 107 CLOVIS CA 559 299-9098		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
MRCI, INC.	4974 N FRESNO STREET, ST#159 FRESNO CA		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
NEW ENGLAND SHEET METAL	2731 S CHERRY FRESNO CA 559 268-7375		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
PB LOADER	5778 W BARSTOW AVE FRESNO CA 559 277-7370		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
PAULI ENGINEERING, INC.	2501 W. SHAW, SUITE 121 FRESNO CA 559 237-4408		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
PHOENIX PRIVATE PATROL AND SECURITY	1305 W. BULLARD, SUITE 12 FRESNO C 559 224-0646A		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million

Firm Name	Firm Address/	DBE or Non-DBE Status	Age of Firm	Annual Gross Receipts
PIONEER EQUIPMENT	2545 S SARAH FRESNO CA 559 486-7580		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
POLYDYNE INC	1 CHEMICAL PLANT RD RICEBORO CA 800 848-7659		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
R & C CONSTRUCTION	2946 S. ELM AVENUE FRESNO CA 855 805-4920		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
RAPER ELECTRICAL DISTRIBUTORS CORP	1713 ACADEMY SANGER CA 559 875-3449		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
SAITO ASSOCIATES-LANDSCAPE ARCHITECTS	2904 NORTH BLACKSTONE AVE FRESNO CA 559 227-5494		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
SEAPORT LIGHTING INC	2320 E WALNUT AVE FULLERTON CA 92831		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million

Firm Name	Firm Address/	DBE or Non-DBE Status	Age of Firm	Annual Gross Receipts
SERNA CONSTRUCTION, INC.	5019 E NEVADA AVE FRESNO CA 559 252-6853			
SHOWROOM DOCTOR Z, INC.	4781 E. GETTYSBURG FRESNO CA		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
SIGALA INCORPORATED	121 WEST JORDAN CLOVIS CA		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
SOTO FENCE COMPANY	3151 W. DAKOTA AVE. FRESNO CA		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
TAYLOR DRILLING	254 NORD AVE BAKERSFIELD CA		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
STRATEGIC MECHANICAL	4661 E COMMERCE FRESNO CA 559 291-1952		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million

Firm Name	Firm Address/	DBE or Non-DBE Status	Age of Firm	Annual Gross Receipts
SYNERGY CO	28436 SATELLITE ST HAYWARD CA 94545		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
T & T PAVMENT MARKINGS	2581 N CHATEAU FRESNO FRESNO CA 559 275-2879		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
TODD COMPANIES	1701 CLANCY CT VISALIA CA 559 651-5820		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
TRI-CITY ENGINEERING, INC.	4630 W. JENNIFER AVENUE, STE 101 FRESNO CA 559 447-9075		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
TRAFFIC LOOPS CRACKFILLING INC	946 EMERALD ST ANAHEIM CA 714 520-4026		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
TURNER MANUFACTURING CO INC	4543 E. FLORADORA AVE FRESNO CA 559 251-1918		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million

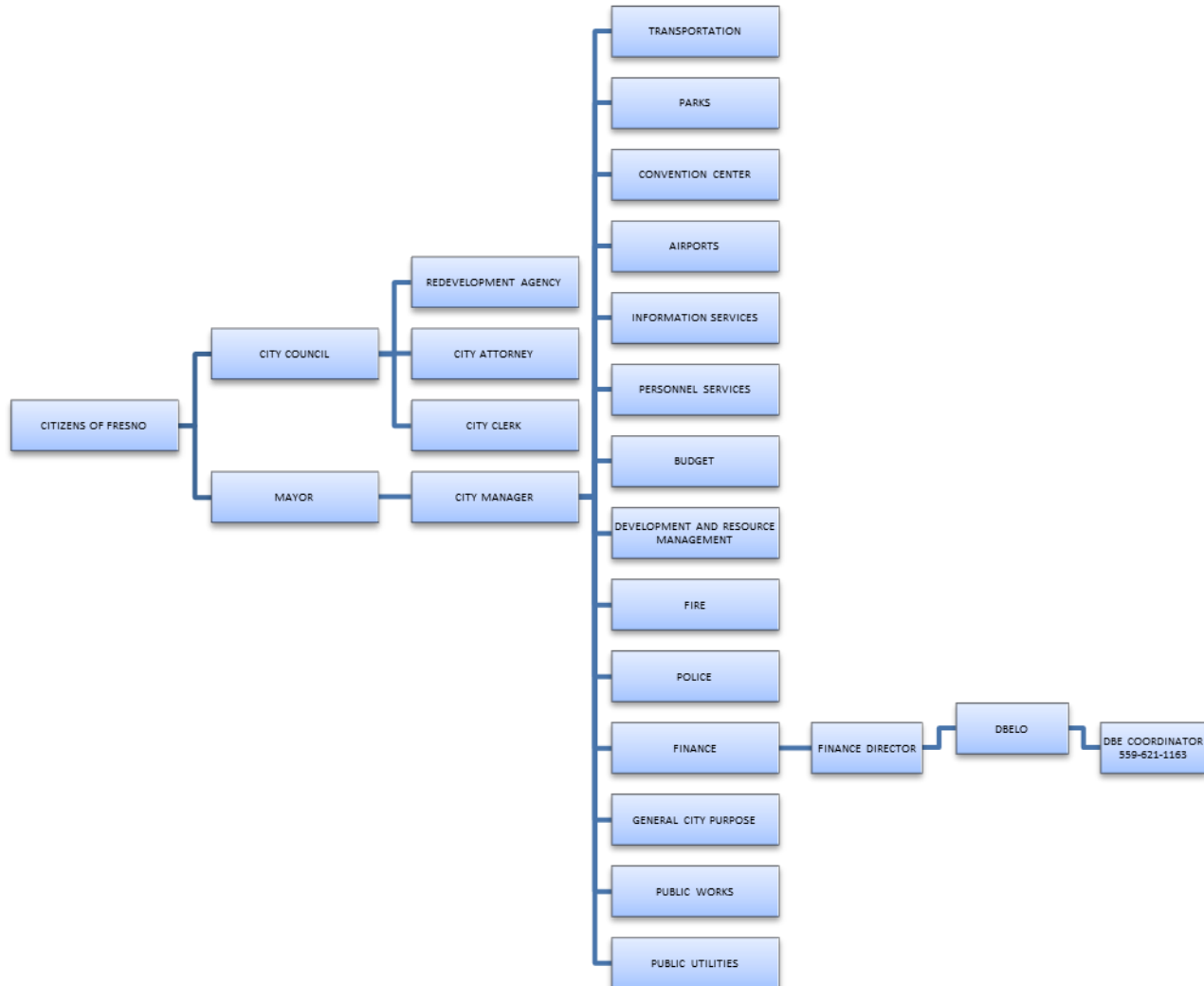
Firm Name	Firm Address/	DBE or Non-DBE Status	Age of Firm	Annual Gross Receipts
V & G BUILDERS	4350 N. PALM FRESNO CA 559 805-9015		<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
VRPA TECHNOLOGIES	4630 W. JENNIFER, SUITE 105 FRESNO CA 559 271-1200		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
VALLEY AIR CONDITIONING AND REPAIR, INC.	825 S. TOPEKA AVE FRESNO CA 559 237-3188		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
VALLEY PIPE & SUPPLY	PO BOX 551 FRESNO CA 233-0321		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
VELIS ENGINEERING, INC	1929 INDUSTRIAL WAY SANGER CA 559 876-0029		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
VERNAL GROUP	1035 E OLIVE AVE FRESNO CA 559 222-9480		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million

Firm Name	Firm Address/	DBE or Non-DBE Status	Age of Firm	Annual Gross Receipts
VISALIA CERAMIC TILE INC	917 NORTH AMERICAN ST VISALIA CA 559 651-2925		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
VILLAR CONSTRUCTION, INC.	5108 E. OLIVE FRESNO CA 559 251-7743		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
WTB, INC	7093 W BELMONT AVE FRESNO CA 559 651-1335		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
WM LYLES	335 N THORNE AVE FRESNO CA 93706 559 268-1540		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
WEST-YOST	2020 RESEARCH PARK DRIVE #100 DAVIS CA 95618		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
YANEZ CONSTRUCTION	42931 ROAD 52 REEDLEY CA 559 638-6644		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million

Firm Name	Firm Address/	DBE or Non-DBE Status	Age of Firm	Annual Gross Receipts
YARBS GRADING	11339 S PEACH FRESNO CA. 93725		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
ZIM INDUSTRIES	4545 E LINCOLN FRESNO CA 559 834-1551		<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 - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million

Attachment 2

CITY Organizational Chart FY 2016



Attachment 3

Monitoring and Enforcement Mechanisms

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

1. Breach of contract action, pursuant to the terms of the contract;
2. Retainage of additional funds until full contract compliance has been met.

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

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

49 CFR Part 26, § 26.29 requires DOT-assisted contracts to ensure prompt and full payment of any retainage kept by the prime contractor or subcontractor to a subcontractor.

The City of Fresno shall hold retainage from the prime contractor and shall make prompt and regular incremental acceptances of portions, as determined by the City of the contract work and pay retainage to the prime contractor based on these acceptances. The prime contractor or subcontractor shall return all monies withheld in retention from all subcontractors within 30 days after receiving payment for work satisfactorily completed and accepted including incremental acceptances of portions of the contract work by the city. (49 CFR Part 26, § 26.29(b)(3), referenced herein as "Method 3")

The following procedures will be used to comply with Method 3;

- At pre-bid meetings - The DBE Coordinator will point out the requirements for prompt payment under the federal requirements. The successful bidder will provide a list of all subcontractors to be used under the contract and a full description of subcontracted work.
- At the pre-construction meeting - The construction or project manager will require the above list to be provided as a submittal along with a project schedule that identifies any of the subcontractors which may have their work completed/accepted prior to the completion of the entire project.
- During construction - When a progress payment is prepared, the construction or project manager will review the schedule and the actual completed work to date and determine if there is any subcontractor which has completed 100% of their contract.
- If no subcontractor has completed 100% of their contract, the review which has taken place is documented for that payment.

- If there is a subcontractor which has completed 100% of their contract, staff will contact the prime contractor and verify that the subcontractor has completed 100% of his work.
- If the prime contractor agrees that the subcontractor's work is complete, a letter of acceptance for that subcontractor's portion of work will be sent to the prime contractor and subcontractor, and the payment will be processed releasing retention for that portion of the work. If the prime contractor disagrees, the remaining work is documented and no release is included for that payment.
- After a release of retention for incremental acceptance, staff will contact the subcontractor to verify payment to the subcontractor within 30 days after City payment to the prime contractor. Documentation of verification of payment will be filed. If prompt payment has not been made, the City will notify the prime contractor and will proceed with penalties, sanctions, and other remedies specified in the contract.

Attachment 4

Overall Goal Calculation

Below is a sample form for preparing the overall goal for the respective Operating Administration. The current (as amended, or superseded for future time periods) overall goal and calculations are attached and incorporated by reference in the following attachments:

Attachment 4.1 - Overall Goal Calculation for FAA-assisted Projects.

Attachment 4.2 - Overall Goal Calculation for FTA-assisted Projects.

Attachment 4.3 – Caltrans (FHWA) Disadvantaged Business Enterprise Implementation Agreement for Local Agencies.

Amount of Goal

The City of Fresno's uses FHWA (Caltrans) goal, the time period is 2016 - 2018 at 12.5% for DOT-assisted contracts, exclusive of FTA funds to be used for the purchase of transit vehicles and FAA.

METHODOLOGY USED TO CALCULATE OVERALL GOAL

(a) Step 1. The first step is to determine the relative availability of DBEs in the market area, "base figure". The City of Fresno will use DBE Directories and Census Bureau Data, a Bidders list could also be used, as a method to determine the base figure. The second step is to adjust the "base figure" percentage from Step 1 so that it reflects as accurately as possible the DBE participation the recipient would expect in the absence of discrimination based on past participation, a disparity study and/or information about barriers to entry to past competitiveness of DBEs on Contracts. *Step 1 Base Figure = Ready, willing and able DBEs divided by All firms ready, willing and able*

$$\text{Step One Base Figure} = \frac{\text{Ready, willing, and able DBEs}}{\text{All firms ready, willing, and able (including DBEs and non-DBEs)}}$$

If the City uses a bidders list, the City will do the following: Determine the number of DBEs that have bid or quoted (successful and unsuccessful) on the DOT-assisted prime contracts or subcontracts in the past three (3) years. Determine the number of all businesses that have bid or quoted (successful and unsuccessful) on prime or subcontracts in the same time period. Divide the number of DBE bidders and quoters by the number of all businesses to derive a base figure for the relative availability of DBEs in the market.

When using this approach, the City will establish a mechanism (documented in the City's goal submission) to directly capture data on DBE and non-DBE prime and subcontractors that submitted bids or quotes on the DOT-assisted contracts.

Any methodology the City chooses will be based on demonstrable evidence of local market conditions and be designed to ultimately attain a goal that is rationally related to the relative availability of DBEs in the City's market. 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 paragraph (c)(2) of this section (above), is not an acceptable alternative means of determining the availability of DBEs.

(b) *Step 2.* Once the City has calculated a base figure, the City will examine all of the evidence available in our jurisdiction to determine what adjustment, if any, is needed to the base figure to arrive at the City's overall goal. If the evidence does not suggest an adjustment is necessary, then no adjustment shall be made.

The data source or demonstrable evidence used to derive the numerator was: the CUCP data base for Fresno, Kern, Kings, Madera and Tulare counties.

The data source or demonstrable evidence used to derive the denominator was: The Census Bureau's County Business Pattern (CBP) data base for Fresno, Kern, Kings, Madera and Tulare counties.

After calculating a base figure, all evidence available was examined to determine what adjustment, if any, was needed to the base figure in order to arrive at an overall goal. The following data was examined:

If a goal is established by the City efforts would be to contract DBEs.

- Any available and relevant disparity studies
- Information from local organizations and agencies that promote DBE outreach programs.
- Information from DBE and Small Business Outreach Program activities, meetings, workshops.
- Information from small businesses invited to meet with the DBE Program, Purchasing,
- Public Works, Fresno Area Express, and Airports representatives/staff.
- Any other evidence pursuant to 49 CFR Part 26.

For DBE's, the gender and ethnicity was determined from the database and deducted from the total number of DBE's ready, willing, and able to work in the market area of Fresno, Kern, Kings, Madera and Tulare counties

The City would then divide the numerator by the denominator and arrive at a base figure for the City's overall goal.

The data used to determine the adjustment to the base figure for FAA -assisted contracts was the actual utilization.

If the City chose to adjust its figure using this data was because the average of the prior 4-years' actual DBE utilization was less than the calculated goal.

The data used to determine the adjustment to the base figure for FTA-assisted contracts was the availability of the DBEs' capacity to perform services or provide materials, supplies and equipment.

If the City chose to adjust its figure using this data, due to the fact that Fresno Area Express is a department of the City of Fresno and consequently must receive many of its supplies through vendors selected by the Purchasing Division utilizing the competitive bid process (low bid regardless of DBE status).

The data used to determine the adjustment to the base figure for FHWA-assisted contracts was the Bidders List which was utilized to determine the number of DBEs that have bid or quoted on DOT-assisted prime or subcontracts in the previous year and the number of all businesses that have quoted on prime or subcontracts in the same time period.

The number of DBEs was divided by the number of all businesses to derive a base figure for the relative availability of DBEs in the market.

If the City chose to adjust this figure using this data would be because the Bidders List reflects that the number of DBE's that actually bid on City of Fresno contracts is less than what is indicated who are ready, willing, and able.

Public Participation

Published by Caltrans.

:

Attachment 4-1
Overall Goal Calculation for FAA-Assisted Projects

The Fresno Yosemite International Airport (FYIA) submits its individual triennial overall DBE goal and methodology to the Federal Aviation Administration.

CALCULATION / EXPLANATION FOR FY 2015-2017 ANNUAL ANTICIPATED DBE PARTICIPATION LEVEL (AADPL)
FOR FAA - FUNDED PROJECTS

ACTUAL CALCULATIONS FOR ANTICIPATED PROJECTS AND OTHER PROCUREMENT FOR FAA FUNDING FOR FY 2015-2017

USING CITY-WIDE BIDDERS LIST

PROJECTS AVAILABLE	ESTIMATED COST OF WORK	PERCENT OF TOTAL COST	NUMBER OF DBE CONTRACTORS	NUMBER OF NON-DBE CONTRACTORS	TOTAL NUMBER OF CONTRACTORS	PERCENTAGE OF DBEs TO ALL BUSINESS	BASE DBE PERCENTAGE
"A"	"B"	"C"	"D"	"E"	"F"	"G"	"H"
NOISE PROGRAM	\$2,222,222.00	0.09220	0	95	96	0.000	0.0000
PAVEMENT MANAGEMENT PLAN UPDATE	\$110,000.00	0.00456	5	15	10	0.500	0.0023
ACQUIRE ARFF VEHICLE	\$1,100,000.00	0.04564	0	0	5	0.000	0.0000
NOISE EXPOSURE MAP UPDATE	\$400,000.00	0.01660	5	15	20	0.250	0.004
REHAB COMMERCIAL APRON, TAXIWAYS – DESIGN	\$2,450,000.00	0.10165	5	15	20	0.250	0.025
REHAB COMMERCIAL APRON, TAXIWAYS - CONSTRUCTION	\$17,350,000.00	0.71985	15	96	96	0.156	0.112
OBSTRUCTION REMOVAL, DEMO RESIDENCES	\$260,000.00	0.01079	15	96	96	0.156	0.002
UPDATE LAND USE PLANS	\$60,000.00	0.00249	5	90	96	0.052	0.000
BEACON/TOWER REPLACEMENT	\$150,000.00	0.00622	0	15	15	0.000	0.0000
TOTAL PROJECT COST	\$24,102,222.00	1.00	50	437	454	11.01%	14.61%

2015-2017 FY Airports Program - Anticipated FAA Funded Projects

Table A.2

PROJECTS	PAVEMENT MANAGEMENT PLAN UPDATE	NOISE EXPOSURE MAP UPDATE, LAND USE MAP UPDATE	REHAB COMMERCIAL APRON, TAXIWAYS - DESIGN	REHAB COMMERCIAL APRON, TAXIWAYS - CONSTRUCTION	Total in Work Category
Work Categories					
Asphalt Concrete NAICS 237310				\$17,350,000	\$17,350,000
Land Use Studies 541360					
Asphalt/Structural Concrete Design 541330					
Map Drafting 541340		\$460,000			
Engineering Services 541330	\$60,000		\$2,450,000		
TOTALS	\$60,000	\$460,000	\$2,450,000	\$17,350,000	\$20,320,000

CALCULATION OF BASE FIGURE FOR ANTICIPATED PROJECTS FY 2015-2017 FAA FUNDED

Table A.1

Work Category	Total \$s In Category A	Percent of total \$s (A/Total) B	Number of DBEs in Market Area From CUCP Data Base C	Number of Non- DBEs in Market Area (E minus D) D	Total Contractors in Market Area From Census Data E	Before Weighting % DBEs (C/E) F	Weighted Base Figure (B * F) G
Asphalt Concrete NAICS 237310	\$17,350,000	0.8538	15	102	165	0.0909	0.077621689
541360							
541330							
TOTALS	\$20,320,000	0.8538	15	102	165	9.09%	7.76%

4-1 D (ACDBE -RENTAL CAR)



CALIFORNIA UNIFIED CERTIFICATION PROGRAM (CUCP)

CITY OF FRESNO
FINANCE DEPARTMENT, PURCHASING DIVISION, DBE PROGRAM
2600 FRESNO STREET, ROOM 2156
FRESNO, CA 93721

559-621-7103 Phone
559-488-1069 FAX

October 15, 2015

SENT VIA E-MAIL

Ms. Patricia Wright
Civil Rights Officer
Federal Aviation Administration - FAA
15000 Aviation Blvd., AWP-9
Lawndale, CA 90261

SUBJECT: RENTAL CAR ACDBE GOALS FOR FISCAL YEAR 2016-2018 IN
ACCORDANCE WITH 49 CFR, PART 26 and 23

Dear Ms. Wright:

In accordance with the requirements of the U.S. Department of Transportation, 49 CFR Part 23 and 26, an Rental Car Airport Concession Disadvantaged Business Enterprise (DBE) goal of 1% for Federal Fiscal Years (FFY) 2016-2018 is submitted for your review and approval. The following documents are attached:

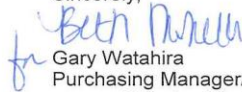
- I. Explanation of Methodology for Overall Goal Calculation for FFY 2016-18. Pages 1 and 2
- II. Calculation of Base Figure for Anticipated Projects for FFY 2016-18. Tables A.1, A.2 and A.3

The public notification will be posted in the Fresno Bee and sent to the various Chambers of Commerce for comments. Verification of publication to follow.

Considering that all concessions in FFY 2016-2018 are currently Race Neutral, DBE goals are not required in individual contracts and the "1% goal" is in reality a measure of the available DBE's in our market area and actual participation for the past five fiscal years. Public participation was not incorporated into the process of determining the availability level however a notice will be published in the Fresno Bee and on the City of Fresno's Airports Department website. A copy of the goal calculation will also be sent to the various Chambers of Commerce for comment.

If you need additional information please contact me at 621-7103, or by e-mail at Gary.Watahira@fresno.gov

Sincerely,



Gary Watahira
Purchasing Manager/DBE Liaison Officer
cc: Airports, Administration

ATTACHMENT 4-1 D ACDBE RENTAL CAR



EXPLANATION OF METHODOLOGY FOR OVERALL ACDBE RENTAL CAR GOAL CALCULATION FY 2016-2018

Section 26.45: Overall Goal Calculation

Amount of Goal

The City of Fresno's overall ACDBE goal for rental car concessions for FY 2016-2018 is **1.0%**.

Methodology used to Calculate Overall Goal

Following is a summary of the Methodology used to calculate and establish our Overall ACDBE Goal for FY 2016-2018: The City utilized the prescribed 26.45 two-step process of **Step 1: 26.45(c)** determining a base figure for the relative availability of DBEs for the Fresno area, and **Step 2: 26.45(d)** after calculating a base figure of the relative availability of DBEs, examining evidence to determine what adjustment was needed to the base figure in order to arrive at the overall goal.

Step 1: 26.45(c) Actual relative availability of ACDBEs. - Base Figure

There are no DBE/ACDBE firms in Fresno and the surrounding areas who are ready, willing and able to provide a service at FAT.

The data source or demonstrable evidence used to derive the numerator was US Census Data and DBE directories.

The City used the US Census data for the majority of the NAICS Codes listed in the attached Table A.1, "**Calculation/Explanation of Base Figure for Anticipated ACDBE Participation for FY 2016-2018**". We used DBE Directories to determine the number of ACDBEs in the market area (numerator) relative to the number of all businesses in the market that perform work in the work categories (denominator). Although weighting is not required, we continued our calculations to include weighting and used the Base Figure after weighting. Table A.1 lists the opportunities. These figures were used in the weighting on Table A.2, column G.

We determined the base figure for the relative availability of ACDBEs - DBEs in the market relative to the number of all businesses available in the market that perform work in the same work category required for participation in the projects. Table A.1.

$$\text{Base Figure Before Weighting} = \frac{\text{Number of Available DBEs in NAICS Categories}}{\text{Total of All firms in NAICS Categories}} \frac{0}{258} = 0.0\%$$

The total of Column I, **0.0%** is the **Base Figure Before Weighting**. The total of available DBEs in the work categories, Column H, was divided by the total number all firms in the NAICS categories, Row 5.

Weighting: See Table A.2:

We divided the estimated dollars to be expended in each category by the estimate of total dollars divided by the number of available ACDBE firms to arrive at a percentage - Column C. We then multiplied DBE availability (Column F) by the percent of total estimated procurement dollars in work category (Column C) resulting in the Base Figure after Weighting (Column G) $C \times F = G$ Total of Column H = Base Figure After Weighting

Base Figure after Weighting = DBE Availability % times Percent of Total estimated Procurement dollars in work category. $C \times F =$ **Base Figure after Weighting of 0.0% (Total of Column H)**

The **Base Figure Before Weighting**, the percentage of the total DBEs to the total number of firms available in the work categories is **0.0%**. The **Base Figure After Weighting**, the percentage of DBEs weighted by the percentage of work in each category, is **0.0%**

ATTACHMENT 4-1 D ACDBE RENTAL CAR



Step 2: 26.45(d) Adjustment to Step 1 goal, to make it more precise.

After calculating a base figure of the relative availability of DBEs, evidence was examined to determine what adjustment was needed to the base figure in order to arrive at the overall goal.

Past Participation of ACDBEs: 2010 0%, 2011 0%, 2012 0%, 2013 0.83%, 2014, .83%

The average of past five years of DBE participation in FAA-assisted projects is 0.3%.

1. The base figure= 0.0 %
2. Median past participation level = 0.3 %
3. The projected ACDBE participation for FFY 2016 to FFY 2018, based on revenue projections, is anticipated to be approximately 0 %.
4. An average of the factors above provides us with a realistic and logical method of establishing our overall ACDBE goal. The average of these numerical indicators equates to approximately $(0.0 + 0.0 + 0)/3 = 0.0\%$.

Past participation indicates that Budget and Avis companies utilize a CUCP certified out of state firm to provide the insurance and this service is expected to continue. In addition, a local certified supplier is considering opening a car dealership for the specific purpose of targeting all agencies and organizations that have MBE/WBE/DBE/SBE programs. He has not started his business yet however. Based on this information FAT has determined an **overall goal of 1.0% for FY 2016 - 2018.**

Race Neutral ACDBE Program

All contracts for FY 2016 - 2018 will be race neutral. The City and Rental Car Agencies will use only race neutral measures to facilitate DBE participation. The City of Fresno does quarterly workshops on "How to Do Business with the City of Fresno" and "The DBE Program and How it Works". The City also presents workshops at SCORE, the Small Business Development Center, the Small Business Development Day workshops held by the City, attends various ethnic based Chambers of Commerce meetings, and is a DBE certifying agency. During the workshops the attendees are encouraged to apply for DBE certification if they own a tire shop, repair shop, etc. Several have expressed interest in the past however none have ever applied for certification.

The City of Fresno has posted the annual goal for the Rental Car Agencies in the Fresno Bee, the City's Airport website and forwarded to the various Chambers of Commerce for review.

**ATTACHEMENT 4-1 E
ACDBE (NON-RENTAL CAR)**



**CALIFORNIA UNIFIED
CERTIFICATION PROGRAM (CUCP)**

CITY OF FRESNO
FINANCE DEPARTMENT, PURCHASING DIVISION, DBE PROGRAM
2600 FRESNO STREET, ROOM 2156
FRESNO, CA 93721

559-621-7103 Phone
559-488-1069 FAX

October 15, 2015

SENT VIA E-MAIL

Ms. Patricia Wright
Civil Rights Officer
Federal Aviation Administration - FAA
15000 Aviation Blvd., AWP-9
Lawndale, CA 90261

**SUBJECT: NON RENTAL CAR ACDBE GOALS FOR FISCAL YEAR 2016-2018 IN
ACCORDANCE WITH 49 CFR, PART 26 and 23**

Dear Ms. Wright:

In accordance with the requirements of the U.S. Department of Transportation, 49 CFR Part 23 and 26, a Non Rental Car Airport Concession Disadvantaged Business Enterprise (DBE) goal of 0% for Federal Fiscal Years (FFY) 2016-2018 is submitted for your review and approval. The following documents are attached:

- I. Explanation of Methodology for Overall Goal Calculation for FFY 2016-18. Pages 1 and 2
- II. Calculation of Base Figure for Anticipated Projects for FFY 2016-18. Tables A.1, A.2 and A.3

The public notification will be posted in the Fresno Bee and sent to the various Chambers of Commerce for comments. Verification of publication to follow.

Considering that all concessions in FFY 2016-2018 are currently Race Neutral, DBE goals are not required in individual contracts and the "0% goal" is in reality a measure of the available DBE's in our market area and taking into consideration past participation. Public participation was not incorporated into the process of determining the availability level however a notice will be published in the Fresno Bee and on the City of Fresno's Airports Department website. A copy of the goal calculation will also be sent to the various Chambers of Commerce for comment.

If you need additional information please contact me at 621-7103, or by e-mail at Gary.Watahira@fresno.gov

Sincerely,

Gary Watahira
Purchasing Manager/DBE Liaison Officer
cc: Airports, Administration

ATTACHEMENT 4-1 E ACDBE (NON-RENTAL CAR)



EXPLANATION OF METHODOLOGY FOR OVERALL ACDBE CONCESSIONS OTHER THAN CAR RENTAL GOAL CALCULATION FY 2016-2018

Section 26.45: Overall Goal Calculation

Amount of Goal

The City of Fresno's overall ACDBE goals for other than rental car concessions for FY 2016-2018 is **0.0%**.

Methodology used to Calculate Overall Goal

Following is a summary of the Methodology used to calculate and establish our Overall ACDBE Goal for FY 2016-2018: The City utilized the prescribed 26.45 two-step process of **Step 1: 26.45(c)** determining a base figure for the relative availability of DBEs for the Fresno area, and **Step 2: 26.45(d)** after calculating a base figure of the relative availability of DBEs, examining evidence to determine what adjustment was needed to the base figure in order to arrive at the overall goal.

Step 1: 26.45(c) Actual relative availability of ACDBEs. - Base Figure

There are no DBE/ACDBE firms in Fresno and the surrounding areas who are ready, willing and able to provide a service at FAT. The majority of the Airport concessions are large chain firms such as Hudson News, HMS Host/Anton Foods, FS&S and Interspace Airport Advertising. The only local concessionaire is the barber shop whose owner does not wish to be certified as a DBE although he qualifies.

The data source or demonstrable evidence used to derive the numerator was US Census Data and DBE directories.

The City used the US Census data for the of the NAICS Codes listed in the attached Table A.1, "**Calculation/Explanation of Base Figure for Anticipated ACDBE Participation for FY 2016-2018**". We used DBE Directories to determine the number of ACDBEs in the market area (numerator) relative to the number of all businesses in the market that perform work in the work categories (denominator). Although weighting is not required, we continued our calculations to include weighting and used the Base Figure after weighting. Table A.1 lists the opportunities. These figures were used in the weighting on Table A.2, column G.

We determined the base figure for the relative availability of ACDBEs - DBEs in the market relative to the number of all businesses available in the market that perform work in the same work category required for participation in the projects.

Base Figure Before Weighting: See Table A.1

$$\text{Base Figure Before Weighting} = \frac{\text{Number of Available DBEs in NAICS Categories}}{\text{Total of All firms in NAICS Categories}} = \frac{4}{1110} = 0.4\%$$

The total of Column H, **0.4%** is the **Base Figure Before Weighting**. The total of available DBEs in the work categories, Row 4, was divided by the total number of all firms in the NAICS categories, Row 5.

Weighting: See Table A.2:

We divided the estimated dollars to be expended in each category by the estimate of total dollars divided by the number of available ACDBE firms to arrive at a percentage - Column C. We then multiplied DBE availability (Column F) by the percent of total estimated procurement dollars in work category (Column C) resulting in the Base Figure after Weighting (Column H) $C \times F = G$ Total of Column H = Base Figure After Weighting

Base Figure after Weighting = DBE Availability multiplied by the Percentage of Total estimated Procurement dollars in work category. $C \times F =$ **Base Figure after Weighting of .8% (Total of Column H)**

ATTACHEMENT 4-1 E ACDBE (NON-RENTAL CAR)

The **Base Figure Before Weighting**, the percentage of the total DBEs to the total number of firms available in the work categories is **0.4%**. The **Base Figure After Weighting**, the percentage of DBEs weighted by the percentage of work in each category, is **0.8%**

Step 2: 26.45(d) Adjustment to Step 1 goal, to make it more precise.

After calculating a base figure of the relative availability of DBEs, evidence was examined to determine what adjustment was needed to the base figure in order to arrive at the overall goal.

Past Participation of ACDBEs: 2010 0%, 2011 0%, 2012 0%, 2013 0%, 2014, 0%

The average of past five years of DBE participation in FAA-assisted projects is 0.0%.

1. The base figure= 0.4 %
2. Median past participation level = 0 %
3. The projected ACDBE participation for FFY 2016 to FFY 2018, based on revenue projections, is anticipated to be approximately 0 %.
4. An average of the factors above provides us with a realistic and logical method of establishing our overall ACDBE goal. The average of these numerical indicators equates to approximately $(0.4 + 0.8 + 0)/3 = 0.5\%$.

Based on an examination of past participation leads to an **overall goal of 0.0% for FY 2016 - 2018.**

Race Neutral ACDBE Program

All contracts for FY 2016 - 2018 will be race neutral. The City will use only race neutral measures to facilitate DBE participation. The City of Fresno also does quarterly workshops on "How to Do Business with the City of Fresno" and "The DBE Program and How it Works". The City also presents workshops at SCORE, the Small Business Development Center, the Small Business Development Day workshops held by the City, attends various ethnic based Chambers of Commerce meetings, and is a DBE certifying agency. The Fresno Area Hispanic Chamber of Commerce has been working with FAT staff to contract with a local restaurant to service the International passengers.

The City of Fresno has posted the annual goal for the concession contracts in the Fresno Bee, the City's Airport website and forwarded to the various Chambers of Commerce for review.

Attachment 4-2

Overall Goal Calculation for FTA-assisted Projects

The Fresno Area Express (FAX) submits its individual triennial overall DBE goal and methodology to Federal Transit Administration.

EXPLANATION OF METHODOLOGY FOR OVERALL GOAL CALCULATION FOR FFY 2016-2018

Section 26.45: Overall Goal Calculation

Proposed Triennial Overall DBE Goal

The Fresno Area Express (FAX) triennial overall DBE goal for Federal Transit Administration (FTA)-Assisted projects for Federal Fiscal Years (FFY) 2016-2018 is proposed for **13%** of the financial assistance to be expended on FTA-assisted contracts.

Methodology used to Calculate Overall Goal

The FAX utilized the prescribed 26.45 two-step process of **Step 1: 26.45(c)** determining a base figure for the relative availability of DBEs for the Fresno area, and **Step 2: 26.45(d)** after calculating a base figure of the relative availability of DBEs, examining evidence to determine what adjustment was needed to the base figure in order to arrive at the overall goal.

Step 1: 26.45(c) Actual relative availability of DBEs. - Base Figure

Since the substantial majority of the contractors and subcontractors come from the greater Fresno area (i.e. Fresno, Madera, Kings, Tulare, and Kern Counties) and the substantial majority of the contracting dollars are spent in the Fresno area, FAX determined that Fresno County is the primary market areas. The data source or demonstrable evidence used to derive the numerator was the California DBE Directory and US Census Data Fresno Market Area See Table 3

“Calculation of Base Figure for Anticipated Project for FY 2016 - 2018”. FAX used the California DBE Directory to determine the number of DBEs in the market area (numerator) relative to the number of all businesses in the market that perform work in the work categories (denominator). Although weighting is not required, the calculations included weighting and used the Base Figure after weighting. Table 1 lists the anticipated projects and amount of funding anticipated for each project. These figures were used in the weighting on Table 2, column C.

FAX determined the base figure for the relative availability of DBEs - DBEs in the market relative to the number of all businesses available in the market that perform work in the same work category required for participation in the projects. See Table 3.

Base Figure	=	<u>Number of Available DBEs in Work Categories</u>	<u>97</u>	=
26%		Total of All firms in Work Categories	742	

The total of Table 3, Column F, **25.68% rounded to 26%** is the **Base Figure**.

Base Figure after Weighting: See Table 2 and Table 3

FAX divided the estimated dollars to be expended in each project by the estimate of total dollars of federal financial assistance FAX will expend in FTA-assisted projects to arrive at a percentage - Column C. DBE availability (Table 3, Column B) was then multiplied by the percent of total estimated procurement dollars in work category (Table 2 Column C), resulting in the Base Figure after Weighting (Table 3, Column F). Formula is Table 2 Column C x Table 2 Column C = Table 3, Column F = 25.67% rounded to **26% which represents the Base Figure After Weighting.**

Past participation of DBEs was:

- 2011 0%
- 2012 0.57%
- 2013 0%
- 2014 .85%

The average of past DBE participation in FTA-assisted projects is 0.36% and rounded to 0%. See Table 4.

Based on an examination of types of projects, history and past participation the Base Figure of 26% is adjusted by 50% to a proposed **overall goal of 13% for FTA-Assisted Projects for FFY 2016 - 2018** (see Table 5).

Consideration of a Disparity Study for a Step 2 Adjustment

The City of Fresno did not conduct a disparity study for its FTA financial assistance. In 2014, Caltrans conducted a disparity study for its FTA financial assistance. The City of Fresno considered the Caltrans disparity study for its methodology, however, the Caltrans disparity study market area is statewide and FTA funding allocations are greater than the City of Fresno. The Caltrans disparity study is not relevant to the City of Fresno contracting activity. Consequently, the Caltrans disparity study was not used.

Proposed Triennial Overall DBE Goal for FAX

Based on the availability of DBEs for the proposed FTA-assisted projects for FFY 2016-2018, FAX proposes to meet the overall goal of 13% through Race-Neutral means.

Public Participation and Consultation

The FAX has engaged in the public participation and consultation to determine if there were additional information and evidence to be considered to make further adjustment to the DBE goal and the proposed Race-Neutral means to achieve the overall DBE goal. The public participation and consultation will end on July 15, 2016. Following the public comment and consultation the FAX will consider if any adjustment is necessary and provide the reasons for the DBE goal adjustment to the FTA with its submission of the Triennial Overall DBE Goal and Methodology.

Attachment (Goal Calculation and Tables)



Fresno Area Express Proposed Disadvantaged Business Enterprise Goal for Federal Fiscal Years 2016 to 2018

Table 1

Project	Total Estimated Project Cost	NAICS Code
CNG Replacement Compressor	\$ 860,000.00	237120
Building/Facility Maintenance	\$ 5,816,000.00	238990
Intermodal Facility	\$ 2,004,900.00	238990
Shelter Improvements/Passenger Amenities	\$ 8,289,400.00	238990
BRT	\$ 44,828,000.00	237310
Signal Prioritization	\$ 1,565,700.00	238210
Mariposa Project	\$ 2,405,900.00	236210
Professional Services	\$ 4,091,600.00	541330
Bus Wash	\$ 4,500,000.00	236210
Total	\$ 74,361,500.00	

Table 2

NAICS Code	Total Dollars	Weighted Percentage
237120	\$ 860,000.00	1.16%
238990	\$ 16,110,300.00	21.66%
237310	\$ 44,828,000.00	60.28%
238210	\$ 1,565,700.00	2.11%
236210	\$ 6,905,900.00	9.29%
541330	\$ 4,091,600.00	5.50%
Total	\$ 74,361,500.00	100.00%

Table 3 --- Step 1

**FRESNO AREA MARKET
(Fresno, Madera, Kings,
Tulare, Kern Counties)**

**US CENSUS BUREAU
COUNTY BUSINESS
PATTERN DATA**

NAICS Code	Number of DBE Contractors	Total Number of Contractors	Percentage of DBEs	Weighted Percentage	Base Percentage
237120	1	2	50.00%	1.16%	0.5800%
238990	43	182	23.63%	21.66%	5.1175%
237310	21	88	23.86%	60.28%	14.3850%
238210	9	149	6.04%	2.11%	0.1274%
236210	9	16	56.25%	9.29%	5.2256%
541330	14	305	4.59%	5.50%	0.2525%
Total	97	742		100%	25.6880%

Rounded 26%

Table 4 --- Step 2

Project Year	DBE Participation
2011	0.00%
2012	0.57%
2013	0.00%
2014	0.85%
Average of Past Participation	0.36%

Rounded 0%

Table 5 --- Adjusted Base Figure

Step 1 Base Figure (26%) + Average Past Participation (0%) = Adjusted Base Figure

Average Past Participation	0%
Average + Step 1 Base Figure	$26\% + 0\% = 26\%$
Base Figure Adjusted	$26\% / 2 = 13.0\%$
Adjusted Base Figure	13%

ATTACHMENT 4-3

EXPLANATION OF METHODOLOGY FOR OVERALL GOAL CALCULATION FOR FY 2016-2018 FHWA

Section 26.45: Overall Goal Calculation



U.S. Department
of Transportation
**Federal Highway
Administration**

California Division

August 28, 2015

650 Capitol Mall, Suite 4-100
Sacramento, CA 95814
(916) 498-5001
916 498-5008 (FAX)

In Reply, Refer To:
HDA-CA

Mr. Malcolm Dougherty
Director
California Department of Transportation
1120 N Street
Sacramento, CA 95814

SUBJECT: FY 2016 Disadvantaged Business Enterprise (DBE) Goal Methodology Approval

Dear Mr. Dougherty:

In accordance with the provisions of 49 CFR § 26.45, the Federal Highway Administration (FHWA) California Division has reviewed the overall Disadvantaged Business Enterprise (DBE) Goal Methodology (Methodology) submitted by the California Department of Transportation (Caltrans) for Federal Fiscal Years (FFY) 2016 - 2018. Caltrans submitted an overall goal of 12.5%, of which it projects that it will meet 3% through race neutral measures and 9.5% through race conscious measures.

Our review considered the overall goal as well as Caltrans' descriptions of the data and methods used in arriving at the overall goal, including the base figure calculation and evidence supporting the calculation; any adjustments made to the base figure and evidence supporting these adjustments, including a summary of the relevant evidence specific to your jurisdiction; the projection of the portion of the overall goal that Caltrans will meet through race neutral and race conscious means as well as the basis for these projections; and evidence of public participation in establishing the overall goal.

We have determined that the methodology Caltrans employed is consistent with the requirements of 49 CFR § 26.45. We have also approved the projection of the portions of the overall goal which Caltrans expects to meet through race neutral and race conscious means. That projection is subject to modification in accordance with 49 CFR § 26.51. The basis for our conclusions is set forth more fully in the attached document.

Caltrans is expected to make a good faith effort to meet its goal each year during the three-year period in which it is in effect. Any mid-cycle adjustments to the goal which may be needed to reflect changed circumstances require prior FHWA approval. Caltrans' next regularly scheduled DBE Goal Methodology is due August 1, 2018.

Please note that Caltrans must submit a separate DBE Goal Methodology for programs funded by the Federal Transit Administration (FTA) and the Federal Aviation Administration (FAA), based on the goal setting approach outlined in Caltrans' approved DBE program. Caltrans should contact its regional FTA and FAA offices for further guidance and assistance.

Caltrans has represented that it has not made significant changes to its DBE Program, which was approved by the FHWA on March 27, 2013. It has therefore determined not to submit its DBE Plan for FHWA review and approval.

Pursuant to CFR § 26.47(c), State Departments of Transportation (State DOTs) that fall short of their overall DBE goal in any given year must submit a Shortfall Analysis and Corrective Action plan that describes specific reasons for the shortfall and includes a timeline for corrective actions that could reasonably be projected to cause the State DOT to meet its goal during the next goal cycle.

Thank you for your diligence in administering the DBE program.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Duman". The signature is written in a cursive style with a large initial "M".

For: Vince Mammano
Division Administrator
Federal Highway Administration

Enclosures

Explanation for Approval of California DBE Program Goal Setting Process for Fiscal Years 2016 - 2018

This document sets forth the Federal Highway Administration's reasons for approving the California State Department of Transportation's (Caltrans') Disadvantaged Business Enterprise (DBE) goal methodology and the portion of the goal to be attained by race- and gender- neutral means for FY 2016.

- **Goal Setting Methodology Section 26.45**

The regulations require recipients to set overall goals based on demonstrated evidence of the availability of ready, willing, and able DBEs relative to all businesses ready, willing, and able to participate on DOT-assisted contracts.

- **Step One: Base Figure Section 26.45(c)**

Under the DBE regulations, Caltrans must begin the process by determining the base figure for the relative availability of DBEs. Consistent with the regulations, Caltrans relied on the results of the August 31, 2012 Availability and Disparity Study (hereafter Study) conducted by BBC Research & Consulting (hereafter BBC) to derive its base figure.

BBC used a modified version of the custom census approach used by the Illinois and Minnesota Departments of Transportation that was accepted by the Seventh and Eighth Federal Circuit Courts of Appeals, respectively, to estimate the relative availability of DBEs. BBC refined the availability data by weighting it by the type of work, contractor role (prime vs. subcontractor), location of work, size of the work element, contract date and whether a contract is a Caltrans or local agency contract. This weighting process is described in detail in Chapter 4, Page 8 of the Study.

In the first steps of the BBC analysis, of roughly 3,377 firms potentially available for specific construction and engineering contracts that Caltrans awarded during the study period, 33 percent were identified as minority- or woman-owned (MBE/WBE). Thirty percent of the construction firms are minority- or women-owned prime contractors and 33 percent are minority- or woman-owned subcontractors. Among the engineering-related firms, 29 percent are minority- or woman-owned prime consultants and 34 percent are minority- or woman-owned subconsultants.

BBC conducted a statistical analysis that examined 15,446 of Caltrans and local agency prime contracts and subcontracts for California Federal-aid highway projects from 2007 through 2010. For each contract element, BBC estimated the number of

minority- and woman-owned firms and the total number of firms surveyed that were available for that work based on the firms’:

- Qualification and interest in performing transportation-related contracts in the work of the contract element;
- Prime contract versus subcontract role;
- Ability to serve customers in the geographic location of the contract element;
- Past experience in bidding or performing work of the size of the contract; and
- Existence in the year that Caltrans awarded the contract element.

BBC then weighted the relative MBE/WBE availability for each of the 15,466 contract element by the dollars for that element. The details of this process are described in Chapter 4, Page 9 of the Study.

The sum of the aggregate availability of the 15,446 contracting elements yields an 18.1 percent minority- and women-owned firms (MBE/WBE) availability for Federal-aid highway contracts. This means that, after considering type of work, contract role, location and size of work involved in federally-funded projects and the types, contract roles, locations and contract sizes for work performed by available firms, 18.1 percent of dollars on federally-funded contracts would go to MBE/WBE if available MBE/WBE received the same amount of work as similarly-situated majority-owned firms available for such work. Firms that would not qualify as DBEs because they exceed the business size standard were excluded from the pool of available MBE/WBE, resulting in a base figure of 12.5% DBE availability.

• **Step 2 Adjustments Section 26.45(d)**

Once a base figure is calculated, Caltrans must examine all of the evidence available in its jurisdiction to determine if an adjustment is needed to the base figure to arrive at the overall goal. The Study looked at types of information described in the DBE regulations governing the Step 2 analysis.

- Current capacity of DBEs to perform work on FHWA-assisted contracts, as measured by the volume of work DBEs have performed in recent years.
- Barriers to entry such as education, training, employment, and advancement.
- Rates of business formation, closure, and earnings.
- Access to capital (including home ownership, home value, mortgage loan denials, sub prime loans, business loan denial rates, and business loan values), bonding, and insurance.

See the Study, Chapter 3 and Appendix E and H. Caltrans also considered in its Step 2 analysis the impact of the high number of potential DBEs that have not sought certification. Based on the evidence, Caltrans reached the qualitative decision that a Step 2 adjustment is not necessary.

Past volume of work performed

Caltrans considered its past DBE participation in FY 2012 – 2014 and the first half of FY 2015. However, it would not be appropriate to make a downward adjustment for past DBE participation as a measure of DBE capacity. In past goal submissions Caltrans has not made such an adjustment because a very small percentage of the DBEs are awarded contracts. Thus, DBE capacity is greater than that reflected in the volume of work performed by a select few DBEs. Under the circumstances we agree with Caltrans that past participation is not an adequate measure of DBE capacity.

Current DBE certification of minority-and women-owned firms

Caltrans mentions that four out of five DBE firms counted in its base figure were not certified in 2012. This figure is cited in the Study, Chapter 9, Page 4. However, it does not make a Step 2 adjustment for this factor. We agree. The consideration of this factor as part of the Step 2 adjustment would be misplaced; it bears no relation to a determination of the level of DBE participation one would expect absent the effects of discrimination.

Possible Quantifiable Adjustments

BBC was able to quantify disparities in business ownership rates, which was some of the evidence examined in considering a potential Step 2 adjustment. The overall DBE goal would be 17.6 percent if Caltrans made this adjustment. See the Study, Chapter 8, Figure 8-3. However, Caltrans decided to not make an upward adjustment at this time, choosing instead “a lower bound estimate” of DBE participation in a discrimination free transportation contracting market.

Other evidence examined in the Study, while important, did not yield quantifiable adjustments to the base figure. For example, barriers to obtaining financing may affect current availability of DBEs, but the impact is complex and not readily quantified.

• Consultation and Public Participation Section 26.45(g)

The regulations require that Caltrans provide for consultation and public participation when establishing its overall goal. Caltrans consulted with its Statewide Small Business Council (SBC) whose members represent over two dozen contractor associations representing minority and women contracting firms in all major types of work done in the State’s Federal-aid Highway Program. Also, it consulted with the Associated General Contractors of California, the Southern California Contractors Association, the United Contractors Association, and the American Council of

Engineering Companies. These consultations were held on May 1 and 8, 2015 in Sacramento. Participants could attend in person or via teleconference. Additionally, Caltrans consulted with its SBC on May 14, 2015 at their Construction, Professional Services, Local Assistance, and Commodities committee meetings. Caltrans received a written comment from its consultations that listed barriers similar to some of those identified in the Study.

The overall goal methodology was released and made available to the public on its web site on July 2, 2015. At the conclusion of the 30-day comment period Caltrans received numerous comments, including that the DBE goal is too low, DBEs face barriers and challenges identified in the Study's Step 2 adjustment considerations, and numerous suggestions for improving Caltrans' DBE program. A summary of public comments are summarized in Caltrans' goal submission.

Caltrans has carefully considered all of the comments and determined that no changes to the overall goal are warranted.

- **Race and Gender-Neutral and Conscious Measures**
Section 26.51

The regulations require Caltrans to meet the maximum feasible portion of its overall goal by using race- and gender-neutral means of facilitating DBE participation and to submit its projection of that portion of the goal it expects to meet through race-neutral means.

Race-Neutral and Race-Conscious Division: Caltrans projects that it can achieve 3% of its DBE participation through race and gender neutral (RN) means and 9.5% through race and gender conscious (RC) means. The RN neutral projection is based on the average RN DBE participation it achieved during F.Y. 2011 through the first half of F.Y. 2015.

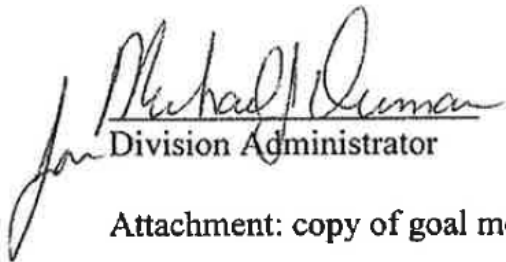
Race-Neutral Measures Implemented by the State: Caltrans has identified numerous race and gender-neutral measures or initiatives it is implementing or plans to implement to meet its goal. Some of the measures include:

- Technical training and one-on-one assistance to small business firms provided through the CalMentor-Protégé program that includes construction as well as architectural and engineering industries.
- Use of mandatory pre-bid conferences in all districts. This provides a networking forum for small businesses and bidders.

- Expanding Caltrans/Office of Business and Economic Opportunity web site for easier access to information needed by small businesses and providing links to other supportive services, local agencies and technical assistance.
- Unbundling Caltrans contracts.
- Removed the performance bond requirement on Minor B (under \$281,000) contracts to encourage small business participation.

Conclusion

For the above reasons, the California Department of Transportation goal setting methodology and race-neutral/race-conscious projections for FY 2016 are approved.


Division Administrator

8/28/2015
Date

Attachment: copy of goal methodology approved

**CALIFORNIA DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
OVERALL DISADVANTAGED BUSINESS ENTERPRISE
GOAL AND METHODOLOGY
For Federal Fiscal Years 2016-2018**

Executive Summary

The California Department of Transportation (Caltrans) submits this Federal Fiscal Years (FFY) 2016-2018 goal and methodology to the Federal Highway Administration (FHWA) pursuant to 49 Code of Federal Regulations (CFR) Section 26.45, for federally assisted highway contracts. For FFYs 2016-2018, Caltrans will continue its established Disadvantaged Business Enterprise (DBE) Program with an annual DBE goal of 12.5 percent without a Step Two adjustment as stated below.

Goal Setting Methodology—Section 26.45

Caltrans followed a two-step process for setting its overall DBE goal.

- Step One describes the calculation of a base figure for the relative availability of DBEs.
- Step Two is the examination of all the evidence available to determine if an adjustment to the base figure is needed to arrive at the overall goal.

Step One Base Figure—Section 26.45(c)

In order to establish the base figure, Caltrans commissioned an Availability and Disparity Study (Study) that was completed by BBC Research & Consulting (BBC) on August 31, 2012.

The Study:

- Analyzed use and availability of minority/women-owned firms in California transportation contracts.
- Examined other quantitative analysis of marketplace conditions.
- Reviewed anecdotal information from in-depth interviews with over 100 business owners and others across California.
- Analyzed oral and written testimony from businesses, trade associations, and other organizations at 12 public hearings held by Caltrans in May 2012. One hearing was held in each Caltrans District – Bishop, Eureka, Fresno, Irvine, Oakland, Los Angeles, Redding, Sacramento, San Bernardino, San Diego, San Luis Obispo, and Stockton. Two Stakeholder Discussion Group meetings were held in Sacramento and Los Angeles in February and June 2012.

Summary of the Base Figure Analysis

To examine relative availability of minority/women-owned firms, a custom census was conducted of business firms related to transportation contracting work in the California marketplace and analysis of more than 2,940 contracts from 2007 through 2010 that determined the following:

1. Thirty-three percent of firms available for federally funded transportation construction and engineering work are minority/women-owned. Caltrans did not use this figure as availability for the share of federal funds going to minority/women-owned firms since not all of these firms are available for every type and size of transportation-related work.

2. The Study examined contract type, location, and award size of work involved with Caltrans and its subrecipients' federally funded contracts, and the firms available to do this work. BBC determined the dollar-weighted availability of minority/women-owned firms is 18.1 percent after considering the size, type of work, and locations of the federally assisted transportation contracts and subcontracts in recent years.
3. When examining firms that appear to meet the U.S. Department of Transportation (USDOT) DBE certification guideline, the dollar-weighted availability figure for minority/women-owned firms was calculated to be 12.5 percent.

Available Firms Surveyed for Transportation Contracting Work

To identify minority/women-owned firms available for public transportation construction and engineering work in California, BBC conducted a telephone survey of California business firms related to transportation contracting. BBC selected California as the relevant geographic market area for the availability analysis because 98 percent of all 2007 through 2010 transportation construction and engineering project dollars going to prime contractors or subcontractors went to firms with offices in California.

Firms contacted in the survey were those listed by Dun & Bradstreet as doing business most pertinent to Caltrans transportation construction and engineering contracts. BBC attempted to reach 46,196 business listings. Of these listings, 13,439 were out of business or otherwise did not have valid phone numbers, leaving 32,757 business establishments with valid phone listings. BBC successfully interviewed 15,499 (or about 47 percent) of the business establishments with valid phone numbers, a relatively high response rate for a business survey.

Of the 15,499 firms interviewed, 3,377 were for-profit firms reporting they performed work related to transportation construction, maintenance, or design and are qualified and interested in performing transportation-related work for Caltrans and/or local governments in the future or had attempted to obtain transportation-related work in the public sector. These firms also identified the regions of California in which they could perform work. Of these 3,377 firms in the transportation construction and engineering industry, 33 percent reported that they were minority/women-owned firms.

Weighted Relative Availability

In the base figure analysis, the Study weighted relative availability of minority/women-owned firms using a methodology that builds upon the guidance USDOT provided in *Tips for Goal Setting in the Disadvantaged Business Enterprise (DBE) Program*.¹ BBC examined type of work, size, contract role, and location of work involved in federally funded projects, and the relative availability of minority/women/majority-owned firms to perform that work. The Study developed information for more than 2,940 contracts from 2007 through 2010, including contracts using FHWA funds administered through Caltrans that were awarded by local governments or others in California.

¹ Tips for Goals Setting in the Disadvantaged Business Enterprise (DBE) Program, <http://www.transportation.gov/osdbu/disadvantaged-business-enterprise/tips-goal-setting-disadvantaged-business-enterprise>.

BBC determined 12.5 percent of dollars on FHWA-funded contracts would be expected to go to certified DBEs and potential DBE firms based on the type, size, contract role, location, and time frame for these contracts and subcontracts.

FFYs 2016-2018 FHWA-Assisted Contracts

Caltrans will receive approximately \$3 billion in federal-aid highway program assistance during the next three FFYs. Projects are expected to be similar to the contracts reviewed in the Study in work type, size, and location. These contracts include projects, such as the widening and rehabilitating of roadways, repairing storm damage, replacing bridges, constructing high-occupancy vehicle lanes, installing and/or repairing median barriers, and converting two-lane to four-lane expressways.

Resulting Baseline Goal

Caltrans considers 12.5 percent DBE participation as the base figure for its annual overall DBE goal for FFYs 2016-2018.

Step Two Adjustment—Section 26.45(d)

Caltrans examined a broad range of evidence in the Study when considering possible Step Two adjustments to the base figure. The Study contained types of information for a possible Step Two adjustment that are outlined in the DBE Program, including:

- Current capacity of DBEs to perform work on FHWA-assisted contracts as measured by the volume of work DBEs have performed in recent years.
- Data on employment, self-employment, education, training, and union apprenticeship programs.
- Information on the ability of DBEs to obtain financing, bonding, and insurance.

Approximately four out of five minority/women-owned firms counted in the base figure are noncertified. Based upon Caltrans' experience, other state departments of transportation, and Study research, encouraging firms to become DBE-certified will continue to be a challenge. When a sample of DBE-eligible, but noncertified minority/women-owned firms were interviewed, most business owners knew of DBE certification and were interested in certification but had not previously pursued certification. Common reasons for the lack of interest in becoming or obtaining certification are:

- Certification documentation requirements under 49 CFR Part 26 are complex.
- Documentation of proof of business ownership, control, and management is extensive and time consuming.
- Some business owners see the requirements to submit business and personal information as intrusive.

In addition, Caltrans also considered the DBE attainment over the last five years and is counting certified DBEs in the DBE utilization reports prepared and submitted to FHWA. The following table summarizes Caltrans DBE attainment as reported for the last five years:

FFY	Goal	DBE Attainment	Race-Neutral Portion
2015*	12.5%	11.20%	3.87%
2014	12.5%	11.89%	3.38%
2013	12.5%	10.66%	2.33%
2012	13.5%	8.43%	2.64%
2011	13.5%	7.19%	2.49%

*Six-month report for FFY 2015

Although noncertified minority/women-owned firms are counted as potential DBEs in determining the base figure, they cannot be counted as DBEs in the utilization report. Caltrans properly took into account these facts when considering any Step Two adjustments to the base figure. This factor may lessen in importance in the future if a larger number of minority/women-owned firms choose to become certified DBEs.

Additionally, BBC’s analysis suggests that there are numerous barriers to entry and expansion in the transportation construction and engineering industries that may begin with education and training and continue through forming a business and gaining access to capital.

- Education.** Lack of college education appears to be a barrier for African Americans, Hispanic Americans, and Native Americans, which ultimately affects representation of these groups in the California engineering industry. Disparities in educational attainment for African Americans and Hispanic Americans appear to be at high school level, which may affect college opportunities and enrollment into engineering programs. These factors may affect the number of African Americans, Hispanic Americans, and Native Americans working as engineers.
- Employment.** Employment of African Americans in the construction industry is relatively low compared to other industries in California even among entry-level jobs. The employment of women in construction as a whole is relatively low, and very few women in the construction trades are involved in transportation construction. Employment of Hispanic Americans in the construction industry is considerably higher than for all industries as a whole (48 percent in construction and 34 percent in all industries in California).

There is also low employment of women among civil, environmental, and geological engineers in California that cannot be explained by overall levels of college education.

- Advancement.** Minorities and women were generally less likely than non-Hispanic whites and males to advance to the level of construction manager.

- **Business formation and ownership.** BBC examined U.S. Census data on business ownership rates using similar methods to the information reviewed in the court cases involving the Illinois and Minnesota Departments of Transportation.

African Americans, Hispanic Americans, and women working in the California construction industry are less likely than non-Hispanic whites to own construction businesses. BBC, through regression analysis, identified statistically significant disparities after controlling for neutral factors. If qualified members of these groups working in the construction industry owned businesses at the same rate as non-Hispanic whites (and men), there would be almost twice as many construction firms owned by African Americans, Hispanic Americans, and women in California.

Subcontinent Asian American, Asian-Pacific Americans, and Hispanic Americans, own engineering businesses at rates that are substantially lower than those non-Hispanic whites who share the same personal characteristics. Similar to those results, non-Hispanic white women own engineering businesses at about two-thirds the rate that would be expected based on the simulated business ownership rates of non-Hispanic white males who share the same personal characteristics.

- **Rates of business closure.** BBC analyses found that African American-owned firms in California, in general, are more likely to close than other firms.
- **Access to capital.** There is evidence that minority-owned firms face disadvantages in accessing capital necessary to start and expand businesses.
- **Business capital from home equity.** Home equity is an important source of capital for business start-up and growth.
 - Relatively fewer African Americans, Hispanic Americans, and Native Americans in California own homes than non-Hispanic whites, and those who do own homes tend to have lower home values.
 - African Americans, Hispanic Americans, and Native Americans applying for home mortgages are denied at higher rates than non-Hispanic whites.
 - All minority mortgage borrowers are more likely to have subprime loans.
- **Business loans.** BBC also identified disparities in access to business loans for certain minority groups. African American- and Hispanic American-owned businesses have higher denial rates when applying for business loans; and, when they receive loans, they are typically for smaller amounts. After accounting for certain neutral influences, firms owned by African Americans and Hispanic Americans remain significantly more likely to have their loans denied than other firms.

Relatively more African American- and Hispanic American-owned firms that need credit do not apply for loans because they fear being denied the loan.

- **Bonding.** Interviews with business owners and trade associations indicated difficulty obtaining bonding for small and new construction contractors in California. Problems in obtaining bonding were reported in interviews with minority/women-owned firms and nonminority-owned firms. Minority/women-owned firms in the transportation contracting industry in California are more likely to be small businesses than majority-owned firms and, therefore, may be adversely affected by barriers in obtaining bonding.
- **Insurance.** Similarly, some small business owners had problems obtaining insurance as required for Caltrans projects.
- **Largest bids of minority/women-owned firms.** In the Availability Survey, BBC asked firms in the transportation construction and engineering industry to identify the largest contract and subcontract a firm had received or bid on in the past five years. There were some minority groups for which “bid capacity” lagged behind other firms, but these disparities were explained by the firm’s specialization and age.²
- **Business earnings.** The Study reports U.S. Census data on earnings of business owners in construction and engineering. BBC identified disparities in earnings of firms in California for certain minority groups and for women:
 - In the California construction industry, minority and female owners of construction businesses tended to earn less than non-minorities and men.
 - In the California engineering industry, Asian American business owners had earnings equal to or greater than non-Hispanic white business owners.
 - Business owners for other minority groups combined had lower earnings than non-Hispanic business owners of engineering firms.
 - Female business owners had lower earnings than male business owners.

BBC performed statistical analyses of business ownership rates. BBC identified that business ownership rates for certain groups would be higher than observed rates—statistically significant different rates after controlling for other factors.

BBC performed additional calculations to quantify the effect of adjusting the base figure for the statistically significant differences in ownership rates described above. The result of the analyses would determine an upward adjustment to be 39 percent higher than the 12.5 percent base figure for DBE participation, which is equal to 17.6 percent.

BBC reviewed disparity studies from across the country to determine the most appropriate methods to analyze information regarding marketplace conditions for women and minorities in the transportation contracting industry. For example, as stated in Appendix H on page 33, “BBC applied an ordinary least squares (OLS) regression model to the data that was very similar to models reviewed by courts after other disparity studies.” The study team also reviewed marketplace

² The extent to which minority/women-owned firms tend to be younger and in different subindustries than majority-owned firms may not be an entirely “neutral” explanation for disparities in bid capacity if past discrimination has influenced whether there are relatively few older Minority Business Enterprise/Women Business Enterprise (MBE/WBE) firms or the relative concentration of MBE/WBE firms in different subindustries.

information in several disparity studies recently completed in California. The study team did not include specific results from these marketplace analyses because these studies often focused on a specific portion of California rather than the state as a whole. Additionally, with the continual release of new data by the Census Bureau and other federal data sources, many of these studies relied on older data than those used for Caltrans' 2012 Study.

As stated in Appendix L on page 1, "Appendix L presents information from more than 130 interviews that BBC and its sub-consultants conducted as part of three recent disparity studies in Southern California: a 2011 disparity study for the Burbank-Pasadena-Glendale Airport Authority, a 2010 study for the San Diego County Regional Airport Authority, and a 2010 study for a consortium of Southern California transportation agencies.³" The study team included information from these interviews to provide Caltrans with additional information on marketplace conditions throughout the state.

The study team reviewed the methodology and results used in the utilization, availability and disparity analyses included in recent disparity studies. The study team did not include specific results from these analyses in the Study for several reasons, including but not limited to:

- Other studies often focused on a smaller region other than the State of California.
- Agencies involved in the studies may have had different sizes, types and locations of contracts than the contracts studied for the Caltrans' 2012 Study.
- Agencies involved often used different bid or proposal processes than Caltrans.
- Agencies involved were often using their own implementation of the Federal DBE program.
- Availability data used were not gathered as recently as the Caltrans availability data.

Summary of Step Two Considerations

Past levels of DBE participation and the challenges for Caltrans to encourage non-DBE-certified firms to apply for certification are factors suggesting a downward adjustment to the overall DBE goal. However, analysis of local marketplace data reveals barriers to enter into the California construction and engineering industries, low rates of business ownership, lower earnings for certain groups, and other barriers, such as access to capital. These factors, overall, indicate the need for upward adjustments to the overall DBE goal.

Taking all of these factors under consideration; however, they compel Caltrans to not make any Step Two adjustments to the base figure of 12.5 percent for the FFYs 2016-2018 overall DBE goal.

Public Participation Section 26.45(g)

Caltrans continuously conducted meetings by hosting bi-monthly Statewide Small Business Council (SBC) and committee meetings. In turn, the SBC members and committee members met with their individual organizations to provide feedback to Caltrans.

Additional meetings in 2014 through 2015 included other organizations, such as:

- Associated General Contractors

³The Consortium study included of five Southern California transportation agencies; Los Angeles County Metropolitan Transportation Authority, the Southern California Regional Rail Authority, the Orange County Transportation Authority, the San Diego Association of Governments, and the San Diego Metropolitan Transit Systems.

- Associated General Contractors of San Diego
- United Contractors Association
- American Council of Engineering Companies - California
- Southern California Contractors Association
- California Public Utilities Commission
- California Small Business Association

Caltrans participated in the following statewide and local chamber of commerce meetings:

- California Hispanic Chamber of Commerce
- California Black Chamber of Commerce
- California Asian American Chamber of Commerce
- California American Indian Chamber of Commerce

Caltrans continued to have one-on-one discussions on the goal and methodology and race-neutral measures with small businesses, DBEs, and minority/women-owned firms as they sought help on how to do business with Caltrans. Based on meetings and discussions in 2014 through 2015, DBEs and non-DBEs identified barriers as:

- Access to capital.
- Financial limitations.
- Bonding.
- Prompt payment.
- Access to insurance and/or limits requirements too high.
- Certification process is too long, too difficult, too costly, and need help to complete the application.
- Recertification should not require documentation be resubmitted unless there was significant business structure changes.
- Projects are too large; therefore, very few DBEs can act as primes.
- DBEs have more success in the private sector as there is less competition, more profit, greater accessibility, and less bureaucracy.
- Primes do not engage in a genuine good faith effort (GFE).
- Enforcement of the GFEs submitted by primes is desired.
- Bidding process was costly and time/labor intensive.
- Internet access and knowledge.
- Auditing of public professional service contracts is not efficient and is unfair.

These comments are consistent with comments received during the anecdotal interviews and public hearing testimony collected by BBC for the Study.

Consultation

Caltrans scheduled industry forums in Sacramento on May 1 and 8, 2015, to gather information for its 2016-2018 DBE goal and methodology submission. Caltrans Statewide SBC members and representatives from the Associated of General Contractors of California, the Southern California

Contractors Association, the United Contractors Association, and the American Council of Engineering Companies were invited to participate in person or via teleconference.

On Thursday, May 14, 2015, Caltrans staff attended Statewide SBC committee meetings—Construction, Professional Services, Local Assistance, and Commodities—to discuss its 2016-2018 overall DBE goal and methodology submittal. Committee members were asked to submit their feedback via fax, e-mail, or by telephone.

As a result of these consultation meetings, Caltrans received written feedback from one minority- and women-owned business organization, which listed barriers consistent with those identified in Caltrans' Study.

Public Comment

On Thursday, July 2, 2015, Caltrans posted its proposed overall DBE goal and methodology on the OBEO Website for a 30-day public comment period. Multiple notices of the public comment period were delivered via Caltrans' Facebook and Twitter accounts throughout the public comment period. Notice of posting and a reminder of the deadline to submit comments were sent via e-mail to:

- Certified DBEs in the California Unified Certification Program database with e-mail addresses.
- Caltrans' District Small Business Liaisons to forward to their small/minority business and industry e-mail distribution lists.
- Caltrans' Statewide Small Business Council members for distribution to their member organizations.
- Caltrans' DBE Participation Committee members.
- Caltrans' industry liaisons to forward to construction and engineering organization contacts representing organizations, such as the Associated General Contractors, United Contractors, Southern California Contractors Association, and American Council of Engineering Companies.
- Caltrans' Division of Local Assistance list-server subscribers.

Caltrans reviewed public comments from the following:

1. DBEs

- 1.1. Several DBEs considered the 12.5 percent overall DBE goal as too low.

Caltrans' response: Race- or gender-conscious measures are implemented to remedy identified discrimination or its effects and must be "narrowly tailored" to remedy identified discrimination. BBC's analysis in the 2012 Disparity Study indicated that the availability of potential DBEs for Caltrans FHWA-funded transportation contracts as 12.5 percent. The 12.5 percent goal is a statewide "overall" goal and does not affect individual contract goals, which are based upon the type of work, items of work, and DBE availability.

- 1.2. Several DBEs identified barriers and challenges that were consistent with prior Study findings as listed on page 8 of this submission.
-

Caltrans reviewed the above comments and has taken these comments into consideration in the final overall proposed goal and methodology.

1.3. Other comments from DBEs

- 1.3.1. Primes set up or put into place own minority or DBE firms that subcontract work for payment.
- 1.3.2. Primes call to request DBE quotes for GFE purposes only and have no intention of hiring a DBE firm.
- 1.3.3. Bring back the UDBE race-conscious program.
- 1.3.4. Unfair procurement practices; Cal-Card buyers buy what they want.
- 1.3.5. Contracts awarded to same long-established firms.
- 1.3.6. Caltrans in-house real estate division blocks opportunities for DBE firm.
- 1.3.7. Adjust counting for trucking.
- 1.3.8. Primes not obligated to use DBE even though DBE has assisted Prime with on-call or consultant services proposal.

Caltrans reviewed the above comments and has taken these comments into consideration in the final overall proposed goal and methodology.

1.4. Recommendations regarding Caltrans DBE program implementation:

- 1.4.1. Increase monitoring and enforcement, including subrecipients.

Caltrans' response: Caltrans has established a Compliance Review Branch within the OBEO to increase monitoring and oversight of Caltrans' DBE program. Caltrans' Division of Local Assistance monitors DBE program compliance of subrecipients.

- 1.4.2. Eliminate good faith efforts (GFE).

Caltrans' response: Caltrans follows federal law regarding GFEs. Per 49 CFR Part 26.53(a)(2), "If the bidder/offeror does document adequate good faith efforts, you must not deny award of the contract on the basis that the bidder/offeror failed to meet the goal."

- 1.4.3. Eliminate goals.
- 1.4.4. Improve communication and streamline notification of work opportunities.
- 1.4.5. Encourage DBEs to bid as primes.

Caltrans' response: The number of DBE firms performing as primes on Caltrans' contracts continues to increase: in FFY 2012/13, there were 15 DBEs performing as primes on Caltrans' contracts; in 2013/14, there were 45 DBEs performing as primes.

- 1.4.6. Provide capital, bonding, and insurance assistance.
- 1.4.7. Prevent outsourcing by employing "the same protocols like prevailing wage rules to ensure end users can vet professional services contracts for contract adherence."
- 1.4.8. Lower income limit from \$1.3 million to \$500,000.

*Caltrans' response: Caltrans follows federal law regarding the personal net worth limit for DBE certification, which is currently capped at \$1.32 million.
[49CFR§26.67(a)(2)(i)]*

- 1.4.9. Increase project goals.
- 1.4.10. Implement a rating system for primes regarding use of DBE firms.
- 1.4.11. Require primes to use firms from every ethnic group on a project.

Caltrans' response: Caltrans has established an annual "Prime Contractor Award." One of the selection criteria is based on the number of DBE firms utilized.

- 1.4.12. Advertise all projects in one place.
- 1.4.13. Require primes to list trucking companies at bid time.
- 1.4.14. Create a forum for DBEs to communicate with each other on a regular basis, to market themselves to primes and within.

Caltrans' response: Caltrans provides a number of opportunities for DBEs to network with primes or other DBE firms through workshops, mandatory pre-bid meetings, and other outreach events. Locate these events on the "Event Calendar" on the OBEO Website (www.dot.ca.gov/hq/bep). Contact your District Small Business Liaison (DSBL) to be added to their outreach e-mail distribution list; a link to the DSBL contact list is also located on the OBEO Website.

- 1.4.15. Include a requirement for number of DBE firms on a project so one trade cannot be used to meet the goal.
- 1.4.16. If waiver requested, provide exemptions for specific regions.
- 1.4.17. Electronic submittal of DBE quotes.
- 1.4.18. Unbundle large contracts.

Caltrans' response: Caltrans continues to unbundle large contracts whenever possible.

- 1.4.19. Improve communication of DBE program changes.
- 1.4.20. Utilize "new" primes.

Caltrans reviewed the above recommendations and may consider these for further research.

1.5. Other comments received:

- 1.5.1. Adjust DBE contract goal setting methodology.

Caltrans' response: Caltrans reviews its goal setting methodology regularly and makes adjustments in order to meet its overall DBE goal.

- 1.5.2. Exclude federal government involvement in state programs.
- 1.5.3. Inflated DBE quotes because prime must meet the goal.
- 1.5.4. Preferential treatment given to groups based on their ethnicity and gender is a discriminatory practice.
- 1.5.5. Overconcentration of DBEs in asphalt milling industry.
- 1.5.6. Recommendations for new Study and best practices for program improvement.

Caltrans reviewed the above comments and has taken these comments into consideration in the final overall proposed goal and methodology.

Overall DBE Goal for FFYs 2016-2018 and Race/Gender-Neutral/Conscious Measures—Sections 26.45(e) and 26.51

Race-Neutral and Race-Conscious DBE Goal Projections

Based on the information collected and data reviewed, Caltrans has established an overall annual goal of 12.5 percent DBE participation for FFYs 2016-2018. This overall goal is expected to be achieved in proportions of 3 percent with race-neutral measures (average by past participation, FFY 2011 - 2.49 percent, FFY 2012 - 2.64 percent, FFY 2013 - 2.33 percent, FFY 2014 - 3.38 percent, FFY 2015 - 3.87 percent) and the remaining balance of 9.5 percent with race-conscious measures.

As more data on the utilization of DBEs becomes available and information is obtained from the semi-annual utilization reports, future modifications to the proportions may prove to be necessary. Future adjustments, if any, would be based on the effectiveness of each adopted measure with respect to the various groups and the different geographical areas of the State and may also be based upon information from Caltrans' new Availability and Disparity Study, which is expected to be complete by the end of March 2016.

Race-Neutral Measures

Caltrans currently has a broad range of race- and gender-neutral measures in place to encourage the participation of all small businesses—including DBEs—in its transportation contracts. Caltrans plans to continue the use of those measures in the future. Caltrans' race- and gender-neutral efforts can be classified into four categories:

- Business outreach and communication with DBEs and the construction industry
- Technical assistance and training
- Improved contracting processes
- Improved data collection, monitoring, and reporting of DBEs

Note: Additional individual measures can be found in Chapter 9, figure 9-4, of the 2012 Study.

A successful race-neutral measure has been the appointment of Small Business Liaisons in each of Caltrans' district offices as a point of contact for SB firms, including DBEs, in those geographic areas as well as for focused outreach, e.g., local procurement fairs and SB events.

DBE Program highlights in FFY 2015:

- Continue to facilitate several workgroups with members from the Associated General Contractors, American Council of Engineering Companies, United Contractors, California Small Business Entrepreneurs, Asian American Architects and Engineers, Chambers of Commerce, Southern California Contractors Association, and Southern California Native American Tribes to collaborate on several areas, e.g., increasing DBE participation, DBE data collection, outreach, good faith effort, as well as other ad hoc workgroups, such as the statewide SBC African American DBE Participation Workgroup, and the Caltrans DBE Participation Committee.
- Continue to waive Performance Bond requirements for Minor B projects.
- Continue to research the development of a Data Management System to capture all subcontracting activities.
- Continue to provide education and training to Caltrans Resident Engineers and Contract Managers in DBE Program requirements.

- Provide training to prime contractors regarding the DBE Program and meeting its requirements.
- Provide training to Caltrans' staff and subrecipients in DBE contract goal setting.
- Outreach to internal and external stakeholders through an OBEO network newsletter.

Caltrans continues to maintain a Bidders List on the Caltrans Office Engineer (OE) Website. In addition, the "opt-in" feature on the OE Website allows subcontractors or suppliers to express their interest and be considered for providing bids on projects they select without having to order a plan set. Prime contractors can also use this feature to search for nonbidding plan holders to meet the DBE goal or make a good faith effort.

Caltrans' efforts during FFYs 2016-2018 will focus on:

- Conducting the new Availability and Disparity Study.
- Continuing to expand the CalMentor/Mentor-Protégé Program statewide, which includes construction as well as architectural and engineering industries.
- Scheduling mandatory pre-bid conferences in all districts.
- Expanding Caltrans/OBEO Website for easier access to information needed by SB and DBE firms and providing links to other supportive services, local agencies, and technical assistance.
- Establishing relationships with financial institutions, surety companies, and insurance companies to market Caltrans opportunities in conjunction with SBs and DBEs.
- Identifying opportunities to package smaller contracts.
- Increasing the number of certified DBE firms by developing a partnership with the Contractors State License Board to reach all potential DBEs in California.

Race-Conscious Measures

The race- and gender-conscious portion of the overall DBE goal will be achieved by:

- Setting a DBE goal on individual contracts based upon the type of work, work items, and availability of certified DBEs capable of performing such work.
- Using Appendix A to 49 CFR Part 26, Guidance Concerning Good Faith Efforts, to justify the award when the DBE goal is not met.
- Providing DBE Supportive Services (DBE/SS) that consist of technical training and one-on-one technical assistance to certified DBE firms in the highway transportation related construction and professional service industries. Caltrans is currently in the process of re-establishing a DBE/SS contract to enhance DBE participation in Caltrans' projects.
- Encouraging prime bidders to use additional DBEs, whenever possible, as a race-neutral component.

Attachment 4-3A

Overall Goal Calculation Sample for FHWA-assisted Projects **(AADPL to the California Transportation Department)**

In order to determine the AADPL base figure, first compute the AADPL formula for each Work Category:

$$\text{AADPL (per Work Category)} = \left[\sum \frac{\text{No. of DBEs in a Work Category}}{\text{No. of All Firms in same Work Category}} \times \text{Weight} \right] \times 100$$

Each Work Category AADPL is then multiplied by its percentage (Weight) of the total work to be performed. The resulting numbers are then added up to obtain the overall AADPL Base Figure:

AADPL (Base Figure) =

$$\left[\frac{\text{\# of DBEs in 237310}}{\text{\# of all firms in 237310}} \times 0.4 + \frac{\text{\# of DBEs in 238210}}{\text{\# of all firms in 238210}} \times 0.1 + \frac{\text{\# of DBEs in 541330}}{\text{\# of all firms in 541330}} \times 0.5 \right] \times 100$$

Race-Neutral Portion of AADPL:

The Race-Neutral portion of the AADPL is the overall AADPL minus the Race-Conscious portion.

$$\text{RN AADPL} = \text{AADPL} - \text{RC AADPL}$$

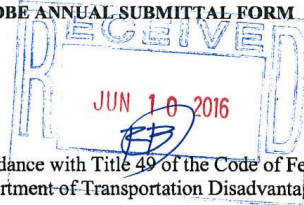
ATTACHEMENT 5
California Department of Transportation
Disadvantaged Business Enterprise Implementation Agreement
for Local Agencies

Local Assistance Procedures Manual

EXHIBIT 9-B
INTERIM Local Agency DBE Annual Submittal Form

INTERIM EXHIBIT 9-B LOCAL AGENCY DBE ANNUAL SUBMITTAL FORM

TO: CALTRANS DISTRICT 06
District Local Assistance Engineer



The information for exhibit 9-B presented herein, is in accordance with Title 49 of the Code of Federal Regulations (CFR), Part 26, and the State of California Department of Transportation Disadvantaged Business Enterprise (DBE) Program Plan.

The City of Fresno submits our annual 9-B information for the Federal Fiscal Year 2016 /2017, beginning on October 1, 2016 and ending on September 30, 2017.

Disadvantaged Business Enterprise Liaison Officer (DBELO)

The City of Fresno has designated the Purchasing Manager, as the DBE Liaison Officer for the City of Fresno. In that capacity, the Purchasing Manager is responsible for implementing all aspects of the DBE program and ensuring that the City of Fresno complies with all provisions of 49 CFR Part 26. The Purchasing Manager has direct access to the City Council and the City Manager concerning DBE program matters. The DBELO has a professional staff of one assigned to the DBE program and the point of contact for the DBE Program is: Jean Thomas-Runnels, DBE Program Coordinator for the City of Fresno. The address of the DBE Program is 2600 Fresno Street, Room 2156, Fresno, CA 93721, phone number 559-621-1163, email: Jean.Thomas-Runnels@fresno.gov. An organization chart displaying the DBELO's position in the organization is found in Attachment B to this program.

Planned Race Neutral Measures

The City of Fresno has a very assertive outreach program not only related to DBE firms, but also to local, small businesses. The City of Fresno hosts training sessions on how to become certified as a DBE and as a small business; we participate in community outreach events such as Procurement Fairs; Central California Hispanic Foundation workshops; Central Valley Business Diversity Expos; Calmentor A&E fairs; High Speed Rail informational meetings; certification workshops at the Small Business Administration; and Business Matchmaking Events.

We attend various Chambers of Commerce meetings such as the San Joaquin Valley Black Chamber of Commerce, Central California Black Chamber of Commerce, and other community organizations such as the National Association of Women in Construction.

The City of Fresno is a certifying agency for Disadvantaged Business firms in partnership with Caltrans and other certifying agencies. We hold mandatory pre-bid meetings when applicable, we also attend Caltrans mandatory pre-bid meetings to provide information to potential DBE firms who would like to become certified.

The City of Fresno works in partnership with the Small Business Development Center, SCORE, Small Business Administration, Caltrans District 6 Small Business Liaison Office providing referrals and training on how to do business with the City of Fresno. The City of Fresno has an on-line procurement system in which small and disadvantaged businesses can download plans and specifications at no cost; we are also in partnership with the Central California Builder's Exchange who partners with other statewide plan rooms providing the opportunity for small and disadvantaged

California Department of Transportation
Disadvantaged Business Enterprise Implementation Agreement
For Local Agencies

businesses throughout the State of California to view our plans and specifications.

The City of Fresno will also utilize the Race Neutral means as outlined under Section V of the California Department of Transportation Race-Conscious DBE Program Implementation Agreement for Local Agencies

Prompt Pay

Federal regulation (49 CFR 26.29) requires one of three methods be used in federal-aid contracts to ensure prompt and full payment of any retainage kept by the prime contractor or subcontractor to a subcontractor.

The City of Fresno will use Method #3 in our procurement/payment process, as indicated in Attachment A.

Prompt Pay Enforcement Mechanism

49 CFR, Part 26.29(d) requires providing appropriate means to enforce prompt payment. These means may include appropriate penalties for failure to comply with the terms and conditions of the contract. The means may also provide that any delay or postponement of payment among the parties may take place only for good cause with the local agency's prior written approval. The City of Fresno will monitor payments to all subcontractors, including DBE's, through our Construction Management Division as part of the inspection and progress payment process.



(Signature)

6/10/16 (RP)
~~6/10/13~~

Date

Gary Watahira
Purchasing Manager, Finance Department
City of Fresno

559-621-7103
Phone Number



(Signature of Caltrans District Local Assistance Engineer [DLAE])

6/14/16

Date

Attachment 6

Breakout of Estimated Race-Neutral & Race-Conscious Participation

The City of Fresno will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. The City of Fresno uses the following race-neutral means to increase DBE participation:

- Attending outreach events sponsored by the various Chambers of Commerce;
- Conducting workshops on how to become certified as a DBE;
- Holding pre-bid meetings to provide maximum opportunity for DBEs and other small businesses to interact with general contractors;
- Breaking larger projects into smaller projects so DBEs and other small businesses can participate; and
- Assisting with bonding and insurance.

We estimate that, in meeting our overall goal of 2.0% for FTA-assisted contracts, we will obtain 2.0% participation from race-neutral measures and 0.0% through race-conscious measures. Contract goals and race-conscious measures are not required by FTA at this time.

We estimate that, in meeting our overall goal of 4.0% for FAA-assisted contracts, we will obtain 4.0% participation from race-neutral measures and 0.0% through race-conscious measures. Contract goals and race-conscious measures are not required by FAA at this time.

The breakout of estimated race-neutral and race-conscious participation can be found in this attachment. This attachment to the DBE Program will be updated every year when the respective overall goal calculation is updated for FHWA and Caltrans.

In order to ensure that the City of Fresno's DBE Program will be narrowly tailored to overcome the effects of discrimination, if the City of Fresno uses contract goals it will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see Part 26, § 26.51(f)) and the City of Fresno will track and report race-neutral and race-conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following:

- DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures;
- DBE participation through a subcontract on a prime contract that does not carry DBE goal;
- DBE participation on a prime contract exceeding a contract goal; and
- DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

The City of Fresno will maintain data separately on DBE achievements in those contracts with and without contract goals, respectively.

Attachment 7
Forms Required to Demonstrate Commitment and Good Faith Effort

EXHIBIT 15-G CONSTRUCTION CONTRACT DBE COMMITMENT

1. Local Agency: _____ 2. Contract DBE Goal: _____
 3. Project Description: _____
 4. Project Location: _____
 5. Bidder's Name: _____ 6. Prime Certified DBE: 7. Bid Amount: _____
 8. Total Dollar Amount for **ALL** Subcontractors: _____ 9. Total Number of **ALL** Subcontractors: _____

10. Bid Item Number	11. Description of Work, Service, or Materials Supplied	12. DBE Certification Number	13. DBE Contact Information (Must be certified on the date bids are opened)	14. DBE Dollar Amount
Local Agency to Complete this Section			15. TOTAL CLAIMED DBE PARTICIPATION	\$
21. Local Agency Contract Number: _____ 22. Federal-Aid Project Number: _____ 23. Bid Opening Date: _____ 24. Contract Award Date: _____ Local Agency certifies that all DBE certifications are valid and information on this form is complete and accurate.				%
25. Local Agency Representative's Signature _____ 26. Date _____ 27. Local Agency Representative's Name _____ 28. Phone _____ 29. Local Agency Representative's Title _____			IMPORTANT: Identify all DBE firms being claimed for credit, regardless of tier. Names of the First Tier DBE Subcontractors and their respective item(s) of work listed above must be consistent, where applicable with the names and items of the work in the "Subcontractor List" submitted with your bid. Written confirmation of each listed DBE is required. 16. Preparer's Signature _____ 17. Date _____ 18. Preparer's Name _____ 19. Phone _____ 20. Preparer's Title _____	

DISTRIBUTION: 1. Original – Local Agency
 2. Copy – Caltrans District Local Assistance Engineer (DLAE). Failure to submit to DLAE within 30 days of contract execution may result in de-obligation of federal funds on contract. Include additional copy with award package.

ADA Notice: For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

INSTRUCTIONS – CONSTRUCTION CONTRACT DBE COMMITMENT

CONTRACTOR SECTION

1. **Local Agency** - Enter the name of the local or regional agency that is funding the contract.
2. **Contract DBE Goal** - Enter the contract DBE goal percentage as it appears on the project advertisement.
3. **Project Location** - Enter the project location as it appears on the project advertisement.
4. **Project Description** - Enter the project description as it appears on the project advertisement (Bridge Rehab, Seismic Rehab, Overlay, Widening, etc.).
5. **Bidder's Name** - Enter the contractor's firm name.
6. **Prime Certified DBE** - Check box if prime contractor is a certified DBE.
7. **Bid Amount** - Enter the total contract bid dollar amount for the prime contractor.
8. **Total Dollar Amount for ALL Subcontractors** – Enter the total dollar amount for all subcontracted contractors. SUM = (DBEs + all Non-DBEs). Do not include the prime contractor information in this count.
9. **Total number of ALL subcontractors** – Enter the total number of all subcontracted contractors. SUM = (DBEs + all Non-DBEs). Do not include the prime contractor information in this count.
10. **Bid Item Number** - Enter bid item number for work, services, or materials supplied to be provided.
11. **Description of Work, Services, or Materials Supplied** - Enter description of work, services, or materials to be provided. Indicate all work to be performed by DBEs including work performed by the prime contractor's own forces, if the prime is a DBE. If 100% of the item is not to be performed or furnished by the DBE, describe the exact portion to be performed or furnished by the DBE. See LAPM Chapter 9 to determine how to count the Participation of DBE firms.
12. **DBE Certification Number** - Enter the DBE's Certification Identification Number. All DBEs must be certified on the date bids are opened.
13. **DBE Contact Information** - Enter the name, address, and phone number of all DBE subcontracted contractors. Also, enter the prime contractor's name and phone number, if the prime is a DBE.
14. **DBE Dollar Amount** - Enter the subcontracted dollar amount of the work to be performed or service to be provided. Include the prime contractor if the prime is a DBE. See LAPM Chapter 9 for how to count full/Partial Participation.
15. **Total Claimed DBE Participation** - \$: Enter the total dollar amounts entered in the "DBE Dollar Amount" column. %: Enter the total DBE Participation claimed ("Total Claimed DBE Participation Dollars" divided by item "Bid Amount"). If the total % claimed is less than item "Contract DBE Goal," an adequately documented Good Faith Effort (GFE) is required (see Exhibit 15-H DBE Information - Good Faith Efforts of the LAPM).
16. **Preparer's Signature** - The person completing the DBE commitment form on behalf of the contractor's firm must sign their name.
17. **Date** - Enter the date the DBE commitment form is signed by the contractor's preparer.
18. **Preparer's Name** - Enter the name of the person preparing and signing the contractor's DBE commitment form.
19. **Phone** - Enter the area code and phone number of the person signing the contractor's DBE commitment form.
20. **Preparer's Title** - Enter the position/title of the person signing the contractor's DBE commitment form.

LOCAL AGENCY SECTION

21. **Local Agency Contract Number** - Enter the Local Agency contract number or identifier.
22. **Federal-Aid Project Number** - Enter the Federal-Aid Project Number.
23. **Bid Opening Date** - Enter the date contract bids were opened.
24. **Contract Award Date** - Enter the date the contract was executed.
25. **Local Agency Representative's Signature** - The person completing this section of the form for the Local Agency must sign their name to certify that the information in this and the Contractor Section of this form is complete and accurate.
26. **Date** - Enter the date the DBE commitment form is signed by the Local Agency Representative.
27. **Local Agency Representative's Name** - Enter the name of the Local Agency Representative certifying the contractor's DBE commitment form.
28. **Phone** - Enter the area code and phone number of the person signing the contractor's DBE commitment form.
29. **Local Agency Representative Title** - Enter the position/title of the Local Agency Representative certifying the contractor's DBE commitment form.

EXHIBIT 15-H DBE INFORMATION —GOOD FAITH EFFORTS

DBE INFORMATION - GOOD FAITH EFFORTS

Federal-aid Project No. _____ Bid Opening Date _____

The _____ (City/County of) _____ established a Disadvantaged Business Enterprise (DBE) goal of _____% for this project. The information provided herein shows that a good faith effort was made.

Lowest, second lowest and third lowest bidders shall submit the following information to document adequate good faith efforts. Bidders should submit the following information even if the “Local Agency Bidder DBE Commitment” form indicates that the bidder has met the DBE goal. This will protect the bidder’s eligibility for award of the contract if the administering agency determines that the bidder failed to meet the goal for various reasons, e.g., a DBE firm was not certified at bid opening, or the bidder made a mathematical error.

Submittal of only the “Local Agency Bidder DBE Commitment” form may not provide sufficient documentation to demonstrate that adequate good faith efforts were made.

The following items are listed in the Section entitled “Submission of DBE Commitment” of the Special Provisions:

- A. The names and dates of each publication in which a request for DBE Participation for this project was placed by the bidder (please attach copies of advertisements or proofs of publication):

Publications	Dates of Advertisement

- B. The names and dates of written notices sent to certified DBEs soliciting bids for this project and the dates and methods used for following up initial solicitations to determine with certainty whether the DBEs were interested (please attach copies of solicitations, telephone records, fax confirmations, etc.):

Names of DBEs Solicited	Date of Initial Solicitation	Follow Up Methods and Dates

- C. The items of work which the bidder made available to DBE firms including, where appropriate, any breaking down of the contract work items (including those items normally performed by the bidder with its own forces) into economically feasible units to facilitate DBE Participation. It is the

bidder's responsibility to demonstrate that sufficient work to facilitate DBE Participation was made available to DBE firms.

Items of Work	Bidder Normally Performs Item (Y/N)	Breakdown of Items	Amount (\$)	Percentage Of Contract

D. The names, addresses and phone numbers of rejected DBE firms, the reasons for the bidder's rejection of the DBEs, the firms selected for that work (please attach copies of quotes from the firms involved), and the price difference for each DBE if the selected firm is not a DBE:

Names, addresses and phone numbers of rejected DBEs and the reasons for the bidder's rejection of the DBEs:

Names, addresses and phone numbers of firms selected for the work above:

E. Efforts made to assist interested DBEs in obtaining bonding, lines of credit or insurance, and any technical assistance or information related to the plans, specifications and requirements for the work which was provided to DBEs:

See Also <http://www.dot.ca.gov/hq/LocalPrograms/lam/lapm.htm>

Attachment 8

Certification Application Form

CALIFORNIA UNIFIED CERTIFICATION PROGRAM (CUCP)



Dear Business Owner:

Thank you for your interest in participating in the California Unified Certification Program (CUCP) for Disadvantaged Business Enterprises (DBEs). As mandated by the United States Department of Transportation (U.S. DOT) in the DBE Program, Final Rule 49 Code of Federal Regulations (CFR), Part 26, all U.S. DOT recipients of federal financial assistance must participate in a statewide UCP by March 2002. The UCP is a "One-Stop Shopping" certification procedure that eliminates the need for DBE firms to obtain certifications from multiple agencies within the State.

The CUCP is charged with the responsibility of certifying firms and compiling and maintaining the Database of certified DBEs for U.S. DOT grantees in California, pursuant to 49 CFR Part 26. The Database is intended to expand the use of DBE firms by maintaining complete and current information on those businesses and the products and services they can provide to all grantees of California.

Please complete the attached application and supplemental questionnaire if you wish to be considered for DBE certification and your business meets the following general guidelines:

- a) The firm must be at least 51% owned by one or more socially and economically disadvantaged individuals.
- b) The firm must be an independent business, and one or more of the socially and economically disadvantaged owners must control its management and daily operations.
- c) Only existing for-profit "Small Business Concerns," as defined by the Small Business Act and Small Business Administration (SBA) regulations may be certified. DBE applicants are first subject to the applicable small business size standards of the SBA. Second, the average annual gross receipts for the firm (including its affiliates) over the previous three fiscal years must not exceed U.S. DOT's cap of \$20.41 million.
- d) The Personal Net Worth (PNW) of each socially and economically disadvantaged owner must not exceed \$750,000, excluding the individual's ownership interest in the applicant firm and the equity in his/her primary residence.

Socially and economically disadvantaged individual means any individual who is a citizen of the United States (or lawfully admitted permanent resident) and who is a member of the following groups: Black American, Hispanic American, Native American, Asian-Pacific American, Subcontinent Asian American, or Women,

or

Any individual found to be socially and economically disadvantaged on a case-by-case basis by a certifying agency pursuant to the standards of the U.S. DOT 49 CFR Part 26.

In order to avoid unnecessary delays, please complete all portions of the application and supplemental questionnaire, placing "N/A" next to items that are not applicable. Include all copies of documents requested on the application, and have the *Affidavit of Certification* notarized. Additional documentation may be requested if it is considered necessary to make a certification determination. Incomplete applications/supplemental questionnaires or applications/supplemental questionnaires without all the required documents will not be evaluated until such documents are submitted. We recommend keeping a copy of all submitted documents for your records.

REMEMBER: It is no longer necessary to apply at more than one agency. If your firm meets the criteria for certification, it will be entered into the Database of DBEs for all U.S. DOT grantees in California. Only firms currently certified as eligible DBEs may participate in the DBE programs of U.S. DOT grantees of California. If you wish to be considered for Airport Concession DBE certification only, you will need to complete the Airport Concession DBE Certification Application Package, which can be accessed at www.dot.ca.gov/hq/bep/business_forms.htm.

The CUCP has established two Regional DBE Certification Clusters throughout the State to effectively facilitate statewide DBE certification activities. Please forward your completed certification packet to **one** of the agencies serving the county where your firm has its principal place of business. (See enclosed Roster of Certifying Agencies.)

For Out-of-State Firms: The CUCP will not process a new application for DBE certification from a firm having its principal place of business in another state unless the firm has already been certified in that state. If your firm is located outside of California and is certified as a DBE at its home state, please forward your completed certification packet, along with a copy of your DBE certificate, to the California Department of Transportation. (See page 2 of the enclosed Roster of Certifying Agencies.)

CALIFORNIA UNIFIED
CERTIFICATION PROGRAM

Section 1: CERTIFICATION INFORMATION

A. Prior/Other Certifications

Is your firm currently certified for any of the following programs? <i>(If Yes, check appropriate box(es))</i>	<input type="checkbox"/> DBE	Name of certifying agency:
		Has your firm's state UCP conducted an on-site visit?
		<input type="checkbox"/> Yes, on ___/___/___ State: _____ <input type="checkbox"/> No
	<input type="checkbox"/> 8(a)	⊗ STOP! If you checked either the 8(a) or SDB box, you <u>may not</u> have to complete this application. Ask your state UCP about the streamlined application process under the SBA-DOT MOU.
	<input type="checkbox"/> SD B	

B. Prior/Other Applications and Privileges

Has your firm (under any name) or any of its owners, Board of Purchasing Managers, officers or management personnel, ever withdrawn an application for any of the programs listed above, or ever been denied certification, decertified, or debarred or suspended or otherwise had bidding privileges denied or restricted by any state or local agency, or Federal entity? <input type="checkbox"/> Yes, on ___/___/___ <input type="checkbox"/> No If Yes, identify State and name of state, local, or Federal agency and explain the nature of the action:

Section 2: GENERAL INFORMATION

A. Contact Information

(1) Contact person and Title:	(2) Legal name of firm:		
(3) Phone #:	(4) Other Phone #:	(5) Fax #:	
(6) E-mail:	(7) Website <i>(if have one)</i> :		
(8) Street address of firm <i>(No P.O. Box)</i> : City: _____ County/Parish: _____ State: _____ Zip: _____			
(9) Mailing address of firm <i>(if different)</i> : City: _____ County/Parish: _____ State: _____ Zip: _____			

B. Business Profile

(1) Describe the primary activities of your firm:	(2) Federal Tax ID (if any):
(3) This firm was established on ___/___/___	(4) I/We have owned this firm since: ___/___/___
(5) Method of acquisition <i>(check all that apply)</i> : <input type="checkbox"/> Started new business <input type="checkbox"/> Bought existing business <input type="checkbox"/> Inherited business <input type="checkbox"/> Secured concession <input type="checkbox"/> Merger or consolidation <input type="checkbox"/> Other <i>(explain)</i> _____	

(6) Is your firm "for profit"? <input type="checkbox"/> Yes <input type="checkbox"/> No	⊗ STOP! If your firm is NOT for-profit, then you do NOT qualify for this program and do NOT need to fill out this application.
(7) Type of firm (<i>check all that apply</i>): <input type="checkbox"/> Sole Proprietorship <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> Limited Liability Partnership <input type="checkbox"/> Limited Liability Corporation <input type="checkbox"/> Joint Venture <input type="checkbox"/> Other, Describe: _____	
(8) Has your firm ever existed under different ownership, a different type of ownership, or a different name? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain: _____	
(9) Number of employees: Full-time _____ Part-time _____ Total _____	
(10) Specify the gross receipts of the firm for the last 3 years: Year _____ Total receipts \$ _____ Year _____ Total receipts \$ _____ Year _____ Total receipts \$ _____	

C. Relationships with Other Businesses

(1) Is your firm co-located at any of its business locations, or does it share a telephone number, P.O. Box, office space, yard, warehouse, facilities, equipment, or office staff, with any other business, organization, or entity? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, identify: Other Firm's name: _____ Explain nature of shared facilities: _____													
(2) At present, or at any time in the past, has your firm:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">(a) been a subsidiary of any other firm?</td> <td style="text-align: right; padding: 2px;"><input type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> <tr> <td style="padding: 2px;">(b) consisted of a Partnership in which one or more of the Partners are other firms?</td> <td style="text-align: right; padding: 2px;"><input type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> <tr> <td style="padding: 2px;">(c) owned any percentage of any other firm?</td> <td style="text-align: right; padding: 2px;"><input type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> <tr> <td style="padding: 2px;">(d) had any subsidiaries?</td> <td style="text-align: right; padding: 2px;"><input type="checkbox"/> Yes <input type="checkbox"/> No</td> </tr> </table>	(a) been a subsidiary of any other firm?	<input type="checkbox"/> Yes <input type="checkbox"/> No	(b) consisted of a Partnership in which one or more of the Partners are other firms?	<input type="checkbox"/> Yes <input type="checkbox"/> No	(c) owned any percentage of any other firm?	<input type="checkbox"/> Yes <input type="checkbox"/> No	(d) had any subsidiaries?	<input type="checkbox"/> Yes <input type="checkbox"/> No				
(a) been a subsidiary of any other firm?	<input type="checkbox"/> Yes <input type="checkbox"/> No												
(b) consisted of a Partnership in which one or more of the Partners are other firms?	<input type="checkbox"/> Yes <input type="checkbox"/> No												
(c) owned any percentage of any other firm?	<input type="checkbox"/> Yes <input type="checkbox"/> No												
(d) had any subsidiaries?	<input type="checkbox"/> Yes <input type="checkbox"/> No												
(3) Has any other firm had an ownership interest in your firm at present or at any time in the past? <div style="text-align: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</div>													
(4) If you answered "Yes" to any of the questions in (2)(a)-(d) and/or (3), identify the following for each (<i>attach extra sheets, if needed</i>):													
	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black; width: 30%;"><u>Name</u></th> <th style="text-align: left; border-bottom: 1px solid black; width: 35%;"><u>Address</u></th> <th style="text-align: left; border-bottom: 1px solid black; width: 35%;"><u>Type of Business</u></th> </tr> </thead> <tbody> <tr> <td>1.</td> <td></td> <td></td> </tr> <tr> <td>2.</td> <td></td> <td></td> </tr> <tr> <td>3.</td> <td></td> <td></td> </tr> </tbody> </table>	<u>Name</u>	<u>Address</u>	<u>Type of Business</u>	1.			2.			3.		
<u>Name</u>	<u>Address</u>	<u>Type of Business</u>											
1.													
2.													
3.													

D. Immediate Family Member Businesses

Do any of your immediate family members own or manage another company? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, then list (<i>attach extra sheets, if needed</i>):				
<u>Name</u> or Manage?	<u>Relationship</u>	<u>Company</u>	<u>Type of Business</u>	<u>Own</u>
1.				
2.				

Section 3: OWNERSHIP

Identify all individuals or holding companies with any ownership interest in your firm, providing the information requested below (If more than one owner, attach separate sheets for each additional owner):

A. Background Information

(1) Name:	(2) Title:	(3) Home Phone #:
(4) Home Address (<i>street and number</i>):		
	City:	State: Zip:
(5) Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female	(6) Ethnic group membership (<i>Check all that apply</i>):	
(7) U.S. Citizen: <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Black American	<input type="checkbox"/> Hispanic <input type="checkbox"/> Native
(8) Lawfully Admitted Permanent Resident: <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Asian Pacific	<input type="checkbox"/> Subcontinent Asian
	<input type="checkbox"/> Other (<i>specify</i>) _____	

B. Ownership Interest

(1) Number of years as owner:	(2) Initial investment to
(3) Percentage owned:	<u>Type</u> <u>Dollar</u>
(4) Familial relationship to other owners:	<u>Value</u>
	acquire ownership Cash \$
	interest in firm: Real Estate \$
	Equipment \$
	Other \$
(5) Shares of Stock: <u>Number</u> <u>Percentage</u> <u>Class</u> <u>Date acquired</u>	
<u>Method Acquired</u>	
(6) Does this owner perform a management or supervisory function for any other business? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, identify: Name of Business: _____ Function/Title: _____	
(7) Does this owner own or work for any other firm(s) that has a relationship with this firm (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.)? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, identify: Name of Business: _____ Function/Title: _____ Nature of Business Relationship: _____	

C. Disadvantaged Status – NOTE: Complete this section only for each owner applying for DBE qualification (i.e. for each owner claiming to be socially and economically disadvantaged)

(1) What is the Personal Net Worth (PNW) of the owner(s) applying for DBE qualification? (Use and attach the Personal Financial Statement form at the end of this application; attach additional sheets if more than one owner is applying)
(2) Has any trust been created for the benefit of this disadvantaged owner(s)? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain (<i>attach additional sheets if needed</i>):

Section 4: CONTROL

A. Identify your firm's Officers & Board of Purchasing Managers (If additional space is required, attach a separate sheet):

	Name	Title	Date Appointed	Ethnicity	Gender
(1) Officers of the Company	(a)				
	(b)				
	(c)				
	(d)				
	(e)				
(2) Board of Purchasing Managers	(a)				
	(b)				
	(c)				
	(d)				
	(e)				

(3) Do any of the persons listed in (1) and/or (2) above perform a management or supervisory function for any other business? Yes No

If Yes, identify for each: Person: _____

Title: _____ Business: _____ Function: _____

(4) Do any of the persons listed (1) and/or (2) above own or work for any other firm(s) that has a relationship with this firm (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.)? Yes No

If Yes, identify for each: Firm Name: _____ Person: _____ Nature of Business Relationship: _____

B. Identify your firm's management personnel who control your firm in the following areas (If more than two persons, attach a separate sheet):

	Name	Title	Ethnicity	Gender
(1) Financial Decisions (responsibility for acquisition of lines of credit, surety bonding, supplies, etc.)	a.			
	b.			
(2) Estimating and bidding	a.			
	b.			
(3) Negotiating and Contract Execution	a.			
	b.			
(4) Hiring/firing of management personnel	a.			
	b.			
(5) Field/Production Operations Supervisor	a.			
	b.			
(6) Office management	a.			
	b.			
(7) Marketing/Sales	a.			
	b.			
(8) Purchasing of major	a.			

equipment	b.			
(9) Authorized to Sign Company Checks (for any purpose)	a.			
	b.			
(10) Authorized to make Financial Transactions	a.			
	b.			
(11) Do any of the persons listed in (1) through (10) above perform a management or supervisory function for any other business? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, identify for each: Person: _____ Title: _____ Business: _____ Function: _____				
(12) Do any of the persons listed in (1) through (10) above own or work for any other firm(s) that has a relationship with this firm (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.)? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, identify for each: Firm Name: _____ Person: _____ Nature of Business Relationship: _____				

C. Indicate your firm's inventory in the following categories (*attach additional sheets if needed*):

(1) Equipment

Type of Equipment	Make/Model	Current Value	Owned or Leased?
(a)			
(b)			
(c)			

(2) Vehicles

Type of Vehicle	Make/Model	Current Value	Owned or Leased?
(a)			
(b)			
(c)			

(3) Office Space

Street Address	Owned or Leased?	Current Value of Property or Lease
(a)		
(b)		

(4) Storage Space

Street Address	Owned or Leased?	Current Value of Property or Lease
(a)		
(b)		

D. Does your firm rely on any other firm for management functions or employee payroll? Yes No

If Yes, explain:

E. Financial Information

(1) Banking Information:

(a) Name of bank: _____ (b) Phone No: () _____
 (c) Address of bank: _____ City: _____ State: _____ Zip: _____

(2) Bonding Information: If you have bonding capacity, identify:

(a) Binder No: _____ (b) Name of agent/broker _____
 (c) Phone No: () _____ (d) Address of agent/broker: _____
 City: _____ State: _____ Zip: _____
 (e) Bonding limit: Aggregate limit \$ _____ Project limit \$ _____

F. Identify all sources, amounts, and purposes of money loaned to your firm, including the names of any persons or firms securing the loan, if other than the listed owner:

Name of Source	Address of Source	Name of Person Securing the Loan	Original Amount	Current Balance	Purpose of Loan
1.					
2.					
3.					

G. List all contributions or transfers of assets to/from your firm and to/from any of its owners over the past two years (attach additional sheets if needed):

Contribution/Asset	Dollar Value	From Whom Transferred	To Whom Transferred	Relationship	Date of Transfer
1.					
2.					
3.					

H. List current licenses/permits held by any owner and/or employee of your firm (e.g. contractor, engineer, architect, etc.)(attach additional sheets if needed):

Name of License/Permit Holder	Type of License/Permit	Expiration Date	License Number and State
1.			
2.			
3.			

I. List the three largest contracts completed by your firm in the past three years, if any:

Name of Owner/Contractor	Name/Location of Project	Type of Work Performed	Dollar Value of Contract
1.			
2.			
3.			

J. List the three largest active jobs on which your firm is currently working:

Name of Prime Contractor and Project Number	Location of Project	Type of Work	Project Start Date	Anticipated Completion Date	Dollar Value of Contract
1.					
2.					
3.					



CALIFORNIA UNIFIED CERTIFICATION PROGRAM (CUCP)

North American Industry Classification System (NAICS) Codes

The California Unified Certification Program adopted the 2002 North American Industry Classification System (NAICS), an updated federal classification system, on October 27, 2003. Please indicate below areas of expertise that you prefer to perform in order of importance. Enclosed is a Partial list of NAICS codes for your convenience. For a full list of NAICS codes and assistance in locating appropriate NAICS codes and determining if your firm meets U.S. Small Business Administration (SBA) and U.S. DOT size standards, a search tool is available on the SBA web site at: <http://www.sba.gov/size/indextableofsize.html>. DBE applicants are first subject to the applicable small business size standards of the Small Business Administration (SBA). Second, the average annual gross receipts for the firm (including its affiliates) over the previous three fiscal years must not exceed the U.S. Department of Transportation's cap of \$20.41 million, as amended pursuant to SAFETEA-LU. Please note that size standards are subject to change at any time by the SBA. If you do not have Internet access or need assistance, please contact one of the certifying agencies on the enclosed Roster.

<u>NAICS Code</u>	<u>Description of Work/Service</u>
_____	_____
_____	_____
_____	_____
_____	_____

CALIFORNIA UNIFIED CERTIFICATION PROGRAM (CUCP)

Supplemental Document Checklist



Firm Name : _____

In order to complete your application for DBE certification, you must also attach copies of all of the following documents:

- Documentation of Group Membership. Please comply with one of the following: (1) For each owner seeking social disadvantaged status on the basis of Ethnic membership, please provide a document (e.g., birth certificate, U.S. Passport, Green Card, parents' birth certificate, etc.) evidencing Ethnic heritage or similar document evidencing Ethnic community affiliation. (2) For each owner seeking social disadvantaged status on the basis of Gender, please provide a document evidencing gender (e.g., birth certificate, driver's license, etc.). (3) For each owner seeking an individual showing of social disadvantage, please provide documents you deem appropriate for consideration.
- Documentation of U.S. citizenship or lawful permanent residence, e.g., U.S. birth certificate, Green Card, etc.

Supplemental Questionnaire

1. Is the firm's principal place of business in California? Yes_____ No_____

If no, please include a copy of the firm's DBE certificate issued in its home state. (The CUCP will not process a new application for DBE certification from a firm having its principal place of business in another state unless the firm has already been certified in that state.)

2. Is the firm authorized to do business in the State of California? Yes_____ No_____

3. List all office locations in California: _____

4. Has the firm ever done business with any U.S. DOT Grantees of California? Yes_____ No_____

If yes, please indicate the agency name(s) and latest year(s):

Agency	Latest Year

Agency	Latest Year

5. Is there an upcoming project in which the firm is interested and therefore, would need to be certified prior to a specific date in order to be counted toward DBE Participation?

Yes_____ No_____

If yes, please provide the following information:

Agency letting contract: _____

Contract Number _____ Bid Opening date or
 and Name: _____ Request for Proposal due date: _____

6. Indicate areas where you prefer to do your work.

- 01 Alameda 11 Glenn 21 Marin 31 Placer 41 San Mateo 51 Sutter 02 Alpine 12 Humboldt 22 Mariposa 32 Plumas 42 Santa Barbara 52 Tehama 03 Amador 13 Imperial 23 Mendocino 33 Riverside 43 Santa Clara 53 Trinity 04 Butte 14 Inyo 24 Merced 34 Sacramento 44 Santa Cruz 54 Tulare 05 Calaveras 15 Kern 25 Modoc 35 San Benito 45 Shasta 55 Tuolumne 06 Colusa 16 Kings 26 Mono 36 San Bernardino 46 Sierra 56 Ventura 07 Contra Costa 17 Lake 27 Monterey 37 San Diego 47 Siskiyou 57 Yolo 08 Del Norte 18 Lassen 28 Napa 38 San Francisco 48 Solano 58 Yuba 09 El Dorado 19 Los Angeles 29 Nevada 39 San Joaquin 49 Sonoma 10 Fresno 20 Madera 30 Orange 40 San Luis Obispo 50 Stanislaus

DBE UNIFORM CERTIFICATION APPLICATION SUPPORTING DOCUMENTS CHECKLIST
In order to complete your application for DBE certification, you must attach copies of all of the following documents as they apply to you and your firm.

All Applicants

- Work experience resumes (that include places of ownership/employment with corresponding dates), for all owners and officers of your firm
- Personal Financial Statement (form available with this application)
- Personal tax returns for the past three years, if applicable, for each owner claiming disadvantaged status
- Your firm's tax returns (gross receipts) and all related schedules for the past three years
- Documented proof of contributions used to acquire ownership for each owner (*e.g. both sides of cancelled checks*)
- Your firm's signed loan agreements, security agreements, and bonding forms
- Descriptions of all real estate (including office/storage space, etc.) owned/leased by your firm and documented proof of ownership/signed leases
- List of equipment leased and signed lease agreements
- List of construction equipment and/or vehicles owned and titles/proof of ownership
- Documented proof of any transfers of assets to/from your firm and/or to/from any of its owners over the past two years
- Year-end balance sheets and income statements for the past three years (*or life of firm, if less than three years*); a new business must provide a current balance sheet
- All relevant licenses, license renewal forms, permits, and haul authority forms
- DBE and SBA 8(a) or SDB certifications, denials, and/or decertifications, if applicable
- Bank authorization and signatory cards
- Schedule of salaries (or other compensation or remuneration) paid to all officers, managers, owners, and/or Purchasing Managers of the firm
- Trust agreements held by any owner claiming disadvantaged status, if any

Partnership or Joint Venture

- Original and any amended Partnership or Joint Venture Agreements

Corporation or LLC

- Official Articles of Incorporation (*signed by the state official*)
- Both sides of all corporate stock certificates and your firm's stock transfer ledger
- Shareholders' Agreement
- Minutes of all stockholders and board of Directors meetings
- Corporate by-laws and any amendments
- Corporate bank resolution and bank signature cards
- Official Certificate of Formation and Operating Agreement with any amendments (for LLCs)

Trucking Company

- Documented proof of ownership of the company
- Insurance agreements for each truck owned or operated by your firm
- Title(s) and registration certificate(s) for each truck owned or operated by your firm
- List of U.S. DOT numbers for each truck owned or operated by your firm **Regular Dealer**
- Proof of warehouse ownership or lease
- List of product lines carried
- List of distribution equipment owned and/or leased

NOTE: The specific state UCP to which you are applying may have additional required documents that you must also supply with your application. Contact the appropriate certifying agency to which you are applying to find out if more is required. (See Supplemental Document Checklist)



U.S. Department of
Transportation

**Personal Net Worth Statement
For DBE/ACDBE Program Eligibility**

As of _____

OMB APPROVAL NO:
EXPIRATION DATE:

This form is used by all participants in the U.S. Department of Transportation's Disadvantaged Business Enterprise (DBE) Programs. Each individual owner of a firm applying to participate as a DBE or ACDBE, whose ownership and control are relied upon for DBE certification must complete this form. Each person signing this form authorizes the Unified Certification Program (UCP) recipient to make inquiries as necessary to verify the accuracy of the statements made. The agency you apply to will use the information provided to determine whether an owner is economically disadvantaged as defined in the DBE program regulations 49 C.F.R. Parts 23 and 26. **Return form to appropriate UCP certifying member, not U.S. DOT.**

Name		Business Phone			
Residence Address (As reported to the IRS) City, State and Zip Code		Residence Phone			
Business Name of Applicant Firm					
Spouse's Full Name (Marital Status: Single, Married, Divorced, Union)					
ASSETS (Omit Cents)		LIABILITIES (Omit Cents)			
Cash and Cash Equivalents	\$	Loan on Life Insurance (Complete Section 5)	\$		
Retirement Accounts (IRAs, 401Ks, 403Bs, Pensions, etc.) (Report full value minus tax and interest penalties that would apply if assets were distributed today) (Complete Section 3)	\$	Mortgages on Real Estate Excluding Primary Residence Debt (Complete Section 4)	\$		
Brokerage, Investment Accounts	\$	Notes, Obligations on Personal Property (Complete Section 6)	\$		
Assets Held in Trust	\$	Notes & Accounts Payable to Banks and Others (Complete Section 2)	\$		
Loans to Shareholders & Other Receivables (Complete section 6)	\$	Other Liabilities (Complete Section 8)	\$		
Real Estate Excluding Primary Residence (Complete Section 4)	\$	Unpaid Taxes (Complete Section 8)	\$		
Life Insurance (Cash Surrender Value Only) (Complete Section 5)	\$				
Other Personal Property and Assets (Complete Section 6)	\$				
Business Interests Other Than the Applicant Firm (Complete Section 7)	\$				
Total Assets	\$	Total Liabilities	\$		
		NET WORTH			
Section 2. Notes Payable to Banks and Others					
Name of Noteholder(s)	Original Balance	Current Balance	Payment Amount	Frequency (monthly, etc.)	How Secured or Endorsed Type of Collateral

Section 3. Brokerage and custodial accounts, stocks, bonds, retirement accounts. (Full Value) (Use attachments if necessary).				
Name of Security / Brokerage Account / Retirement Account	Cost	Market Value Quotation/Exchange	Date of Quotation/Exchange	Total Value
Section 4. Real Estate Owned (Including Primary Residence, Investment Properties, Personal Property Leased or Rented for Business Purposes, Farm Properties, or any Other Income Producing property). (List each parcel separately. Add additional sheets if necessary).				
	Primary Residence	Property B	Property C	
Type of Property				
Address				
Date Acquired and Method of Acquisition (purchase, inherit, divorce, gift, etc.)				
Names on Deed				
Purchase Price				
Present Market Value				
Source of Market Valuation				
Name of all Mortgage Holders				
Mortgage Acc. # and balance (as of date of form)				
Equity line of credit balance				
Amount of Payment Per Month/Year (Specify)				
Section 5. Life Insurance Held (Give face amount and cash surrender value of policies, name of insurance company and beneficiaries).				
Insurance Company	Face Value	Cash Surrender Amount	Beneficiaries	Loan on Policy Information

Section 6. Other Personal Property and Assets (Use attachments as necessary)				
Type of Property or Asset	Total Present Value	Amount of Liability (Balance)	Is this asset insured?	Lien or Note amount and Terms of Payment
Automobiles and Vehicles (including recreation vehicles, motorcycles, boats, etc.) Include personally owned vehicles that are leased or rented to businesses or other individuals.				
Household Goods / Jewelry				
Other (List)				
Accounts and Notes Receivables				
Section 7. Value of Other Business Investments, Other Businesses Owned (excluding applicant firm) Sole Proprietorships, General Partners, Joint Ventures, Limited Liability Companies, Closely-held and Public Traded Corporations				
Section 8. Other Liabilities and Unpaid Taxes (Describe)				
Section 9. Transfer of Assets: Have you within 2 years of this personal net worth statement, transferred assets to a spouse, domestic partner, relative, or entity in which you have an ownership or beneficial interest including a trust? Yes <input type="checkbox"/> No <input type="checkbox"/> If yes, describe.				
<p>I declare under penalty of perjury that the information provided in this personal net worth statement and supporting documents is complete, true and correct. I certify that no assets have been transferred to any beneficiary for less than fair market value in the last two years. I recognize that the information submitted in this application is for the purpose of inducing certification approval by a government agency. I understand that a government agency may, by means it deems appropriate, determine the accuracy and truth of the statements in the application and this personal net worth statement, and I authorize such agency to contact any entity named in the application or this personal financial statement, including the names banking institutions, credit agencies, contractors, clients, and other certifying agencies for the purpose of verifying the information supplied and determining the named firm's eligibility. I acknowledge and agree that any misrepresentations in this application or in records pertaining to a contract or subcontract will be grounds for terminating any contract or subcontract which may be awarded; denial or revocation of certification; suspension and debarment; and for initiating action under federal and/or state law concerning false statement, fraud or other applicable offenses.</p> <p style="text-align: right;">NOTARY CERTIFICATE: (Insert applicable state acknowledgment, affirmation, or oath)</p> <p>_____ Signature (DBE/ACDBE Owner)</p> <p>_____ Date</p>				
<p>In collecting the information requested by this form, the Department of Transportation complies with Federal Freedom of Information and Privacy Act (5 U.S.C. 552 and 552a) provisions. The Privacy Act provides comprehensive protections for your personal information. This includes how information is collected, used, disclosed, stored, and discarded. Your information will not be disclosed to third parties without your consent. The information collected will be used solely to determine your firm's eligibility to participate in the Disadvantaged Business Enterprise (DBE) Program or Airport Concessionaire DBE Programs as defined in 49 C.F.R. Parts 23 and 26. You may review DOT's complete Privacy Act Statement in the Federal Register published on April 11, 2000 (65 FR 19477).</p>				

AFFIDAVIT OF CERTIFICATION

This form must be signed and notarized for each owner upon which disadvantaged status is relied.

A MATERIAL OR FALSE STATEMENT OR OMISSION MADE IN CONNECTION WITH THIS APPLICATION IS SUFFICIENT CAUSE FOR DENIAL OF CERTIFICATION, REVOCATION OF A PRIOR APPROVAL, INITIATION OF SUSPENSION OR DEBARMENT PROCEEDINGS, AND MAY SUBJECT THE PERSON AND/OR ENTITY MAKING THE FALSE STATEMENT TO ANY AND ALL CIVIL AND CRIMINAL PENALTIES AVAILABLE PURSUANT TO APPLICABLE FEDERAL AND STATE LAW.

I _____ (full name printed), swear or affirm under penalty of law that I am _____ (title) of applicant firm _____ (firm name) and that I have read and understood all of the questions in this application and that all of the foregoing information and statements submitted in this application and its attachments and supporting documents are true and correct to the best of my knowledge, and that all responses to the questions are full and complete, omitting no material information. The responses include all material information necessary to fully and accurately identify and explain the operations, capabilities and pertinent history of the named firm as well as the ownership, control, and affiliations thereof.

I recognize that the information submitted in this application is for the purpose of inducing certification approval by a government agency. I understand that a government agency may, by means it deems appropriate, determine the accuracy and truth of the statements in the application, and I authorize such agency to contact any entity named in the application, and the named firm's bonding companies, banking institutions, credit agencies, contractors, clients, and other certifying agencies for the purpose of verifying the information supplied and determining the named firm's eligibility.

I agree to submit to government audit, examination and review of books, records, documents and files, in whatever form they exist, of the named firm and its affiliates, inspection of its places(s) of business and equipment, and to permit interviews of its principals, agents, and employees. I understand that refusal to permit such inquiries shall be grounds for denial of certification.

If awarded a contract or subcontract, I agree to promptly and directly provide the prime contractor, if any, and the Department, recipient agency, or federal funding agency on an ongoing basis, current, complete and accurate information regarding (1) work performed on the project; (2) payments; and (3) proposed changes, if any, to the foregoing arrangements.

I agree to provide written notice to the recipient agency or Unified Certification Program (UCP) of any material change in the information contained in the original application within 30 calendar days of such change (e.g., ownership, address, telephone number, etc.).

I acknowledge and agree that any misrepresentations in this application or in records pertaining to a contract or subcontract will be grounds for terminating any contract or subcontract which may be awarded; denial or revocation of certification; suspension and debarment; and for initiating action under federal and/or state law concerning false statement, fraud or other applicable offenses.

I certify that I am a socially and economically disadvantaged individual who is an owner of the above-referenced firm seeking certification as a Disadvantaged Business Enterprise (DBE). In support of my application, I certify that I am a member of one or more of the following groups, and that I have held myself out as a member of the group(s) (circle all that apply):

Female Black American Hispanic American Native American Asian-Pacific American
Subcontinent Asian American Other (specify) _____

I certify that I am socially disadvantaged because I have been subjected to racial or ethnic prejudice or cultural bias, or have suffered the effects of discrimination, because of my identity as a member of one or more of the groups identified above, without regard to my individual qualities.

I further certify that my personal net worth does not exceed \$750,000, and that I am economically disadvantaged because my ability to compete in the free enterprise system has been impaired due to diminished capital and credit opportunities as compared to others in the same or similar line of business who are not socially and economically disadvantaged.

I declare under penalty of perjury that the information provided in this application and supporting documents is true and correct.

Executed on _____(Date)

Signature _____
(DBE Applicant)

NOTARY CERTIFICATE

http://www.dot.ca.gov/hq/bep/business_forms.htm

Attachment 9

Procedures for Removal of DBE's Eligibility

DBE Certification Eligibility Removal and Appeal Process

If grounds for removal of DBE certification eligibility are sufficient, the DBE is mailed a Notice of Intent to Remove Eligibility with the reasons for the decision and advised of the opportunity for a hearing before the removal. The applicant has thirty (30) calendar days from the date of certified delivery of the notice of intended removal of eligibility to appeal to the committee.

The Removal of Eligibility Committee can be made up of representatives from each DBE-certifying agency. The committee processes DBE removals of eligibility in accordance with 49 CFR §26.87 and meets on a monthly basis by teleconference (Cluster Group). Members of the Cluster Group, other than the agency that performed the initial certification, will have one vote each. The agency requesting removal of eligibility will abstain from voting or, if necessary to break a tie, will be represented by an alternate member. In accordance with the regulations, each firm will be allowed to present their case in person or through an administrative review of documents.

Removal of eligibility to participate in the DBE program may occur for any of the following reasons:

- A. Notification by the firm that it no longer meets federal regulations for DBE certification.
- B. If the DBE's business entity has changed to the extent the business is no longer a small business.

Small business size is determined by:

- A firm and its affiliates cannot exceed the overall size limitation established for the DBE program. The current overall dollar limitation is \$23.98 million in gross receipts averaged over a three (3) year period. This is adjusted periodically for inflation. A DBE cannot exceed the size standard assigned to individual NAICS codes in which the firm is certified. A table of size standards is available at www.sba.gov.
- For federal-aid projects funded by FHWA, FAA and FTA funds, if the socially and economically disadvantaged individual's status has been challenged and CUCP has found the individual does not meet the definition of a "socially and economically disadvantaged individual" used in 49 CFR §§ 26.63, 26.67 and Appendix E, "Individual Determinations of Social and Economic Disadvantage," and that the firm is no longer owned and controlled at least 51 percent by a socially and economically disadvantaged individual(s).
- If the firm's business entity has changed to the extent the business is no longer owned and controlled by socially and economically disadvantaged individual(s) as defined by the federal regulation.
- For federal-aid projects, if the MUCP agency receives an order from the Office of the Secretary of Transportation, DOT, to remove the eligibility of a DBE firm.
- If an investigation uncovers evidence of violations of 49 CFR Part 26, with regard to the actual work performed by a DBE, and the findings and conclusions show that the firm's ownership or control has changed to the extent that the firm is no longer eligible.

Intent to Remove Eligibility Hearing

The Agency will schedule a hearing within thirty (30) days of receipt of a request. At the conference reasons for the intended removal of eligibility will be discussed, either in person by the DBE or through an administrative review of documents, if requested by the firm. The Removal of Eligibility Committee will receive information and evidence intended to show that certification eligibility should not be removed and will ask questions related to the intended removal of eligibility.

The panel will only review the findings of the Notice of Intent to Remove Eligibility, the certification file and the appealing firm's rebuttal of these findings. The committee will not consider any changes in the firm's organization, structure or operations that occurred after the date of the Notice of Intent to Remove Eligibility or that were not documented in the certifying agency's file as of that same date. The committee will render a written decision based on its findings within sixty (60) calendar days after the conference. The committee's decision will determine whether the intended removal of eligibility will be sustained or overruled. The committee's determination will have full force and effect. If no written request for appeal is received as specified above, the intended determination to remove eligibility will become final and have full force and effect. Firms that have their eligibility removed must wait twelve (12) months after the effective date of the final decision before reapplying for DBE certification with any US DOT-certifying

Removal Appeals to the US DOT

Any firm or complainant may appeal the City of Fresno decision in a certification matter to DOT. A firm that wants to file an appeal, must send a letter to the DOT ninety (90) days of the date of the City of Fresno final decision, including information and setting forth a full and specific statement as to why the decision is erroneous, what significant fact that the recipient failed to consider, or what provisions of this part the recipient did not properly apply. The DOT may accept an appeal filed later than ninety (90) days after the date of the decision if the DOT determines that there was good cause for the late filing of the appeal or in the interest of justice.

Such appeals may be sent to:

U.S. Department of Transportation
Departmental Office of Civil Rights
1200 New Jersey Ave., S.E.
Washington, DC 20590-0001

The U.S. DOT makes its decision based solely on the entire administrative record as supplemented by the appeal. The U.S. DOT does not make a de novo review of the matter and does not conduct a hearing. The U.S. DOT may also supplement the administrative record by adding relevant information made available by the DOT Office of Inspector General; Federal, State, or local law enforcement authorities; officials of a DOT operating administration or other appropriate DOT office; a recipient; or a firm or other private party.

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

A reference to certification application forms and documentation requirements are found at http://www.dot.ca.gov/hq/bep/business_forms.htm

Attachment 10

Regulations: 49 CFR Parts 23 (including Appendix A) and 26 (including Appendices A-E)

[49 CFR Sample ACDBE Part 23 Program](#)

[49 CFR Sample DBE Part 26 Program](#)

You may obtain an electronic version of this document, the DBE regulation themselves and other DOT guidance from DOT's website:

<http://osdbuweb.dot.gov/business/dbe/index.html>

ATTACHMENT 11

**U.S. Department of Housing
and Urban Development**
Office of Public and Indian Housing

OMB Approval No. 2577-0157 (exp. 1/31/2017)

**Contract Provisions Required by Federal Law
or Owner Contract with the
U.S. Department of Housing and Urban Development**

Contract Provisions Required by Federal Law or Owner Contract with the U.S. Department of Housing and Urban Development

U. S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0157
(exp. 1/31/2017)

Public reporting burden for this collection of information is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

These contracts between a HUD grantee (housing agency (HA)) and an architect/engineer (A/E) for design and construction services do not require either party to submit any materials to HUD. The forms provide a contractual agreement for the services to be provided by the A/E and establishes responsibilities of both parties pursuant to the contract. The regulatory authority is 24 CFR 85.36. These contractual agreements are required by Federal law or regulation pursuant to 24 CFR Part 85.36. Signing of the contracts is required to obtain or retain benefits. The contracts do not lend themselves to confidentiality.

1.0 Contract Provisions Required by Federal Law or Owner Contract with the U.S. Department of Housing and Urban Development (HUD).

1.1 Contract Adjustments. Notwithstanding any other term or condition of this Agreement, any settlement or equitable adjustment due to termination, suspension or delays by the Owner shall be negotiated based on the cost principles stated at 48 CFR Subpart 31.2 and conform to the Contract pricing provisions of 24 CFR 85.36 (f).

1.2 Additional Services. The Owner shall perform a cost or price analysis as required by 24 CFR 85.36 (F) prior to the issuance of a contract modification/amendment for Additional Services. Such Additional Services shall be within the general scope of services covered by this Agreement. The Design Professional shall provide supporting cost information in sufficient detail to permit the Owner to perform the required cost or price analysis.

1.3 Restrictive Drawings and Specifications. In accordance with 24 CFR 85.36(c)(3)(i) and contract agreements between the Owner and HUD, the Design Professional shall not require the use of materials, products, or services that unduly restrict competition.

1.4 Design Certification. Where the Owner is required by federal regulations to provide HUD a Design Professional certification regarding the design of the Projects (24 CFR 968.235), the Design Professional shall provide such a certification to the Owner.

1.5 Retention and Inspection of Records. Pursuant to 24 CFR 85.26(i)(10) and (11), access shall be given by the Design Professional to the Owner, HUD, the Comptroller General of the United States, or any of their duly authorized representatives, to any books, documents, papers, and records of the Design Professional which are directly pertinent to that specific Contract for the purpose of making an audit, examination, excerpts, and transcriptions. All required records shall be retained for three years after the Owner or Design Professional and other subgrantees make final payments and all other pending matters are closed.

1.6 Copyrights and Rights in Data. HUD has no regulations pertaining to copyrights or rights in data as provided in 24 CFR 85.36. HUD requirements, Article 45 of the General Conditions to the Contract for Construction (form HUD-5370) requires that contractors pay all royalties and license fees. All drawings and specifications prepared by the Design Professional pursuant to this contract will identify any applicable patents to enable the general contractor to fulfill the requirements of the construction contract.

1.7 Conflicts of Interest. Based in part on federal regulations (24 CFR 85.36(b)) and Contract agreement between the Owner and HUD, no employee, officer, or agent of the Owner (HUD grantee) shall participate in selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved.

Such a conflict would arise when:

- (i) The employee, officer or agent,
- (ii) Any member of his or her immediate family,
- (iii) His or her partner, or

(iv) An organization that employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award. The grantee's or subgrantee's officers, employees or agents will neither solicit nor accept gratuities, favors or anything of monetary value from Contractors, or parties to sub-agreements. Grantees and subgrantees may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value. To the extent permitted by State or local law or regulations, such standards or conduct will provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the grantee's and subgrantee's officers, employees, or agents or by Contractors or their agents. The awarding agency may in regulation provide additional prohibitions relative to real, apparent, or potential conflicts of interest.

Neither the Owner nor any of its contractors or their subcontractors shall enter into any Contract, subcontract, or agreement, in connection with any Project or any property included or planned to be included in any Project, in which any member, officer, or employee of the Owner, or any member of the governing body of the locality in which the Project is situated, or any member of the governing body of the locality in which the Owner was activated, or in any other public official of such locality or localities who exercises any responsibilities or functions with respect to the Project during his/her tenure or for one year thereafter has any interest, direct or indirect. If any such present or former member, officer, or employee of the Owner, or any such governing body member or such other public official of such locality or localities involuntarily acquires or had acquired prior to the beginning of his/her tenure any such interest, and if such interest is immediately disclosed to the Owner and such disclosure is entered upon the minutes of the Owner, the Owner, with the prior approval of the Government, may waive the prohibition contained in this subsection: Provided, That any such present member, officer, or employee of the Owner shall not participate in any action by the Owner relating to such contract, subcontract, or arrangement.

No member, officer, or employee of the Owner, no member of the governing body of the locality in which the project is situated, no member of the governing body of the locality in which the Owner was activated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the project, during his/her tenure or for one year thereafter, shall have any interest, direct or indirect, in this contract or the proceeds thereof.

1.8 Disputes. In part because of HUD regulations (24 CFR 85.36(i)(1)), this Design Professional Agreement, unless it is a small purchase contract, has administrative, contractual, or legal remedies for instances where the Design Professional violates or breaches Agreement terms, and provide for such sanctions and penalties as may be appropriate.

1.9 Termination. In part because of HUD regulations (24 CFR 85.36(i)(2)), this Design Professional Agreement, unless it is for an amount of \$10,000 or less, has requirements regarding termination by the Owner when for cause or convenience. These include the manner by which the termination will be effected and basis for settlement.

1.10 Interest of Members of Congress. Because of Contract agreement between the Owner and HUD, no member of or delegate to the Congress of the United States of America or Resident Commissioner shall be admitted to any share or part of this Contract or to any benefit to arise from it.

1.11 Limitation of Payments to Influence Certain Federal Transaction. The Limitation on Use of Appropriated Funds to Influence Certain Federal Contracting and Financial Transactions Act, Section 1352 of Title 31 U.S.C., provides in part that no appropriated funds may be expended by recipient of a federal contract, grant, loan, or cooperative agreement to pay any person, including the Design Professional, for influencing or attempting to influence an officer or employee of Congress in connection with any of the following covered Federal actions: the awarding of any federal contract, the making of any Federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

1.12 Employment, Training, and Contracting Opportunities for Low-Income Persons, Section 3 of the Housing and Urban Development Act of 1968.

A. The work to be performed under this contract is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (section 3). The purpose of section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.

B. The parties to this contract agree to comply with HUD's regulations in 24 CFR part 135, which implement section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.

C. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.

D. The contractor agrees to include this section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 135.

E. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 135.

F. Noncompliance with HUD's regulations in 24 CFR part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.

G. Reserved.

H. Reserved.

I. Reserved.

1.14 Clean Air and Water. (Applicable to contracts in excess of \$100,000). Because of 24 CFR 85.36(i)(12) and federal law, the Design Professional shall comply with applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. § 1857h-4 transferred to 42 USC § 7607, section 508 of the Clean Water Act (33 U.S.C. § 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15), on all contracts, subcontracts, and subgrants of amounts in excess of \$100,000.

1.15 Energy Efficiency. Pursuant to Federal regulations (24 C.F.R 85.36(i)(13)) and Federal law, except when working on an Indian housing authority Project on an Indian reservation, the Design Professional shall comply with the mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163 codified at 42 U.S.C.A. § 6321 et. seq.).

1.16 Prevailing Wages. In accordance with Section 12 of the U.S. Housing Act of 1937 (42 U.S.C. 1437j) the Design Professional shall pay not less than the wages prevailing in the locality, as determined by or adopted (subsequent to a determination under applicable State or local law) by the Secretary of HUD, to all architects, technical engineers, draftsmen, and technicians.

1.17 Non-applicability of Fair Housing Requirements in Indian Housing Authority Contracts. Pursuant to 24 CFR section 905.115(b) title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2000g-4), which prohibits discrimination on the basis of race, color or national origin in federally assisted programs, and the Fair Housing Act (42 U.S.C. 3601-3620), which prohibits discrimination based on race, color, religion, sex, national origin, handicap, or familial status in the sale or rental of housing do not apply to Indian Housing Authorities established by exercise of a Tribe's powers of self-government.

1.18 Prohibition Against Liens. The Design professional is Prohibited from placing a lien on the Owner's property. This prohibition shall be placed in all design professional subcontracts.



HUD
Office of Community Planning and Development

Information Bulletin
Issue No. CPD-2015-02
Date: November 26, 2014

MEMORANDUM FOR: All Consolidated Plan Coordinators

//S//

FROM: William Vasquez, Director, Office of Community Planning and Development, 9DD

SUBJECT: Minority Business Enterprise Contract and Subcontract Activity
Report HUD-2516 and Section 3 Reporting
Due Date: November 30, 2014

The Department of Housing and Urban Development (HUD) is committed to supporting minority business growth and development. By acknowledging our grantees' support of minority business enterprises, we can recognize the importance of a growing number of successful minority entrepreneurs. The Office of Community Planning and Development (CPD) provides data on the amount of minority contracting entered into by grantees to HUD's Office of Small and Disadvantaged Business Utilization (OSDBU). OSDBU consolidates the data on a Department-wide basis for submission to the Minority Business Development Agency of the Department of Commerce. In addition, this information has been valuable to OSDBU when responding to Congressional and interest group inquiries.

I. Minority Business Enterprise (MBE) Reporting

Community Planning and Development activities to be reported include public works, economic development, affordable housing, and special needs assistance. Grantees are required to report contract and subcontract activities of \$10,000 or more on the HUD 2516 form. Contracts/subcontracts of less than \$10,000 may be reported only if it represents a significant portion of the grantee's total contracting activity.

In addition to submitting the HUD 2516 Report, grantees are requested to complete and submit to the Field Office at the end of each fiscal year but no later than December 3 of each year the MBE Summary Report (enclosed). The report must cover contracts executed during the recently completed Federal Fiscal Year (October 1, 2013 – September 30, 2014). This report summarizes the racial/ethnic codes, racial/ethnic categories, contract amount and number of contractors identified in the HUD-2516 form. If there has been no contract activity during the reporting period, please submit a negative summary report.

Grantees are advised to include minority and women owned business contracting activities generated from the Neighborhood Stabilization Program (NSP), American Recovery and Reinvestment Act (ARRA), Community Development Block Grant Recovery Act (CDBG-R), and the Homeless Prevention and Rapid Re-Housing Program (HPRP) in addition to regular contracting activities funded, in whole or in part, with CPD program funds. The 2516 form can be accessed via website <http://hudatwork.hud.gov/po/osdbu/goals.cfm> and should be copied and saved to hard drive. The HUD form 2516 is in excel format to assist grantees in accurate calculations of accomplishments

Please be aware of the following when completing the HUD 2516 form:

Column 7a – Grantees should use applicable CPD program grant numbers only. Some grantees used IDIS project number or other non related project numbers to identify grants.

Column 7b - Grantee should only report the part of the contract amount that reflects CPD funds.

Column 7c - There are only three options to choose from for this category (i.e., education training, new construction and other). The "other" categories include: supply, professional services, rehabilitation, Architectural/ Engineering, and all other activities except construction and educational/training activities.

Grantees are reminded that 24CFR Part 85.36 (e) (1) Contracting with small and minority firms, Women's business enterprise and labor surplus area firms states that: The grantee and sub-grantee will take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible, and affirmative steps shall include:

1. Placing qualified small and minority business enterprises on solicitation lists;
2. Assuring that small and minority businesses are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;
4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises.
5. Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and

6. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraph e (2) (i) through (v) of this section.

The completed HUD form 2516 and Summary Report should be submitted to the attention of:

Frank.Caballero@hud.gov or

U.S. Department of Housing and Urban Development
Los Angeles Field Office
ATTN: Frank G. Caballero, Senior Financial Analyst,
Office of Community Planning and Development, 9DD
611 W. Sixth Street, Suite 1000
Los Angeles, CA 90017-3127
Phone 1-213-534-2559

II. Section 3. Employment and Business Opportunity for Low Income Persons-Reporting requirements.

Section 3 contract reports are required when a grantee's project exceeds \$200,000 and a prime or subcontract exceeds \$100,000. Both thresholds have to be met for the same project. These requirements are in accordance with 24 CFR Part 135.3. Grantees using HUD-2516 form to report Section 3 contract data must also use Part I of form HUD-60002, Section 3 Summary Report, for reporting employment and training opportunities data. The Section 3 Summary Report System is an online system designed to simplify the submission of form HUD-60002.

The web site is <http://www.hud.gov/offices/fheo/section3/section3.cfm>.

If you have questions regarding the submission of the Section 3 Summary Report, please contact Anna Gutierrez, Section 3 Coordinator, Office of Fair Housing and Equal Opportunity at (213) 534-2594.

SECTION 3 AND MBE PRE-AWARD COMPLIANCE CERTIFICATION (ORED FORM 99-17)		Housing Authority of the City of Tampa Office of Real Estate Development 1529 West Main Street Tampa, Florida 33607		
1. Contractor Name & Address (street, city, state, zip):	2. Contract Number and Description:	3. Dollar Amount of Contract:		
	4. Contact Person:	5. Phone Number:		
	6. Contracting Period:	7. Date Report Submitted:		
Part I: Employment and Training of Section 3 Residents (If Prime Contractor is Section 3 Owned Check Here) <input type="checkbox"/>				
<p>The employment and training component of section 3 applies to the prime contractor and all sub-contractors providing construction services and professional services to the Tampa Housing Authority. It is the responsibility of the Prime Contractor to enforce these same requirements within any sub-contracts.</p> <p>Instructions: Complete items A, B and C and adjoining worksheet</p> <p>A. Total Number of Current Employees? _____</p> <p>B. Total Number of Anticipated New Hires & Trainees? _____</p> <p>C. Total Number of Section 3 New Hires & Trainees? _____ (the established goal is 30% of Line B)</p>		Adjoining worksheet		
		(A) Job Category	(B) Number of anticipated new hires and trainees	(C) Number of column (B) that will be Section 3 residents
		Professional		
		Technical		
		Office/Clerical		
		Construction by Trade (list)		
		Other (List)		
		Total		
		Part II: Subcontract awards – Section 3 and MBE (If Prime Contractor is Section 3 Owned Check Here) <input type="checkbox"/>		
<p>The contracting component of section 3 and minority-owned business participation apply to all prime contractors and sub-contractors providing construction services, professional services, and supplies to the Tampa Housing Authority's project. It is the responsibility of the prime contractor to enforce the same requirements within any sub-contracts.</p> <p>Instructions: All contractors must complete item D. Complete item E for construction contracts only. Complete item F for professional service and supplier contracts only. All contractors must complete item G.</p> <p>D. Total dollar amount of all sub-contracts anticipated for this project? \$ _____</p> <p>Applies to construction contracts only:</p> <p>E. Total amount of anticipated Section 3 sub-contract awards? \$ _____ (The established goal is 10% of Line D)</p> <p>Applies to professional service contracts and suppliers:</p> <p>F. Total amount of anticipated section 3 sub-contract awards? \$ _____ (The established goal is 3% of Line D)</p> <p>Applies to all contracts:</p> <p>G. Total amount of anticipated minority-owned business contract awards? \$ _____ (The established goal is 20% of Line D) A minority-owned business is an entity that is 51% owned or controlled by one or more of the following minority group members: Black Americans, Hispanic Americans, Native Americans, Asian Pacific Americans, Asian Indian Americans and Hasidic Jewish Americans.</p>				
Part III: Certification				
<p>As a duly authorized representative of the prime contractor, it is hereby agreed that the prime contractor and all sub-contractors will make every effort to achieve at least the minimum levels for compliance with Section 3 and Minority-Owned Business participation goals. It is further understood that the undersigned will enforce and ensure compliance within all sub-contracts.</p>				
Signature:	Print Name and Title	Date		

Rev-4 2/16/00

E. CONTRACT AND SUBCONTRACT ACTIVITY FORM (HUD-2516)

General Instructions

The Contract and Subcontract Activity Form, commonly referred to as the "MBE Report" is used by HUD to report all contract and subcontract activities under HUD programs. All contract/subcontract activity for the following programs administered by the Office of Community Planning and Development is required to be submitted on a semi-annual basis:

Community Development Block Grant
HOME Investment Partnership
HOPWA
Emergency Shelter Grant
Supportive Housing
Shelter Plus Care
Sec 8 Moderate Rehab

The MBE report is due to the Washington State Field Office as follows:

Reporting Period	Due Date
October 1 through March 31	April 30
April 1 through September 30	October 31

Instructions for Completing the Contract and Subcontract Activity Form (HUD-2516)

- Block 1. Enter the name of the local government or non-profit organization who contracts directly with CPD and check the "CPD" box.
 - Block 2. Location (Self-explanatory)
 - Block 3a. Enter the name of the individual responsible for completing the report.
 - Block 3b. Enter the phone number of the individual responsible for completing the report.
 - Block 4. Self-explanatory
 - Block 5. Not applicable to CPD programs.
-

- Block 6. Self-explanatory
- Block 7a. Enter the HUD grant number under which the contract/subcontract expenditure is authorized .
- Block 7b. Enter the TOTAL amount of each contract and/or subcontract in excess of \$25,000 awarded to each Prime Contractor or Subcontractor identified in blocks 7e or 7f. Although contracts/subcontracts of less than \$25,000 need only be reported if the recipient believes such contracts represent a significant portion of the recipient's total contracting activity, HUD encourages recipients to report ALL minority enterprise contracts/ subcontracts issued during the reporting period.
- Block 7c. Not applicable to CPD programs
- Block 7d. Enter the appropriate racial/ethnic code
- Block 7e. Enter the Tax Identification Number (TIN) for the Prime Contractor
- Block 7f. Enter the Tax Identification Number (TIN) for each subcontractor associated with the Prime Contractor identified in Block 7e.
- Block 7g. Self-explanatory
-

Final Report-Utilization of Minority and Women Business Enterprises (MBE, WBE) and First-Tier Subcontractors

**CITY OF FRESNO
FINAL REPORT-UTILIZATION OF MINORITY AND WOMEN BUSINESS ENTERPRISES (MBE, WBE) AND FIRST TIER SUBCONTRACTORS**

PROJECT NAME		BUSINESS ADDRESS		CONTRACT NUMBER		CONTRACT COMPLETION DATE	
PRIME CONTRACTOR						ESTIMATED CONTRACT AMOUNT	
						\$	
ITEM NO.	DESCRIPTION OF WORK PERFORMED AND MATERIAL PROVIDED	COMPANY NAME AND BUSINESS ADDRESS	MBE/WBE/DBE/DFW/8(a) NUMBER	CONTRACT PAYMENTS		DATE OF FINAL PAYMENT	
				NON DBE	DBE		
ORIGINAL COMMITMENT			TOTAL	\$	\$		
<p align="center">List all First-Tier Subcontractors and all MBE/WBE/DBE Business Enterprises (DBE) regardless of tier, provide comments on back of form. List actual amount paid to each entity.</p>							
<p align="center">CERTIFY THAT THE ABOVE INFORMATION IS COMPLETE AND CORRECT</p>				<p align="center">BUSINESS PHONE NUMBER</p>		<p align="center">DATE</p>	
<p align="center">CONTRACTOR REPRESENTATIVES SIGNATURE</p>				<p align="center">BUSINESS PHONE NUMBER</p>		<p align="center">DATE</p>	
<p align="center">PROJECT MANAGER SIGNATURE</p>						<p align="center">BUSINESS PHONE NUMBER</p>	
<p align="center">TO THE BEST OF MY INFORMATION AND BELIEF, THE ABOVE INFORMATION IS COMPLETE AND CORRECT</p>						<p align="center">DATE</p>	

Contract and Subcontract Activity

U.S. Department of Housing and Urban Development

OMB Approval No.: 2505-0117 (exp. 1/31/2013)

Public Reporting Burden for this collection of information is estimated to average 50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This information is voluntary. HUD may not conduct this information, and you are not required to complete this form, unless it displays a currently valid OMB Control Number.

Executive Order 12421 dated July 14, 1983, directs the Minority Business Development Plans shall be developed by each Federal Agency and that those annual plans shall establish minority business development objectives. The information is used by HUD to monitor and evaluate MBE activities against the total program activity and the designated minority business enterprise (MBE) goals. The Department requires MBE companies to provide guidance and oversight for programs for the development of minority business enterprise concerning Minority Business Development. If the information is not collected, HUD would not be able to monitor and evaluate MBE activities against the total program activity and the designated minority business enterprise (MBE) goals. While the assurances of confidentiality is pledged to respondents, HUD generally discloses the data only in response to a Freedom of Information request.

Privacy Act Notice - The United States Department of Housing and Urban Development, Federal Housing Administration, is authorized to solicit the information requested in this form by virtue of Title 12, United States Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. It will not be disclosed or released outside the United States Department of Housing and Urban Development without your consent, except as required or permitted by law.

1. Grant/Project Owner/Developer/Department/Individual/Agency

2. Location (City, State, ZIP Code)

3a. Name of Contract Firm
 3b. Phone Number (Including Area Code)
 4. Reporting Period
 5. Program Code (Not applicable for CDFI programs.) See explanation of codes at bottom of page. Use a separate sheet for each program code.
 6. Date Submitted to Field Office

Grant/Project Number or HUD Case Number or other identifier of property, subdivision, building, etc.	Amount of Contract or Subcontract	Type of Subcontract (See below)	Contractor or Business (VBE) (See below)	Woman Owned Business Enterprise (WBE) (No)	Prime Contractor Identification (ID) Number	Sec. Identification (ID) Number	Sec. Identification (ID) Number	Contractor/Subcontractor Name and Address							
								Name	Street	City	State	Zip Code			

- 7a. Type of Trade Codes:**
- 1 = New Construction
 - 2 = Education/Training
 - 3 = Other
 - 4 = Service
 - 5 = Project Mgmt/
- 7b. NAIB Specific Housing**
- 1 = Community Development
 - 2 = Rental Housing
 - 3 = Senior
 - 4 = Home Ownership
 - 5 = Project Mgmt/
- 7c. Type of Trade Codes:**
- 1 = Professional
 - 2 = Tenant Services
 - 3 = Education/Training
 - 4 = Arch./Engg. Appraisal
 - 5 = Other
- 7d. Racial/Ethnic Codes:**
- 1 = White Americans
 - 2 = Black Americans
 - 3 = Hispanic Americans
 - 4 = Asian/Pacific Americans
 - 5 = Islandic Jews
- 7e. Program Codes (Complete for Housing and Public and Indian Housing programs only):**
- 1 = All other, including Section 8
 - 2 = Section 8(a) (Rent Supplement)
 - 3 = Section 8(b) (Rental Assistance)
 - 4 = Section 8(c) (Rental Voucher)
 - 5 = Section 8(d) (Rental Voucher)
 - 6 = Section 8(e) (Rental Voucher)
 - 7 = Public Indian Housing
 - 8 = Insured (Management)

Previous editions are obsolete.

(form HUD-2516 (9/98))

This report is to be completed by grantees, developers, sponsors, builders, agencies, and project owners for HUD funded and associated activities of \$10,000 or more under the following programs: Community Development Block Grants (entitlement and small cities); Urban Development Action Grants; Housing Development Grants; Multifamily, Insured and Noninsured; Public and Indian Housing Allocations; and contracts entered into by recipients of CDBG rehabilitation assistance. Contracts/subcontracts of less than \$10,000 need be reported only if such contracts represent a significant portion of your total contracting activity. Include only contracts executed during this reporting period.

This form has been modified to capture Section 3 contract data in columns 7g and 7i. Section 3 requires that the employment and other economic opportunities generated by HUD financial assistance for housing and community development programs shall, to the greatest extent feasible, be directed toward low- and very low-income persons, particularly those who are recipients of government assistance for housing. Recipients using this form to report Section 3 contract data must also use Part I of form HUD-60002 to report employment and training opportunities data. Form HUD-2516 is to be

Community Development Programs

1. **Grantee:** Enter the name of the unit of government submitting this report and submitting contract/subcontract data.

7a. **Grant Number:** Enter the HUD Community Development Block Grant Identification Number (when assigned). For example: B-32-MC-25-0004. For Entitlement Programs and Small City multi-year comprehensive programs, enter the latest approved grant number.

7b. **Amount of Contract/Subcontract:** Enter the dollar amount rounded to the nearest dollar. If subcontractor ID number is provided in 7i, the dollar figure would be for the subcontract only and not for the prime contract.

7c. **Type of Trade:** Enter the numeric codes which best indicate the contractor's subcontractor's service. If subcontractor ID number is provided in 7i, the type of trade code would be for the subcontractor only and not for the prime contractor. The other category includes supply, professional services and all other activities except construction and education/training activities.

7d. **Business Racial/Ethnic/Gender Code:** Enter the numeric code which indicates the racial/ethnic gender character of the owner(s) and contractor(s) of 51% of the business. When 51% or more is not owned and controlled by any single racial/ethnic/gender category, enter the code which seems most appropriate. If the subcontractor ID number is provided, the code would apply to the subcontractor and not to the prime contractor.

7e. **Woman Owned Business:** Enter Yes or No.

7f. **Contractor Identification (ID) Number:** Enter the Employer (IRS) Number of the Prime Contractor as the unique identifier for prime recipient of HUD funds. Note that the Employer (IRS) Number must be provided for each contract/subcontract awarded.

7g. **Section 3 Contractor:** Enter Yes or No.

7h. **Subcontractor Identification (ID) Number:** Enter the Employer (IRS) Number of the subcontractor as the unique identifier for each subcontract awarded from HUD funds. When the subcontractor ID Number is provided, the respective Prime Contractor ID Number must also be provided.

7i. **Section 3 Contractor:** Enter Yes or No.

7j. **Contractor/Subcontractor Name and Address:** Enter the information for each contractor/subcontractor as appropriate.

completed for public and Indian housing and most community development programs, from HUD-60002 is to be completed by all other HUD programs including State administered community development programs covered under Section 3.

4. **Section 3 contractor/subcontractor:** is a business concern that provides economic opportunities to low- and very low-income residents of the metropolitan area for community development activity, including a business concern that is 51 percent or more owned by low- or very low-income residents, employs a substantial number of low- or very low-income residents, or provides subcontracting or business development opportunities to business owners by low- or very low-income residents. Low- and very low-income residents include participants in YouthBuild programs established under Section D of Title IV of the Cranston-Gonzalez National Affordable Housing Act. The terms "low-income person" and "very low-income person" have the same meanings given the terms in section 301(2) of the United States Housing Act of 1937. Low-income persons mean families (including single persons) whose incomes do not exceed 80 per centum of the median income for the area, as determined by the Secretary, with adjustments for smaller and larger families, except that the Secretary

firm receiving contract/subcontract activity only one time or each report for each firm.

Multifamily Housing Programs

1. **Grant/Project Owner:** Enter the name of the unit of government, agency or mortgage entity submitting this report.

3. **Contact Person:** Same as item 3 under CPD Programs.

4. **Reporting Period:** Check only one period.

7a. **Grant/Project Number:** Enter the HUD Project Number or Housing Development Grant or number assigned.

7b. **Amount of Contract/Subcontract:** Same as item 7b, under CPD Programs.

7c. **Type of Trade:** Same as item 7c, under CPD Programs.

7d. **Business Racial/Ethnic/Gender Code:** Same as item 7d, under CPD Programs.

7e. **Woman Owned Business:** Enter Yes or No.

7f. **Contractor Identification (ID) Number:** Same as item 7f, under CPD Programs.

7g. **Section 3 Contractor:** Enter Yes or No.

7h. **Subcontractor Identification (ID) Number:** Same as item 7h, under CPD Programs.

7i. **Section 3 Contractor:** Enter Yes or No.

7j. **Contractor/Subcontractor Name and Address:** Same as item 7j, under CPD Programs.

may establish income ceilings higher or lower than 80 per centum of the median for the area on the basis of the Secretary's findings that such variations are necessary because of prevailing levels of construction costs or unusually high or low income families. Very low-income persons means low-income families (including single persons) whose incomes do not exceed 50 per centum of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than 50 per centum of the median for the area on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes.

Submit two (2) copies of this report to your local HUD Office within ten (10) days after the end of the reporting period you checked in item 4 on the form. Complete item 7i, only once for each contractor/subcontractor on each semi-annual report. Enter the prime contractor's ID in item 7f, for all contracts and subcontracts. Include only contracts executed during this reporting period. PHAs/HAs are to report all contract/subcontracts.

Public Housing and Indian Housing Programs

PHAs/HAs are to report all contract/subcontracts. Include only contracts executed during this reporting period.

1. **Project Owner:** Enter the name of the unit of government, agency or mortgage entity submitting this report. Check box as appropriate.

3. **Contact Person:** Same as item 3 under CPD Programs.

4. **Reporting Period:** Check only one period.

7a. **Grant/Project Number:** Enter the HUD Project Number or Housing Development Grant or number assigned.

7b. **Amount of Contract/Subcontract:** Same as item 7b, under CPD Programs.

7c. **Type of Trade:** Same as item 7c, under CPD Programs.

7d. **Business Racial/Ethnic/Gender Code:** Same as item 7d, under CPD Programs.

7e. **Woman Owned Business:** Enter Yes or No.

7f. **Contractor Identification (ID) Number:** Same as item 7f, under CPD Programs.

7g. **Section 3 Contractor:** Enter Yes or No.

7h. **Subcontractor Identification (ID) Number:** Same as item 7h, under CPD Programs.

7i. **Section 3 Contractor:** Enter Yes or No.

7j. **Contractor/Subcontractor Name and Address:** Same as item 7j, under CPD Programs.

Form HUD-2516 (6/98)

**Annual Performance Report
HOME Program**

**U.S. Department of Housing
and Urban Development**
Office of Community Planning
and Development

OMB Approval No. 2506-0171
(exp. 8/31/2009)

Public reporting burden for this collection of information is estimated to average 2.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

The HOME statute imposes a significant number of data collection and reporting requirements. This includes information on assisted properties, on the owners or tenants of the properties, and on other programmatic areas. The information will be used: 1) to assist HOME participants in managing their programs; 2) to track performance of participants in meeting fund commitment and expenditure deadlines; 3) to permit HUD to determine whether each participant meets the HOME statutory income targeting and affordability requirements; and 4) to permit HUD to determine compliance with other statutory and regulatory program requirements. This data collection is authorized under Title II of the Cranston-Gonzalez National Affordable Housing Act or related authorities. Access to Federal grant funds is contingent on the reporting of certain project-specific data elements. Records of information collected will be maintained by the recipients of the assistance. Information on activities and expenditures of grant funds is public information and is generally available for disclosure. Recipients are responsible for ensuring confidentiality when public disclosure is not required.

This form is intended to collect numeric data to be aggregated nationally as a complement to data collected through the Cash and Management Information (C/M) System. Participants should enter the reporting period in the first block. The reporting period is October 1 to September 30. Instructions are included for each section if further explanation is needed.

Submit this form on or before December 31.	This report is for period (mm/dd/yyyy)		Date Submitted (mm/dd/yyyy)
Send one copy to the appropriate HUD Field Office and one copy to: HOME Program, Rm 7176, 451 7th Street, S.W., Washington D.C. 20410	Starting	Ending	

Part I Participant Identification

1. Participant Number	2. Participant Name		
3. Name of Person completing this report		4. Phone Number (Include Area Code)	
5. Address	6. City	7. State	8. Zip Code

Part II Program Income

Enter the following program income amounts for the reporting period: in block 1, enter the balance on hand at the beginning; in block 2, enter the amount generated; in block 3, enter the amount expended; and in block 4, enter the amount for Tenant-Based rental Assistance.

1. Balance on hand at Beginning of Reporting Period	2. Amount received during Reporting Period	3. Total amount expended during Reporting Period	4. Amount expended for Tenant-Based Rental Assistance	5. Balance on hand at end of Reporting Period (1 + 2 - 3) = 5
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Part III Minority Business Enterprises (MBE) and Women Business Enterprises (WBE)

In the table below, indicate the number and dollar value of contracts for HOME projects completed during the reporting period.

	a. Total	Minority Business Enterprises (MBE)			
		b. Alaskan Native or American Indian	c. Asian or Pacific Islander	d. Black Non-Hispanic	e. Hispanic
A. Contracts					f. White Non-Hispanic
1. Number					
2. Dollar Amount					
B. Sub-Contracts					
1. Number					
2. Dollar Amount					
	a. Total	b. Women Business Enterprises (WBE)	c. Male		
C. Contracts					
1. Number					
2. Dollar Amount					
D. Sub-Contracts					
1. Number					
2. Dollar Amounts					

Part IV Minority Owners of Rental Property

In the table below, indicate the number of HOME assisted rental property owners and the total dollar amount of HOME funds in these rental properties assisted during the reporting period.

	a. Total	Minority Property Owners			f. White Non-Hispanic
		b. Alaskan Native or American Indian	c. Asian or Pacific Islander	d. Black Non-Hispanic	
1. Number					
2. Dollar Amount					

Part V Relocation and Real Property Acquisition

Indicate the number of persons displaced, the cost of relocation payments, the number of parcels acquired, and the cost of acquisition. The data provided should reflect only displacements and acquisitions occurring during the reporting period.

	a. Number	b. Cost
1. Parcels Acquired		
2. Businesses Displaced		
3. Nonprofit Organizations Displaced		
4. Households Temporarily Relocated, not Displaced		

Households Displaced	a. Total	Minority Business Enterprises (MBE)			f. White Non-Hispanic
		b. Alaskan Native or American Indian	c. Asian or Pacific Islander	d. Black Non-Hispanic	
5. Households Displaced - Number					
6. Households Displaced - Cost					

AIRPORT CONCESSION DISADVANTAGE BUSINESS PROGRAM (ACDBE)

OBJECTIVES/POLICY STATEMENT

The City of Fresno has established an Airport Concession Disadvantaged Business Enterprise (ACDBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 23. The City of Fresno is a primary airport and has received federal funds authorized for airport development after January 1988 (authorized under Title 49 of the United States Code). The City of Fresno has signed airport grant assurances that it will comply with 49 CFR Part 23.

It is the policy of the City of Fresno to ensure that ACDBEs as defined in Part 23, have an equal opportunity to receive and participate in concession opportunities. It is also our policy:

1. To ensure nondiscrimination in the award and administration of opportunities for concessions by airports receiving DOT financial assistance;
2. To create a level playing field on which ACDBEs can compete fairly for opportunities for concessions;
3. To ensure that our ACDBE program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet this part's eligibility standards are permitted to participate as ACDBEs at our airport(s);
5. To help remove barriers to the participation of ACDBEs in opportunities for concessions at our airport(s); and
6. To provide appropriate flexibility to our airports in establishing and providing opportunities for ACDBEs.

The Purchasing Manager has been designated as the ACDBE Liaison Officer (ACDBELO). In that capacity, Purchasing Manager is responsible for implementing all aspects of the ACDBE program. Implementation of the ACDBE program is accorded the same priority as compliance with all other legal obligations incurred by the City of Fresno in its financial assistance agreements with the Department of Transportation.

City of Fresno has disseminated this policy statement to the Fresno City Council and all of the components of our organization. We have distributed this statement to ACDBE and non-ACDBE concessionaire communities in our area.



City Manager



Date

SUBPART A – GENERAL REQUIREMENTS

OBJECTIVES

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

DEFINITIONS

The City of Fresno will use terms in this program that have the meaning defined in Section 23.3 and Part 26 Section 26.5 where applicable.

APPLICABILITY

The City of Fresno is a primary small hub airport and the sponsor of federal airport funds authorized for airport development after January 1988 that was authorized under Title 49 of the United States Code.

NON-DISCRIMINATION REQUIREMENTS

The City of Fresno 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 concession agreement, management contract or subcontract, purchase or lease agreement or other agreement covered by 49 CFR Part 23 on the basis of race, color, sex, or national origin.

In administering its ACDBE program, the City of Fresno 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 ACDBE program with respect to individuals of a particular race, color, sex, or national origin.

The City of Fresno acknowledges these representations are also in accordance with obligations contained in its Civil Rights, DBE and ACDBE Airport grant assurances.

The City of Fresno will include the following assurances in all concession agreements and management contracts it executes with any firm:

- (1) “This agreement is subject to the requirements of the U.S. Department of Transportation's regulations, 49 CFR Part 23. The concessionaire or contractor agrees that it will not discriminate against any business owner because of the owner's race, color, national origin, or sex in connection with the award or performance of any concession agreement, management contract, or subcontract, purchase or lease agreement, or other agreement covered by 49 CFR Part 23.
- (2) “The concessionaire or contractor agrees to include the above statements in any subsequent concession agreement or contract covered by 49 CFR Part 23, that it enters and cause those businesses to similarly include the statements in further agreements.”

COMPLIANCE AND ENFORCEMENT

The City of Fresno will comply with and is subject to the provisions of 49 CFR Part 26 (§§ 26.101, 26.105, 26.107 and 2 CFR Parts 180 and 1200.

The City of Fresno will comply with this Part or be subject to formal enforcement action under §26.105 or appropriate program sanctions, 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 actions consistent with 49 U.S.C. §§ 47106(d), 47111(d), and 47122.

2 C.F.R. Part 180, Government-wide Debarment and Suspension (Non-procurement), effective November 15, 2006, adopted and supplemented by DOT at 2 C.F.R. Part 1200, effective June 2, 2008, provides Office of Management and Budget (OMB) guidance for Federal agencies on the government-wide debarment and suspension system for non-procurement transactions, programs and activities. 2 C.F.R. Part 1200 adopts the OMB guidance in sub Parts A through I of 2 CFR Part 180, as supplemented by Part 1200, as the DOT policies and procedures for non-procurement suspension and debarment.

The City of Fresno's compliance with all requirements of this part 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.

The following enforcement actions apply to firms participating in the City of Fresno's ACDBE program:

- (a) For a firm that does not meet the eligibility criteria of subpart D of this part and that attempts to participate as an ACDBE on the basis of false, fraudulent, or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty, the DOT or the Federal Aviation Administration (FAA) may initiate suspension or debarment proceedings against the firm under 2 CFR parts 180 and 1200.
- (b) For a firm that, in order to meet ACDBE goals or other AC/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, DOT or FAA may initiate suspension or debarment proceedings against the firm under 2 CFR Parts 180 and 1200.
- (c) DOT may take enforcement action under 49 CFR Part 31, Program Fraud and Civil Remedies, against any participant in the ACDBE program whose conduct is subject to such action under 49 CFR Part 31.
- (d) DOT 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 an ACDBE in the Fresno Yosemite International Airport's ACDBE program or otherwise violates applicable Federal statutes.

Compliance reviews: The FAA may review the City of Fresno's compliance with this part at any time, including but not limited to, reviews of paperwork, on-site reviews, and review of the airport sponsor's monitoring and enforcement mechanism, as appropriate. The FAA Office of Civil Rights may initiate a compliance review based on complaints received.

Any person who knows of a violation of this part by the City of Fresno may file a complaint under 14 CFR Part 16 with the Federal Aviation Administration Office of Chief Counsel.

SUBPART B – ACDBE PROGRAMS

ACDBE PROGRAM UPDATES

The City of Fresno is a small hub primary airport required to have an ACDBE program.

As a condition of eligibility for FAA financial assistance, the City of Fresno will submit its ACDBE program and overall goals to FAA according to 23.45(a) of this section.

Until the City of Fresno's new ACDBE program is submitted and approved, we will continue to implement our ACDBE program that was in effect previously, except with respect to any provision that is contrary to 49 CFR Part 23.

This ACDBE program will be implemented at Fresno Yosemite International and Chandler Field.

Although this program document applies to all of the above Airports, as required by 23.21(c), we have established separate ACDBE goals for each primary airport (Attachments 4-1 D, 4-1 E).

When the City of Fresno makes significant changes to its ACDBE program, we will provide the amended program to the FAA for approval prior to implementing the changes.

ADMINISTRATIVE PROVISIONS

Policy Statement: The City of Fresno is committed to operating its ACDBE program in a nondiscriminatory manner.

The City of Fresno's Policy Statement is elaborated on the first page of this program.

ACDBE Liaison Officer (ACDBELO): We have designated the following individual as our ACDBELO: The Finance Purchasing Manager.

In that capacity, the ACDBELO is responsible for implementing all aspects of the ACDBE program and ensuring that the City of Fresno complies with all provision of 49 CFR Part 23. The ACDBELO has direct, independent access to the City Manager concerning ACDBE program matters. An organizational chart displaying the ACDBELO's position in the organization is found in Attachment 1A to this program.

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

1. Gathers and reports statistical data and other information as required by FAA or DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to ACDBEs in a timely manner.
5. Identifies contracts and procurements so that ACDBE goals are included in solicitations (both race-neutral methods and contract specific goals)
6. Analyzes the City of Fresno's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the CEO/governing body on ACDBE matters and achievement.
9. Chairs the ACDBE Advisory Committee.
10. Provides ACDBEs with information and assistance in preparing bids, obtaining bonding, financing, and insurance; acts as a liaison to the OSDBU-Minority Resource Center (MRC).
11. Plans and participates in ACDBE training seminars.
12. Acts as liaison to the Unified Certification Program (UCP) in California
13. Provides outreach to ACDBEs and community organizations to advise them of opportunities.

Directory: The City of Fresno through the California Unified Certification Program (UCP), maintains a Directory identifying all firms eligible to participate as DBEs and ACDBEs. The Directory lists the firm's name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as an ACDBE.

The UCP will ensure that the Directory lists each type of work for which a firm is eligible to be certified by using the most specific NAICS code available to describe each type of work. The UCP will make any changes to the current Directory entries necessary to meet the requirements of this paragraph.

The UCP revises the Directory. The City makes the Directory available as follows:

http://www.dot.ca.gov/hq/bep/find_certified.htm

ENSURING NONDISCRIMINATORY PARTICIPATION OF ACDBE FIRMS

The City of Fresno will take the following measures to ensure nondiscriminatory participation of ACDBEs in concessions, and other covered activities (23.25(a)).

The City of Fresno will seek ACDBE participation in all types of concession activities, rather than concentrating participation in one category or a few categories to the exclusion of others. (23.25(c))

The City of Fresno overall goal methodology and a description of the race-neutral measures it will use to meet the goals are described in Section 23.25 and Attachment 4 of the DBE plan. The goals are set consistent with the requirements of Subpart D. (23.25(b), (d))

If the City of Fresno projects that race-neutral measures alone, are not sufficient to meet an overall goal, it will use race-conscious measures as described in Section 23.25 (e) (1-2) and Attachment 5 and 6 of the DBE plan. (23.25(e))

The City of Fresno will require businesses subject to ACDBE goals at the airport (except car rental companies) to make good faith efforts to explore all available options to meet goals, to the maximum extent practicable, through direct ownership arrangements with ACDBEs. Section (23.25(f))

The City of Fresno will not use set-asides or quotas as a means of obtaining ACDBE participation. Section (23.25(g)).

REPORTING

We will retain sufficient basic information about our ACDBE program implementation, ACDBE certification and the award and performance of agreements and contracts to enable the FAA to determine our compliance with Part 23. This data will be retained for a minimum of three (3) years following the end of the concession agreement or other covered contract.

Beginning March 1, 2006, The City will submit to the FAA Regional Civil Rights Office, an annual ACDBE participation report using the form in Appendix A of Part 23.

COMPLIANCE AND ENFORCEMENT PROCEDURES

The City of Fresno will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 23.

1. We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in Section 26.107.
2. We will consider similar action under our own legal authorities, including responsibility determinations in future contracts. We have listed the regulations, provisions, and contract remedies available to us in the event of non-compliance with the ACDBE regulation by a participant in our procurement activities Section (26.37).

SUBPART C – CERTIFICATION AND ELIGIBILITY

We will use the procedures and standards of Part 26, except as provided in Section 23.31, for certification of ACDBEs to participate in our concessions program and such standards are incorporated herein.

The City of Fresno is the member of a Unified Certification Program (UCP) administered by State of California. The UCP will meet all of the requirements of this section.

The City of Fresno is a member of a Unified Certification Program (UCP) administered by the State of California. The Recipient is authorized to certify firms as defined in the State of California UCP.

The UCP's Directory of eligible DBEs specifies whether a firm is certified as a DBE for purposes of Part 26, and ACDBE for purposes of Part 23, or both.

Prior to entering into a new contract, extension, or option with a currently certified ACDBE, we will review their eligibility at that time (i.e., "as soon as possible") rather than waiting until the latest date allowed under Part 23.

We will treat a firm as a small business eligible to be certified as an ACDBE if its gross receipts, averaged over the firm's previous three fiscal years do not exceed \$56.42 million for non-car rental ACDBEs and \$75.23 million for car rental ACDBEs. The size standard for banks and other financial institutions is \$1 billion in assets, for pay telephone companies' is 1500 employees and for ACDBE automobile dealers is 350 employees.

The personal net worth standard used in determining eligibility for purposes of Part 23 is \$1.32 million.

We recognize that Personal net worth means the net value of the assets of an individual remaining after total liabilities are deducted. An individual's personal net worth (PNW) does not include the following:

- (1) The individual's ownership interest in an ACDBE firm or a firm that is applying for ACDBE certification;
- (2) The individual's equity in his or her primary place of residence; and
- (3) Other assets that the individual can document are necessary to obtain financing or a franchise agreement for the initiation or expansion of his or her ACDBE firm (or have in fact been encumbered to support existing financing for the individual's ACDBE business) to a maximum of \$5 million.

The effectiveness of this paragraph (3) of this definition is suspended with respect to any application for ACDBE certification made or any financing or franchise agreement obtained after June 20, 2012 Section (23.3)

An individual's personal net worth includes only his or her own share of assets held jointly or as community property with the individual's spouse.

Any person who has a personal net worth exceeding this amount is not a socially and economically disadvantaged individual, even if a member of a group otherwise presumed to be disadvantaged. (See 23.3 - *Personal Net Worth* definition and 23.35)

Any person who has a personal net worth exceeding this amount is not a socially and economically disadvantaged individual, even if a member of a group otherwise presumed to be disadvantaged. (See Section 23.3 - *Personal Net Worth* definition and Section 23.35)

It is presumed that a firm that is certified as a DBE under Part 26 is eligible to participate as an ACDBE. However, before certifying such a firm, the City will ensure that the disadvantaged owners of a DBE certified under Part 26 are able to control the firm with respect to its activity in our concessions program. We are not obligated to certify a Part 26 DBE as an ACDBE if the firm does not perform work relevant to our concessions program. (23.37).

The City recognizes that the provisions of Part 26, Sections 26.83(c) (2-6) do not apply to certifications for purposes of Part 23. The City will obtain resumes or work histories of the principal owners of the firm and personally interview these individuals. The City will analyze the ownership of stock of the firm, if it is a corporation. The City will analyze the bonding and financial capacity of the firm. The City will determine the work history of the firm, including any concession contracts or other contracts it may have received. The City will compile a list of the licenses of the firm and its key personnel to perform the concession contracts or other contracts it wishes to receive. The City will obtain a statement from the firm of the types of concessions it prefers to operate or the type of other contracts it prefers to perform. The City will ensure that the ACDBE firm meets the applicable size standard (Section 23.39(a)(b)).

The City acknowledges that a prime contractor includes a firm holding a prime contract with an airport concessionaire to provide goods or services to the concessionaire or a firm holding a prime concession agreement with a recipient. The City recognizes that the eligibility of Alaska Native Corporations (ANC) owned firms for purposes of Part 23 is governed by Part 26, Section 26.73(h) (Section 23.39(c)(d)).

The City will use the certification standards of Part 23 to determine the ACDBE eligibility of firms that provide goods and services to concessionaires (Section 23.39(i))

In instances when the eligibility of a concessionaire is removed after the concessionaire has entered into a concession agreement because the firm exceeded the size standard or the owner has exceeded the PNW standard, and the firm in all other respects remains an eligible DBE, the City may continue to count the concessionaire's participation toward ACDBE goals during the remainder of the current concession agreement. The City will not count the concessionaire's participation toward ACDBE goals beyond the termination date for the concession agreement in effect at the time of the decertification (Section 23.39(e)).

The City will use the Uniform Application Form found in Appendix F of Part 26 with additional instruction as stated in Section 23.39(g), see Exhibit "B".

SUBPART D – GOALS, GOOD FAITH EFFORTS, AND COUNTING

BASIC OVERALL GOAL REQUIREMENT

The City of Fresno will establish two separate overall ACDBE goals; one for car rentals and another for concessions other than car rentals. The overall goals will cover a three (3) year period. The sponsor will review the goals annually to make sure the goal continues to fit the sponsor's circumstances. The City will report any significant overall goal adjustments to the FAA.

If the average annual concession revenues for car rentals over the preceding three (3) years do not exceed \$200,000, the City will need not submit an overall goal for car rentals. Likewise, if the average annual concession revenues for concessions other than car rentals over the preceding three (3) years do not exceed \$200,000, the City will need not submit an overall goal for concessions other than car rentals. The City understands that "revenue" means total revenue generated by concessions, not the fees received by the airport from concessionaires.

The Recipient's overall goals will provide for participation by all certified ACDBEs and will not be subdivided into group-specific goals.

CONSULTATION IN GOAL SETTING

The City of Fresno consults with stakeholders before submitting the overall goals to the FAA. Stakeholders will include, but not be limited to, minority and women's business groups, community organizations, trade associations representing concessionaires currently located at the airport, as well as existing concessionaires themselves, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged businesses, the effects of discrimination on opportunities for ACDBEs, and the sponsors efforts to increase participation of ACDBEs.

When submitting our overall goals, the City will identify the consulted stakeholders and provide a summary of the information obtained from the stakeholders.

OVERALL GOALS

The sponsor is a small hub primary airport. As a condition of eligibility for FAA financial assistance, the sponsor will submit its overall goals according to the following schedule:

Primary Airport Size	Region	Date Due	Period Covered	Next Goal Due
Large/Medium Hubs	All regions	2014	2015/2016/2017	October 1, 2017 (2018/2019/2020)
Small Hubs	All regions	2015	2016/2017/2018	October 1, 2018 (2019/2020/2021)
Non-Hubs	All regions	2013	2014/2015/2016	October 1, 2016 (2017/2018/2019)

If a new concession opportunity arises at a time that falls between the normal submission dates above and the estimated average of annual gross revenues are anticipated to be \$200,000 or greater, the sponsor will submit an appropriate adjustment to our overall goal to FAA for approval no later than 90 days before issuing the solicitation for the new concession opportunity Section (23.45i)

The sponsor will establish overall goals in accordance with the 2-Step process as specified in Section 23.51. After determining the total gross receipts for the concession activity, the first step is to determine the relative availability of ACDBEs in the market area, "base figure". The second step is to examine all relevant evidence reasonably available in the sponsor's jurisdiction to determine if an adjustment to the Step 1 "base figure" is necessary so that the goal reflects as accurately as possible the ACDBE participation the sponsor would expect in the absence of discrimination. Evidence may include, but is not limited to past participation by ACDBEs, a disparity study, evidence from related fields that affect ACDBE opportunities to form, grow, and compete (such as statistical disparities in ability to get required financing, bonding, insurance; or data on employment, self-employment, education, training and union apprenticeship)

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

A description of the methodology to calculate the overall goal for car rentals, and other than car rental goal calculations that the City relied on can be found in ACDBE, attachments 4-1 D and 4-1 E.

A description of the methodology to calculate the overall goal for concessions other than car rentals, the goal calculations, and the data the City relied on can be found in ACDBE attachments 4-1.

PROJECTION OF ESTIMATED RACE-NEUTRAL & RACE-CONSCIOUS PARTICIPATION

The breakout of estimated race-neutral and race-conscious participation can be found with the goal methodology in ACDBE Attachment 6. This section of the program will be reviewed annually when the goal calculation is reviewed under Section 23.41(c).

CONCESSION SPECIFIC GOALS

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

We will establish concession specific goals only on those concessions that have direct ownership arrangements (except car rentals), sublease, or subcontracting possibilities. We will require businesses subject to ACDBE goals at the airport (except car rental companies) to make good faith efforts to explore all available options to meet goals, to the maximum extent practicable, through direct ownership arrangements with DBEs Section (23.25 (f)). Car rental firms are not required to change their corporate structure to provide for direct

ownership arrangements. In the case of a car rental goal, where it appears that all or most of the goal is likely to be met through the purchases by car rental companies of vehicles or other goods or services from ACDBEs, one permissible alternative is to structure the goal entirely in terms of purchases of goods and services.)

The City does not need to establish a concession specific goal on every such concession, and the size of concession specific goals will be adapted to the circumstances of each such concession (e.g., type and location of concession, availability of ACDBEs.)

If the objective of a concession specific goal is to obtain ACDBE participation through direct ownership with an ACDBE, the City of Fresno will calculate the goal as a percentage of the total estimated annual gross receipts from the concession Section (23.25(e)(1)(i))

If the concession specific goal applies to purchases and/or leases of goods and services, the City of Fresno will calculate the goal by dividing the estimated dollar value of such purchases and/or leases from ACDBEs by the total estimated dollar value of all purchases to be made by the concessionaire Section (23.25(e)(1)(ii))

GOOD FAITH EFFORTS ON CONCESSION SPECIFIC GOALS

To be eligible to be awarded a concession that has a concession specific goal; bidders/offerors must make good faith efforts to meet the goal. A bidder/offeror may do so either by obtaining enough ACDBE participation to meet the goal or by documenting that it made sufficient good faith efforts to do so Section (23.25(e)(1)(iv)). Examples of good faith efforts are found in Appendix A to 49 CFR Part 26. The procedures applicable to 49 CFR Sections 26.51 and 26.53, regarding contract goals apply to the City of Fresno's concession specific goals. Specifically,

Demonstration of good faith efforts the following personnel are responsible for determining whether a concessionaire who has not met the concession specific goal has documented sufficient good faith efforts to be regarded as responsible, ensuring that all information is complete and accurate and adequately documents the bidder/offeror's good faith efforts before we commit to the concession agreement with the bidder/offeror.

Information to be submitted:

The City of Fresno treats bidder/offeror's compliance with good faith effort requirements as a matter of responsibility.

Each solicitation for which a concession specific goal has been established will require the concessionaires to submit the following information:

1. The names and addresses of ACDBE firms or ACDBE suppliers of goods and services that will participate in the concession;
2. A description of the work that each ACDBE will perform;
3. The dollar amount of the participation of each ACDBE firm/supplier participating;
4. Written and signed documentation of commitment to use a ACDBE whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the ACDBE that it is participating in the concession as provided in the prime concessionaire's commitment and
6. If the contract goal is not met, evidence of good faith efforts

ADMINISTRATIVE RECONSIDERATION

Within five (5) days of being informed by the City of Fresno that it is not responsible because it has not documented sufficient good faith efforts, a concessionaire may request administrative reconsideration. Concessionaire should make this request in writing to the following reconsideration official. The reconsideration official will not have played any role in the original determination that the concessionaire did not document sufficient good faith efforts.

As part of this reconsideration, the concessionaire 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 concessionaire will have the opportunity to meet in person with our reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do. The City will send the concessionaire a written decision on reconsideration, explaining the basis for finding that the concessionaire did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the DOT.

GOOD FAITH EFFORTS WHEN AN ACDBE IS REPLACED ON A CONCESSION

The City of Fresno will require a concessionaire to make good faith efforts to replace an ACDBE that is terminated or has otherwise failed to complete its concession agreement, lease, or subcontract with another certified ACDBE, to the extent needed to meet the concession specific goal. The City will require the concessionaire to notify the ACDBELO immediately of the ACDBEs inability or unwillingness to perform and provide reasonable documentation.

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

SAMPLE PROPOSAL/BID SPECIFICATION:

The requirements of 49 CFR Part 23, regulations of the DOT, applies to this concession. It is the policy of the City of Fresno 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 concession will be conditioned upon satisfying the requirements of this proposal/bid specification. These requirements apply to all concessions firms and suppliers, including those who qualify as an ACDBE. An ACDBE concession specific goal of **0.0%** percent of (*annual gross receipts; value of leases and/or purchases of goods and services*) has been established for this concession. The concession firm shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 , see Attachment 5-F, to meet the concession specific goal for ACDBE participation in the performance of this concession.

ACDBE PARTICIPATION IN THE PERFORMANCE OF THIS CONTRACT.

The concession firm will be required to submit the following information: (1) the names and addresses of ACDBE firms and suppliers that will participate in the concession, (2) A description of the work that each ACDBE will perform; (3) The dollar amount of the participation of each ACDBE firm participating; (4) Written and signed documentation of commitment to use a ACDBE whose Participation it submits to meet a contract goal; (5) Written and signed confirmation from the ACDBE that it is participating in the concession as provided in the prime concessionaire's commitment; and (6) If the contract goal is not met, evidence of good faith efforts.

COUNTING ACDBE PARTICIPATION FOR CAR RENTAL GOALS

The City will count ACDBE participation toward overall goals other than car rental as provided in 49 CFR Section 23.53.

COUNTING ACDBE PARTICIPATION FOR CONCESSIONS OTHER THAN CAR RENTALS

The City will count ACDBE participation toward overall goals other than car rental as provided in 49 CFR Section 23.55.

GOAL SHORT FALL ACCOUNTABILITY.

If the awards and commitments on our Uniform Report of ACDBE participation (found in Appendix A to this part) at the end of any fiscal year are less than the overall goal applicable to that fiscal year, the City will:

- (1) Analyze in detail the reasons for the difference between the overall goal and our awards and commitments in that fiscal year;
- (2) Establish specific steps and milestones to correct identified problems to enable the City to fully meet its goal for the new fiscal year;

QUOTAS OR SET-ASIDES

The City will not use quotas or set-asides as a means of obtaining ACDBE participation.

SUBPART E – OTHER PROVISIONS

EXISTING AGREEMENTS

The City will assess potential for ACDBE participation when an extension or option to renew an existing agreement is exercised, or when a material amendment is made. The City will use any means authorized by Part 23 to obtain a modified amount of ACDBE participation in the renewed or amended agreement.

LONG-TERM EXCLUSIVE AGREEMENTS

The City will not enter into long-term exclusive agreements for concessions without prior approval of the FAA Regional Civil Rights Office. The City understands that a “long-term” agreement is one having a term of longer than 5 years. The City understands that an “exclusive” agreement is one in which an entire category of a particular business opportunity is limited to a single business entity. If special, local circumstances exist that make it important to enter into a long-term and exclusive agreement, the City will submit detailed information to the FAA Regional Civil Rights Office for review and approval.

GEOGRAPHIC PREFERENCES

The City will not use a “local geographic preference”, i.e., any requirement that gives an ACDBE located in one place an advantage over ACDBEs from other places in obtaining business as, or with, a concession at your airport.

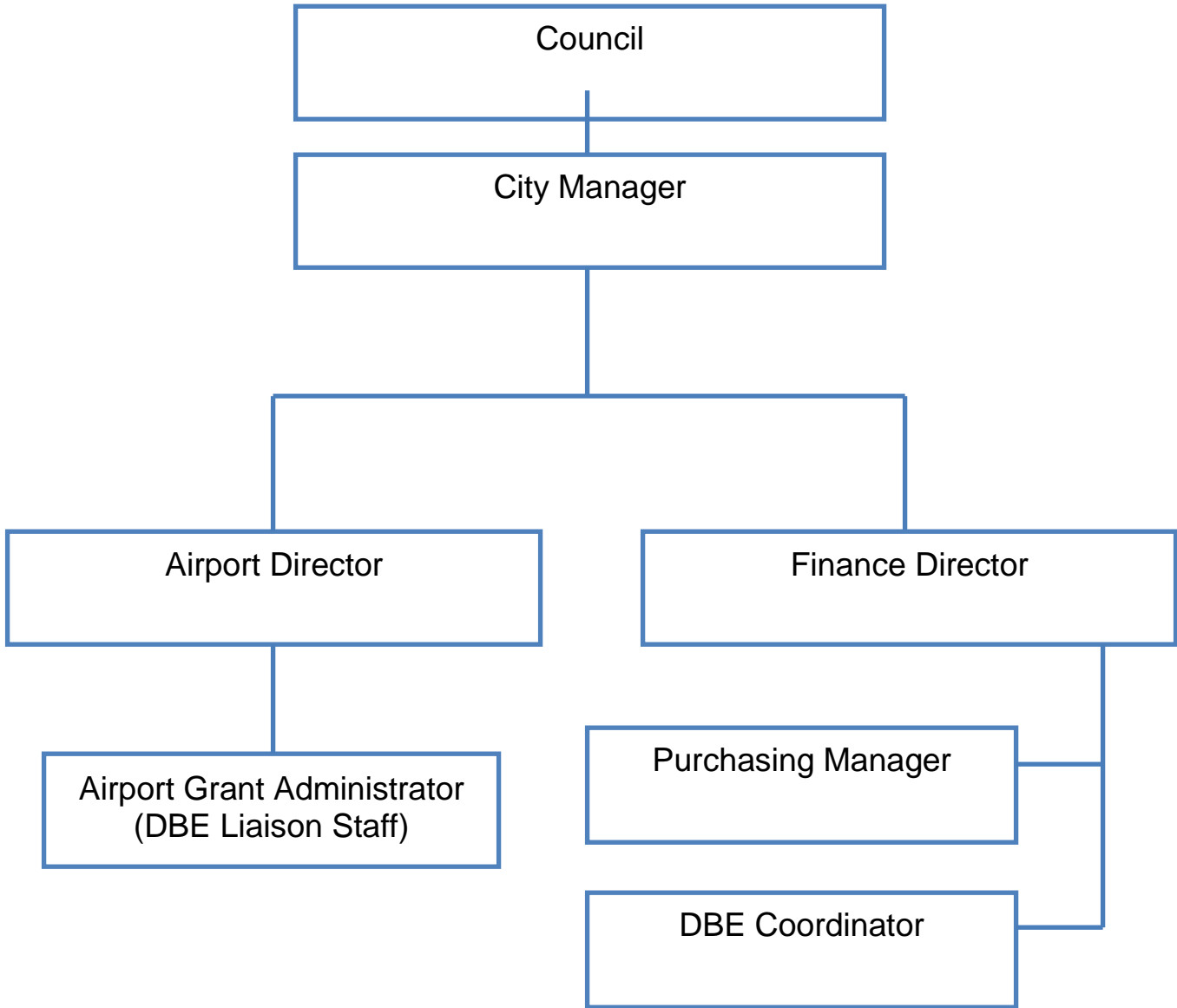
ATTACHMENTS

Attachment 1-A	Organizational Chart
Attachment 2-B	DBE/ACDBE Directory (website link)
Attachment 3-C	Monitoring and Enforcement Mechanisms
Attachment 4-1	Overall Goal Calculation for FAA – Assisted Projects
Attachment 4-1D	Overall Goals for Concessions other than Car Rental Calculation,
Attachment 4-1E	Overall Goals for Car Rentals Calculation,
Attachment 5-F	Form 1 & 2 Demonstration of Good Faith Efforts
Attachment 6-G	Certification Application Forms
Attachment 7-H	Procedures for Removal of ACDBEs Eligibility
Attachment 8-I	Regulations: 49 CFR Part 23
Attachment 9-J	Goals and Elements for Privately-Owned or Leased Terminal Buildings

ATTACHMENT 1-A

Organizational Chart

Fresno Yosemite International Airport



Attachment 2-B

DBE/ACDBE DIRECTOR

The California Unified Certification Program (CUCP) provides “one-stop shopping” certification services to small, minority and women businesses seeking to participate in the United States Department of Transportation [Disadvantaged Business Enterprise](#) (DBE) Program.

See, website: www.californiaucp.org or contact the DBE COORDINATOR.

Attachment 3-C

Section 26.37 MONITORING AND ENFORCEMENT MECHANISMS **[49 CFR PARTS 23 AND 26]**

The City of Fresno will utilize the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Parts 23 and 26.

The City of Fresno will bring to the attention of DOT any false, fraudulent, or dishonest conduct in connection with the DBE Program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in Part 26, § 26.109.

The City of Fresno will also consider similar action under our own legal authorities, including responsibility determinations in future contracts, see also Attachment 3 which lists the regulation, provisions, and contract remedies available to the City of Fresno in the event of non-compliance with the DBE regulation by a participant in our procurement activities

Attachment 4-1
Overall Goal Calculation for FAA-Assisted Projects

The Fresno Yosemite International Airport (FYIA) submits its individual triennial overall DBE goal and methodology to the Federal Aviation Administration.

CALCULATION / EXPLANATION FOR FY 2015-2017 ANNUAL ANTICIPATED DBE PARTICIPATION LEVEL (AADPL)
FOR FAA - FUNDED PROJECTS

ACTUAL CALCULATIONS FOR ANTICIPATED PROJECTS AND OTHER PROCUREMENT FOR FAA FUNDING FOR FY 2015-2017

USING CITY-WIDE BIDDERS LIST

PROJECTS AVAILABLE	ESTIMATED COST OF WORK	PERCENT OF TOTAL COST	NUMBER OF DBE CONTRACTORS	NUMBER OF NON-DBE CONTRACTORS	TOTAL NUMBER OF CONTRACTORS	PERCENTAGE OF DBEs TO ALL BUSINESS	BASE DBE PERCENTAGE
"A"	"B"	"C"	"D"	"E"	"F"	"G"	"H"
NOISE PROGRAM	\$2,222,222.00	0.09220	0	95	96	0.000	0.0000
PAVEMENT MANAGEMENT PLAN UPDATE	\$110,000.00	0.00456	5	15	10	0.500	0.0023
ACQUIRE ARFF VEHICLE	\$1,100,000.00	0.04564	0	0	5	0.000	0.0000
NOISE EXPOSURE MAP UPDATE	\$400,000.00	0.01660	5	15	20	0.250	0.004
REHAB COMMERCIAL APRON, TAXIWAYS – DESIGN	\$2,450,000.00	0.10165	5	15	20	0.250	0.025
REHAB COMMERCIAL APRON, TAXIWAYS – CONSTRUCTION	\$17,350,000.00	0.71985	15	96	96	0.156	0.112
OBSTRUCTION REMOVAL, DEMO RESIDENCES	\$260,000.00	0.01079	15	96	96	0.156	0.002
UPDATE LAND USE PLANS	\$60,000.00	0.00249	5	90	96	0.052	0.000
BEACON/TOWER REPLACEMENT	\$150,000.00	0.00622	0	15	15	0.000	0.0000
TOTAL PROJECT COST	\$24,102,222.00	1.00	50	437	454	11.01%	14.61%

2015-2017 FY Airports Program - Anticipated FAA Funded Projects

Table A.2

PROJECTS			PAVEMENT MANAGEMENT PLAN UPDATE	NOISE EXPOSURE MAP UPDATE, LAND USE MAP UPDATE	REHAB COMMERCIAL APRON, TAXIWAYS - DESIGN	REHAB COMMERCIAL APRON, TAXIWAYS - CONSTRUCTION	Total in Work Category
Work Categories							
Asphalt Concrete NAICS 237310						\$17,350,000	\$17,350,000
Land Use Studies 541360							
Asphalt/Structural Concrete Design 541330							
Map Drafting 541340				\$460,000			
Engineering Services 541330			\$60,000		\$2,450,000		
TOTALS			\$60,000	\$460,000	\$2,450,000	\$17,350,000	\$20,320,000

CALCULATION OF BASE FIGURE FOR ANTICIPATED PROJECTS FY 2015-2017 FAA FUNDED

Table A.1

Work Category	Total \$s In Category A	Percent of total \$s (A/Total) B	Number of DBEs in Market Area From CUCP Data Base C	Number of Non- DBEs in Market Area (E minus D) D	Total Contractors in Market Area From Census Data E	Before Weighting % DBEs (C/E) F	Weighted Base Figure (B * F) G
Asphalt Concrete NAICS 237310	\$17,350,000	0.8538	15	102	165	0.0909	0.077621689
541360							
541330							
TOTALS	\$20,320,000	0.8538	15	102	165	9.09%	7.76%

Attachment 4-1 D
Overall Goal for Car Rentals Calculation



**CALIFORNIA UNIFIED
CERTIFICATION PROGRAM (CUCP)**

CITY OF FRESNO
FINANCE DEPARTMENT, PURCHASING DIVISION, DBE PROGRAM
2600 FRESNO STREET, ROOM 2156
FRESNO, CA 93721

559-621-7103 Phone
559-488-1069 FAX

October 15, 2015

SENT VIA E-MAIL

Ms. Patricia Wright
Civil Rights Officer
Federal Aviation Administration - FAA
15000 Aviation Blvd., AWP-9
Lawndale, CA 90261

**SUBJECT: RENTAL CAR ACDBE GOALS FOR FISCAL YEAR 2016-2018 IN
ACCORDANCE WITH 49 CFR, PART 26 and 23**

Dear Ms. Wright:

In accordance with the requirements of the U.S. Department of Transportation, 49 CFR Part 23 and 26, an Rental Car Airport Concession Disadvantaged Business Enterprise (DBE) goal of 1% for Federal Fiscal Years (FFY) 2016-2018 is submitted for your review and approval. The following documents are attached:

- I. Explanation of Methodology for Overall Goal Calculation for FFY 2016-18. Pages 1 and 2
- II. Calculation of Base Figure for Anticipated Projects for FFY 2016-18. Tables A.1, A.2 and A.3

The public notification will be posted in the Fresno Bee and sent to the various Chambers of Commerce for comments. Verification of publication to follow.

Considering that all concessions in FFY 2016-2018 are currently Race Neutral, DBE goals are not required in individual contracts and the "1% goal" is in reality a measure of the available DBE's in our market area and actual participation for the past five fiscal years. Public participation was not incorporated into the process of determining the availability level however a notice will be published in the Fresno Bee and on the City of Fresno's Airports Department website. A copy of the goal calculation will also be sent to the various Chambers of Commerce for comment.

If you need additional information please contact me at 621-7103, or by e-mail at Gary.Watahira@fresno.gov

Sincerely,

Gary Watahira
for Gary Watahira
Purchasing Manager/DBE Liaison Officer
cc: Airports, Administration



EXPLANATION OF METHODOLOGY FOR OVERALL ACDBE RENTAL CAR GOAL CALCULATION
FY 2016-2018

Section 26.45: Overall Goal Calculation

Amount of Goal

The City of Fresno’s overall ACDBE goal for rental car concessions for FY 2016-2018 is **1.0%**.

Methodology used to Calculate Overall Goal

Following is a summary of the Methodology used to calculate and establish our Overall ACDBE Goal for FY 2016-2018: The City utilized the prescribed 26.45 two-step process of **Step 1: 26.45(c)** determining a base figure for the relative availability of DBEs for the Fresno area, and **Step 2: 26.45(d)** after calculating a base figure of the relative availability of DBEs, examining evidence to determine what adjustment was needed to the base figure in order to arrive at the overall goal.

Step 1: 26.45(c) Actual relative availability of ACDBEs. - Base Figure

There are no DBE/ACDBE firms in Fresno and the surrounding areas who are ready, willing and able to provide a service at FAT.

The data source or demonstrable evidence used to derive the numerator was US Census Data and DBE directories.

The City used the US Census data for the majority of the NAICS Codes listed in the attached Table A.1, **“Calculation/Explanation of Base Figure for Anticipated ACDBE Participation for FY 2016-2018”**. We used DBE Directories to determine the number of ACDBEs in the market area (numerator) relative to the number of all businesses in the market that perform work in the work categories (denominator). Although weighting is not required, we continued our calculations to include weighting and used the Base Figure after weighting. Table A.1 lists the opportunities. These figures were used in the weighting on Table A.2, column G.

We determined the base figure for the relative availability of ACDBEs - DBEs in the market relative to the number of all businesses available in the market that perform work in the same work category required for participation in the projects. Table A.1.

$$\text{Base Figure Before Weighting} = \frac{\text{Number of Available DBEs in NAICS Categories}}{\text{Total of All firms in NAICS Categories}} = \frac{0}{258} = 0.0\%$$

The total of Column I, **0.0%** is the **Base Figure Before Weighting**. The total of available DBEs in the work categories, Column H, was divided by the total number all firms in the NAICS categories, Row 5.

Weighting: See Table A.2:

We divided the estimated dollars to be expended in each category by the estimate of total dollars divided by the number of available ACDBE firms to arrive at a percentage - Column C. We then multiplied DBE availability (Column F) by the percent of total estimated procurement dollars in work category (Column C) resulting in the Base Figure after Weighting (Column G) C x F = G Total of Column H = Base Figure After Weighting

Base Figure after Weighting = DBE Availability % times Percent of Total estimated Procurement dollars in work category. C x F = **Base Figure after Weighting of 0.0% (Total of Column H)**

The **Base Figure Before Weighting**, the percentage of the total DBEs to the total number of firms available in the work categories is **0.0%**. The **Base Figure After Weighting**, the percentage of DBEs weighted by the percentage of work in each category, is **0.0%**

The **Base Figure Before Weighting**, the percentage of the total DBEs to the total number of firms available in the work categories is 0.4%. The **Base Figure After Weighting**, the percentage of DBEs weighted by the percentage of work in each category, is 0.8%

Step 2: 26.45(d) Adjustment to Step 1 goal, to make it more precise.

After calculating a base figure of the relative availability of DBEs, evidence was examined to determine what adjustment was needed to the base figure in order to arrive at the overall goal.

Past Participation of ACDBEs: 2010 0%, 2011 0%, 2012 0%, 2013 0%, 2014, 0%

The average of past five years of DBE participation in FAA-assisted projects is 0.0%.

1. The base figure= 0.4 %
2. Median past participation level = 0 %
3. The projected ACDBE participation for FFY 2016 to FFY 2018, based on revenue projections, is anticipated to be approximately 0 %.
4. An average of the factors above provides us with a realistic and logical method of establishing our overall ACDBE goal. The average of these numerical indicators equates to approximately $(0.4 + 0.8 + 0)/3 = 0.5\%$.

Based on an examination of past participation leads to an overall goal of 0.0% for FY 2016 - 2018.

Race Neutral ACDBE Program

All contracts for FY 2016 - 2018 will be race neutral. The City will use only race neutral measures to facilitate DBE participation. The City of Fresno also does quarterly workshops on "How to Do Business with the City of Fresno" and "The DBE Program and How it Works". The City also presents workshops at SCORE, the Small Business Development Center, the Small Business Development Day workshops held by the City, attends various ethnic based Chambers of Commerce meetings, and is a DBE certifying agency. The Fresno Area Hispanic Chamber of Commerce has been working with FAT staff to contract with a local restaurant to service the International passengers.

The City of Fresno has posted the annual goal for the concession contracts in the Fresno Bee, the City's Airport website and forwarded to the various Chambers of Commerce for review.

Attachment 4-1 E

Overall Goal for Concessions other than Car Rental Calculation



EXPLANATION OF METHODOLOGY FOR OVERALL ACDBE CONCESSIONS OTHER THAN CAR RENTAL GOAL CALCULATION FY 2016-2018

Section 26.45: Overall Goal Calculation

Amount of Goal

The City of Fresno's overall ACDBE goals for other than rental car concessions for FY 2016-2018 is **0.0%**.

Methodology used to Calculate Overall Goal

Following is a summary of the Methodology used to calculate and establish our Overall ACDBE Goal for FY 2016-2018: The City utilized the prescribed 26.45 two-step process of **Step 1: 26.45(c)** determining a base figure for the relative availability of DBEs for the Fresno area, and **Step 2: 26.45(d)** after calculating a base figure of the relative availability of DBEs, examining evidence to determine what adjustment was needed to the base figure in order to arrive at the overall goal.

Step 1: 26.45(c) Actual relative availability of ACDBEs. - Base Figure

There are no DBE/ACDBE firms in Fresno and the surrounding areas who are ready, willing and able to provide a service at FAT. The majority of the Airport concessions are large chain firms such as Hudson News, HMS Host/Anton Foods, FS&S and Interspace Airport Advertising. The only local concessionaire is the barber shop whose owner does not wish to be certified as a DBE although he qualifies.

The data source or demonstrable evidence used to derive the numerator was US Census Data and DBE directories.

The City used the US Census data for the of the NAICS Codes listed in the attached Table A.1, "**Calculation/Explanation of Base Figure for Anticipated ACDBE Participation for FY 2016-2018**". We used DBE Directories to determine the number of ACDBEs in the market area (numerator) relative to the number of all businesses in the market that perform work in the work categories (denominator). Although weighting is not required, we continued our calculations to include weighting and used the Base Figure after weighting. Table A.1 lists the opportunities. These figures were used in the weighting on Table A.2, column G.

We determined the base figure for the relative availability of ACDBEs - DBEs in the market relative to the number of all businesses available in the market that perform work in the same work category required for participation in the projects.

Base Figure Before Weighting: See Table A.1

$$\begin{array}{l} \text{Base Figure} \\ \text{Before Weighting} \end{array} = \frac{\text{Number of Available DBEs in NAICS Categories}}{\text{Total of All firms in NAICS Categories}} = \frac{4}{1110} = 0.4\%$$

The total of Column H, **0.4%** is the **Base Figure Before Weighting**. The total of available DBEs in the work categories, Row 4, was divided by the total number of all firms in the NAICS categories, Row 5.

Weighting: See Table A.2:

We divided the estimated dollars to be expended in each category by the estimate of total dollars divided by the number of available ACDBE firms to arrive at a percentage - Column C. We then multiplied DBE availability (Column F) by the percent of total estimated procurement dollars in work category (Column C) resulting in the Base Figure after Weighting (Column H) $C \times F = G$ Total of Column H = Base Figure After Weighting

Base Figure after Weighting = DBE Availability multiplied by the Percentage of Total estimated Procurement dollars in work category. $C \times F =$ **Base Figure after Weighting of .8% (Total of Column H)**



**EXPLANATION OF METHODOLOGY FOR OVERALL ACDBE CONCESSIONS
OTHER THAN CAR RENTAL GOAL CALCULATION
FY 2016-2018**

Section 26.45: Overall Goal Calculation

Amount of Goal

The City of Fresno’s overall ACDBE goals for other than rental car concessions for FY 2016-2018 is **0.0%**.

Methodology used to Calculate Overall Goal

Following is a summary of the Methodology used to calculate and establish our Overall ACDBE Goal for FY 2016-2018: The City utilized the prescribed 26.45 two-step process of **Step 1: 26.45(c)** determining a base figure for the relative availability of DBEs for the Fresno area, and **Step 2: 26.45(d)** after calculating a base figure of the relative availability of DBEs, examining evidence to determine what adjustment was needed to the base figure in order to arrive at the overall goal.

Step 1: 26.45(c) Actual relative availability of ACDBEs. - Base Figure

There are no DBE/ACDBE firms in Fresno and the surrounding areas who are ready, willing and able to provide a service at FAT. The majority of the Airport concessions are large chain firms such as Hudson News, HMS Host/Anton Foods, FS&S and Interspace Airport Advertising. The only local concessionaire is the barber shop whose owner does not wish to be certified as a DBE although he qualifies.

The data source or demonstrable evidence used to derive the numerator was US Census Data and DBE directories.

The City used the US Census data for the of the NAICS Codes listed in the attached Table A.1, “**Calculation/Explanation of Base Figure for Anticipated ACDBE Participation for FY 2016-2018**”. We used DBE Directories to determine the number of ACDBEs in the market area (numerator) relative to the number of all businesses in the market that perform work in the work categories (denominator). Although weighting is not required, we continued our calculations to include weighting and used the Base Figure after weighting. Table A.1 lists the opportunities. These figures were used in the weighting on Table A.2, column G.

We determined the base figure for the relative availability of ACDBEs - DBEs in the market relative to the number of all businesses available in the market that perform work in the same work category required for participation in the projects.

Base Figure Before Weighting: See Table A.1

$$\begin{array}{l} \text{Base Figure} \\ \text{Before Weighting} \end{array} = \frac{\text{Number of Available DBEs in NAICS Categories}}{\text{Total of All firms in NAICS Categories}} = \frac{4}{1110} = 0.4\%$$

The total of Column H, **0.4%** is the **Base Figure Before Weighting**. The total of available DBEs in the work categories, Row 4, was divided by the total number of all firms in the NAICS categories, Row 5.

Weighting: See Table A.2:

We divided the estimated dollars to be expended in each category by the estimate of total dollars divided by the number of available ACDBE firms to arrive at a percentage - Column C. We then multiplied DBE availability (Column F) by the percent of total estimated procurement dollars in work category (Column C) resulting in the Base Figure after Weighting (Column H) $C \times F = G$ Total of Column H = Base Figure After Weighting

Base Figure after Weighting = DBE Availability multiplied by the Percentage of Total estimated Procurement dollars in work category. $C \times F =$ **Base Figure after Weighting of .8% (Total of Column H)**

Attachment 5-F

Forms 1 & 2 for Demonstration of Good Faith Efforts

FORM 1: AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE (ACDBE) UTILIZATION

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

_____ The bidder/offeror is committed to a minimum of _____ % ACDBE utilization on this contract.

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

Name of bidder/offeror's firm: _____

State Registration No. _____

By _____
(Signature) Title

FORM 2: LETTER OF INTENT

Name of bidder/offeror's firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of ACDBE firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Description of work to be performed by ACDBE firm:

The bidder/offeror is committed to utilizing the above-named ACDBE firm for the work described above. The estimated dollar value of this work is \$ _____.

Affirmation

The above-named ACDBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above.

By _____
(Signature) (Title)

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

(Submit this page for each ACDBE subcontractor.)

Attachment 6-G

ACDBE Certification Application Form

<http://osdbu.dot.gov/DBEProgram/StateDOTDBESites.cfm>

Attachment 7-H

Procedures for Removal of ACDBEs Eligibility

*See procedures in CFR 26.87 for **the removal ACDBE's eligibility***

www.transportation.gov/osdbu/disadvantaged-business-enterprise/49-cfr-part

Attachment 8-I

DBE PROGRAM – 49 CFR PART 23

Dot published Part 23 in the Federal Register on March 22, 2005 and it became effective April 21, 2005 (**70** F.R. 14496). The new Part 23 **makes extensive** revisions to DOT's Airport Concession DBE Program. It made extensive revisions to DOT's DBE program, formally administered under 49 CFR Part 23. The Final Rule to 49 CFR Part 26 was published in the Federal Register, Volume 68, No. 115 on June 16, 2003. Five (5) subsequent Final Rules to 49 CFR Part 26 were published in the Federal Register on April 2, 2007, April 3, 2009, February 3, 2010, January 28, 2011 and November 3, 2014, which made additional revisions to the regulation.

The e-version of the regulations has combined all of these documents into one for easy reading <http://www.ecfr.gov/cgi-bin/ECFR?page=browse>.

ATTACHEMENT 9-J

Goals and Elements for Privately-Owned or Leased Terminal Building's

Section 23.73 Privately-Owned or Leased Terminal Buildings. The City will pass through applicable provisions of Part 23 to private terminal owner or lessee via agreement with the owner or lessee (other means - identify,) the City will ensure that the owner or lessee complies with Part 23. The City will obtain from the owner or lessee the goals and other elements of the ACDBE program required under Part 23 is incorporated herein.

Section 23.75 Long-Term Exclusive Agreements. The City will not enter into a long-term exclusive agreement for concessions without prior approval of the FAA Regional Civil Rights Office. The City understands that a long-term agreement is one having a term of longer than 5 years. The City understands that an "exclusive" agreement is one in which an entire category of a particular business opportunity is limited to a single business entity. If special, local circumstances exist that make it important to enter into a long-term and exclusive agreement, we will submit detailed information to the FAA Regional Civil Rights Office for review and approval.

ATTACHMENT C

List of Internet and Website Addresses

I. California State Department of Transportation:

Main Web Page <http://www.dot.ca.gov>

Office of Civil Rights <http://www.dot.ca.gov/hq/bep>

Division of Engineering Services – Office Engineer
<http://www.dot.ca.gov/hq/esc/oe/>

Division of Procurement and Contracts
<http://caltrans-opac.ca.gov/index.htm>

Division of Construction
<http://www.dot.ca.gov/hq/construc/>

Division of Transportation Planning
<http://www.dot.ca.gov/hq/tpp/index.htm>

Division of Local Assistance
<http://www.dot.ca.gov/hq/LocalPrograms/>

Division of Mass Transportation
<http://www.dot.ca.gov/hq/MassTrans/index.html>

II. Other Internet Addresses of Importance:

Department of General Services, State Contracts Register (Advertisement of
Contracts and Projects)
<https://www.cscr.dgs.ca.gov/cscr/>

Contractor's State License Board
<http://www.cslb.ca.gov/>

United States Department of Transportation DBE Program
<http://osdbu.dot.gov/index.cfm>

EXHIBIT B

General Reporting

UNIFORM REPORT OF DBE COMMITMENTS/AWARDS AND PAYMENTS											
Please refer to the instructions sheet for directions on filling out this form											
1	Submitted to (check only one):	<input type="checkbox"/> PHWA		<input type="checkbox"/> FAA		<input type="checkbox"/> FTA--RecipientID Number					
2	AIP Numbers (FAA Recipients): Grant Number (FTA Recipients):										
3	Federal fiscal year in which reporting period falls: Reporting Period	<input type="checkbox"/> Report due June 1 (for period Oct. 1-Mar. 31)				<input type="checkbox"/> Report due Dec. 1 (for period April 1-Sept. 30)		<input type="checkbox"/> FAA annual report due Dec. 1			
4	Date This Report Submitted:										
6	Name and address of Recipient:										
7	Annual DBE Goal(s):	Race Conscious Projection		Race Neutral Projection		OVERALL Goal					
Awards/Commitments this Reporting Period											
A	AWARDS/COMMITMENTS MADE DURING THIS REPORTING PERIOD <small>(total contracts and subcontracts committed during this reporting period)</small>	A Total Dollars	B Total Number	C Total to DBEs (dollars)	D Total to DBEs (number)	E Total to DBEs /Race Conscious (dollars)	F Total to DBEs/Race Conscious (number)	G Total to DBEs/Race Neutral (dollars)	H Total to DBEs/Race Neutral (number)	I Percentage of total dollars to DBEs	
	8	Prime contracts awarded this period									
	9	Subcontracts awarded/committed this period									
	10	TOTAL									
B	BREAKDOWN BY ETHNICITY & GENDER	Contracts Awarded to DBEs this Period									
		A	B	C	D	E	F				
		Total to DBE (dollar amount)			Total to DBE (number)						
		Women	Men	Total	Women	Men	Total				
	11	Black American									
	12	Hispanic American									
	13	Native American									
14	Asian-Pacific American										
15	Subcontinent Asian Americans										
16	Non-Minority										
17	TOTAL										
Payments Made this Period											
C	PAYMENTS ON ONGOING CONTRACTS <small>(report activity of ongoing contracts)</small>	A Total Number of Contracts	B Total Dollars Paid	C Total Number of Contracts with DBEs	D Total Payments to DBE firms	E Total Number of DBE firms Paid	F Percent to DBEs				
	18	Prime and sub contracts currently in progress									
D	TOTAL PAYMENTS ON CONTRACTS COMPLETED THIS REPORTING PERIOD	A Number of Contracts Completed		B Total Dollar Value of Contracts Completed		C DBE Participation Needed to Meet Goal (Dollars)		D Total DBE Participation (Dollars)		Percent to DBEs	
	19	Race Conscious									
	20	Race Neutral									
	21	Totals									
22	Submitted By:	24. Signature:				25. Phone Number:					