

City of Aztec & Aztec Municipal Airport



Disadvantaged Business Enterprise
(DBE) Program

Prepared for City of Aztec, New Mexico
&
Federal Aviation Administration

2016

POLICY STATEMENT

Section 26.1, 26.23

Objectives/Policy Statement

The City of Aztec has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26.

The City of Aztec has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the City of Aztec has signed an assurance that it will comply with 49 CFR Part 26.

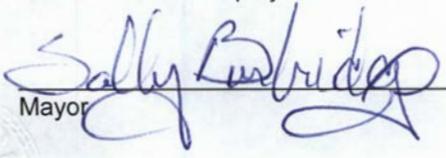
It is the policy of the City of Aztec to ensure that DBEs as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

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

The **Procurement Specialist** has been delegated as the DBE Liaison Officer. In that capacity, the Procurement Specialist is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the City of Aztec in its financial assistance agreements with the Department of Transportation.

The City of Aztec has disseminated this policy statement to the Mayor and all of the components of our organization. We have distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts.

Distribution will be by posting this policy on the City of Aztec's website, including reference to the policy in DOT assisted construction bidding documents, and making the policy available to the public. We will distribute this statement to DBE and non-DBE business communities that answer a request for proposal on a DOT assisted project.



Mayor

5-10-16

Date

SUBPART A – GENERAL REQUIREMENTS

Section 26.1 Objectives

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

Section 26.3 Applicability

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

Section 26.5 Definitions

The City of Aztec will use terms in this program that have the meaning defined in Section 26.5.

Section 26.7 Non-discrimination Requirements

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

In administering its DBE program, the City of Aztec 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.

The contracts issued by the City of Aztec will follow the applicable procurement codes.

Section 26.11 Record Keeping Requirements

We will provide data about our DBE Program to the Department as directed by DOT operating administrations.

We will report DBE participation to DOT/FAA as follows:

We will transmit to FAA annually on December 1, the "Uniform Report of DBE Awards or Commitments and Payments" form, found in Appendix B to this part. We will also report the DBE Contractor firms contact information either on the FAA DBE Contractor's Form or other similar format and will begin using the revised Uniform Report of DBE Awards or Commitments and Payments.

<http://faa.dbeconnect.com>

Bidders List: 26.11(c)

The City of Aztec will create and maintain a bidders list. The purpose of the list is to provide as accurate data as possible about the universe of DBE and non-DBE contractors and subcontractors who seek to work on our DOT-assisted contracts for use in helping to set our overall goals. The bidders list will include the name, address, DBE and non-DBE status, age of firm, and annual gross receipts of firms.

We will collect this information in the following ways:

1. Bidders providing information directly to the City for inclusion on a bidders list per NMSA 13-1-104.
2. A contract bid submission requirement that contains information on the prime and sub-contractors.

Section 26.13 Federal Financial Assistance Agreement

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

Assurance: 26.13(a) - Each financial assistance agreement the City of Aztec signs with a DOT operating administration (or a primary recipient) will include the following assurance:

The City of Aztec 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 City of Aztec 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 City of Aztec'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 Aztec of its failure to carry out its approved program, the Department may impose sanctions 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.).

Contract Assurance: 26.13b

The City of Aztec will ensure that the following clause is included in each contract we sign with a contractor and each subcontract the prime contractor signs with a subcontractor:

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 City of Aztec deems appropriate.

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

We anticipate that the City of Aztec will be a recipient of FAA grant(s) for airport planning or development totaling \$250,000 in FAA funds in a Federal fiscal year. We will continue to carry out this DBE Program until all funds from DOT financial assistance have been expended. We will provide to DOT updates representing significant changes in the program for approval.

The City of Aztec is not eligible to receive DOT financial assistance unless DOT has approved our DBE Program and we are in compliance with it and this part. We will continue to carry out our program until all funds from DOT financial assistance have been expended.

Section 26.23 Policy Statement

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

Section 26.25 DBE Liaison Officer (DBELO)

We have designated the following individual as our DBE Liaison Officer: **Procurement Specialist**, City of Aztec Municipal Complex, 201 W. Chaco, Aztec, NM 87410, Telephone: (505) 334-7656, Fax: (505) 334-7649

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the City of Aztec complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Aztec City Manager concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in **Attachment 2** to this program.

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

1. Reviews third party contracts and purchase requisitions for compliance with this program.
2. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
3. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
4. Analyzes City of Aztec' progress toward attainment and identifies ways to improve progress.
5. Participates in pre-bid meetings.
6. Advises the governing body on DBE matters and achievement.
7. Participates with the consulting engineer to determine contractor compliance with good faith efforts.
8. Acts as liaison to the Uniform Certification Process in New Mexico.
9. Participates with the consulting engineer to provide outreach to DBEs and community organizations to advise them of opportunities.
10. Will maintain copies of the New Mexico Department of Transportation (NMDOT) DBE Contractor Listing. Actual certification of the contractors will be the responsibility of the NMDOT Office of Equal Opportunity Programs.

Section 26.27 DBE Financial Institutions

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

We have made the following efforts to identify and use such institutions:

To date, two financial institutions in the State of New Mexico have been identified as being owned by socially and economically disadvantaged individuals. Those institutions are:

New Mexico

Centinel Bank

Contact: Rebecca Romero Rainey, VP
512 Paseo del Pueblo Sur
PO Box 818
Taos, NM 87571
Routing and Transit (ABA) Number: 107001261
Phone: (575) 758-6707
Fax: (575) 758-6708
Email: rmr@centinelbank.com

My Bank

Contact: Mark Sauters, SVP
394 Rio Communities Boulevard
Belen, NM 87002
Routing and Transit (ABA) Number: 107006253
Phone: (505) 861-5269
Fax: (505) 966-7090
Email: vcampbell@mybanknw.com

This information was obtained from the Minority Bank Deposit Program website – https://www.fiscal.treasury.gov/fsservices/gov/rvnColl/mnrtyBankDep/rvnColl_mbdp_participants.htm and the Federal Reserve 202-452-2947. Additional information on financial institutions owned and controlled by socially and economically disadvantaged individuals in the community can be found on this website. Information on the availability of such institutions can be obtained from the DBE Liaison Officer.

Section 26.29 Prompt Payment Mechanisms

The City of Aztec has established, as part of its DBE Program, a contract clause to require prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 30 days from receipt of each payment the City of Aztec makes to the prime contractor.

In accordance with State statute, we will ensure prompt and full payment of retainage from the prime contractor to the subcontractor within 7 days after the subcontractor's work is satisfactorily completed. We will use the following method to comply with this requirement:

Not hold retainage from prime contractors and require a contract clause obligating prime contractors to make prompt and full payment of any retainage kept by prime contractor to the subcontractor within 7 days after the subcontractor's work is satisfactorily completed. (57-28-5 NMSA 1978)

The City of Aztec will consider a subcontractor's work is satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by the City of Aztec. When the City of Aztec has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.

The City of Aztec will provide appropriate means to enforce the requirements of this section. These means include:

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

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

The City of Aztec will include the following clause in each DOT-assisted prime contract:

Pursuant to 57-28-5 NMSA 1978, the prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 7 days from the receipt of each payment the prime contractor receives from City of Aztec. The prime contractor agrees further to return retainage payments to each subcontractor within 7 days after the subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced timeframe may occur only for good cause following written approval of the City of Aztec. This clause applies to both DBE and non-DBE subcontractors.

Other mechanisms, consistent with this part and applicable state and local law, to ensure that DBEs and other contractors are fully and promptly paid.

Section 26.31 Directory

The City of Aztec uses the New Mexico Department of Transportation (NMDOT) DBE directory, maintained by the NMDOT. 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. In addition, 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 NMDOT revises the Directory annually. The NMDOT makes the Directory available as follows:

The Directory may be found at <https://nmdot.dbesystem.com>

Section 26.33 Over-concentration

The City of Aztec has not identified that over-concentration exists in the types of work that DBEs perform.

Section 26.35 Business Development Programs

The City of Aztec has not established a business development program.

Section 26.37 Monitoring and Enforcement Mechanisms

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

1. We will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.107.
2. We will consider similar action under our own legal authorities, including responsibility determinations in future contracts. Attachment 1 lists the regulation, provisions, and contract remedies available to us in the events of non-compliance with the DBE regulation by a participant in our DBE Program.
3. We will implement a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award or subsequently (i.e., as the result of modification to the contract) is actually performed by the DBEs to which the work was committed.
4. We will implement a monitoring and enforcement mechanism that will include written certification that we have reviewed contracting records and monitored work sites for this purpose. This will be accomplished by the review of contracting records, contractor payments to sub-contractors and lien releases during the contract closeout procedures.
5. We will implement a mechanism that will provide for a running tally of actual DBE attainments (e.g., payment actually made to DBE firms), including a means of comparing these attainments to commitments. In our reports of DBE participation to DOT, we will show both commitments and attainments, as required by the DOT uniform reporting form.

Section 26.39 Fostering small business participation.

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

The City of Aztec's small business program element is incorporated as Attachment 10 to this DBE Program. We will actively implement the program elements to foster small business participation, doing so is a requirement of good faith implementation of our DBE program.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

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

Section 26.45 Overall Goals

The City of Aztec will establish an overall DBE goal covering a three-year federal fiscal year period. We will calculate three-year overall goals if we anticipate awarding FAA funded prime contract exceeding \$250,000 during any one or more of the reporting fiscal years within the three-year goal period. In accordance with Section 26.45(f) the City of Aztec will submit its Overall Three-year DBE Goal to FAA by August 1 or as soon as practicable as required by the established schedule below.

Airport Type	Region	Date Due (Goal Period)	Next Goal Due (Goal Period)
Non-Primary (GAs, Relievers and State DOTs)	Central, Southwest, and Western-Pacific	August 1 2015 (2016/2017/2018)	August 1, 2018 (2019/2020/2021)

DBE goals will be established for those fiscal years we anticipate awarding DOT-assisted prime contracts exceeding \$250,000 during the three-year period. The DBE goals will be established in accordance with the 2-step process as specified in 49 CFR Part 26.45. If the City of Aztec does not anticipate awarding more than \$250,000 in DOT-assisted prime contracts during any of the years within the three-year reporting period, we will not develop an overall goal; however this DBE Program will remain in effect and the City of Aztec will seek to fulfill the objectives outlined in 49 CFR Part 26.1.

The first step is to determine the relative availability of ready, willing, and able DBEs in the market area, “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 projects.

In establishing the overall goal, the City of Aztec will consult with minority, women’s and general contractor groups, community organizations, and other officials or organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the City’s efforts to establish a level playing field for the participation of DBEs.

Following this consultation, we will publish a notice of the proposed overall goals, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at City offices for 30 days following the date of the notice, and informing the public that the City of Aztec and DOT/FAA will accept comments on the goals for 45 days from the date of the notice. Notice will be issued in general circulation media and the City of Aztec’s website. Normally, we will issue this notice by June 1 of the reporting period of the goal. The notice will include addresses to which comments may be sent and addresses (including offices and websites) where the proposal may be reviewed.

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

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

A description of the methodology to calculate the overall goal and the goal calculations can be found in **Attachment 5** to this program.

Section 26.47 Failure to meet overall goals.

The City of Aztec 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.

1. If the City of Aztec awards and commitments shown on our 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, we will do the following in order to be regarded by the Department as implementing your 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 we have identified in our analysis and to enable us to meet fully your goal for the new fiscal year;
 3. The City of Aztec will retain analysis and corrective actions in records for three years and will make it available to FAA on request.

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

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment 5 to this program.

Section 26.51(d-g) Contract Goals

The City of Aztec has no control on when the DOT will have funding available for DOT assisted projects, nor the deadlines imposed by the DOT for the execution of grants. When time permits, the City of Aztec 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.

If our approved projection under paragraph (c) of this section estimates 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.

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

We will express our contract goals as a percentage of the total amount of a DOT-assisted contract.

Section 26.53 Good Faith Efforts Procedures

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

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

The DBELO along with the consulting engineer 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.

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

Information to be submitted (26.53(b))

The City of Aztec treats bidder/offers' compliance with good faith efforts' requirements as a matter of responsiveness - Each solicitation for which a contract goal has been established will require all bidders/offerors to submit the following information at the time of bid:

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 approximate dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractors commitment and
6. If the contract goal is not met, evidence of good faith efforts.

Administrative reconsideration (26.53(d))

Within 5 business days of being informed by City of Aztec that it is not responsive 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: **Kathy Lamb, Finance Director, City of Aztec Municipal Complex, 201 W. Chaco, Aztec, NM 87410, phone:(505) 334-7653, email: klamb@aztecnm.gov**. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

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

The bidder/offeror may use the protest provisions of NMSA 13-1-172.

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

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

Sub-contractor substitutions must follow the New Mexico Subcontractor Fair Practices Act (NMSA 13-4-31) et.seq The Act requires the prime contractor to obtain our prior approval of the substitute subcontractor and to provide copies of new or amended subcontracts, or documentation of good faith efforts when replacing a DBE.

If the contractor fails or refuses to comply with the subcontractor substitution requirements of the New Mexico Subcontractor Fair Practices Act (NMSA 13-4-31) et.seq, penalties per the act may be assessed.
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 Aztec 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 6.59% as determined in the goal calculation in Attachment 5 has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (attachment 1), to meet the contract goal for DBE participation in the performance of this contract.

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

When a contract goal is established pursuant to the recipient's DBE program, the sample bid specification will be used to notify bidders/offerors of the requirements to make good faith efforts. The forms found in Attachment 3 will 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 will 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.

Section 26.55 Counting DBE Participation

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

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

The certification standards of Subpart D of Part 26 and the certification procedures of Subpart E of Part 26 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 Aztec is a member of the New Mexico Unified Certification Program (NMUCP). The NMDOT Office of Equal Opportunity Programs is the lead for this program and determines the eligibility of firms to participate as DBEs in DOT-assisted contracts.

To be certified as a DBE in the NMUCP, a firm must meet all certification standards set forth by 49 CFR Parts 26.61 -26.73. The NMUCP will make certification decisions based on the facts. Any bidder certified by the NMDOT under these documents is presumed by the City of Aztec to be qualified for this program. The NMUCP will make certification decisions based on the facts. A DBE's certification will not be removed without prior notification from the State of New Mexico. Any decision-making or appealing of the DBE status will be referred to the NMDOT.

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

New Mexico Department of Transportation
OEOP Bureau-DBE/NMUCP Programs

1570 Pacheco Street, Building A
Santa Fe, New Mexico 87505
(505) 827-1774 or Toll free at 1-800-544-0936.
<http://dot.state.nm.us/content/nmdot/en/OEOP.html>

Our certification application forms and documentation requirements are found in Attachment 8 to this program.

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

As noted in Section 26.61 -26.73 above, the City of Aztec is a member of the New Mexico Unified Certification Program (NMUCP) administered by New Mexico Department of Transportation (NMDOT) Office of Equal Opportunity Programs. The UCP will meet all of the requirements of this section. The following is a description of the UCP:

The NMUCP is established for all USDOT recipients within the State of New Mexico. The NMUCP is detailed in Attachment 9 of this program. The purpose of the NMUCP is to comply with the requirements contained in 49 CFR Part 26, Subpart E, as amended.

The NMDOT, through its Office of Equal Opportunity Programs, is the lead and will be responsible for:

1. The certification of DBE's, the removal of DBE eligibility, and the suspension or debarment of DBEs consistent with 49 CFR Part 26, as amended,
2. Administering the requisite procedures for full cooperation with the oversight, review and monitoring activities of USDOT and its Operating Administrations (OA),
3. The maintenance of the NMUCP's DBE Directory, listing certified DBEs and
4. The implementation of USDOT directives and guidance concerning certification matters.

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

We will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. As the City plans to use the NMDOT UCP, no confidential information should be in the possession of the City.

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

The New Mexico "Inspection of Public Records Act" (14-2-1 NMSA 1978 *et. seq.*) provides the process for requesting or withholding information contained public documents which include the contractor's bid submittal.

Monitoring Payments to DBEs

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

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

ATTACHMENTS

- Attachment 1 Regulations: 49 CFR Part 26 or website link
- Attachment 2 Organizational Chart
- Attachment 3 Bidder's List Collection Form
- Attachment 4 DBE Directory or link to
- Attachment 5 Overall Goal Calculations
- Attachment 6 Demonstration of Good Faith Efforts or Good Faith Effort Plan - Form 1 & 2 for
- Attachment 7 DBE Monitoring and Enforcement Mechanisms
- Attachment 8 DBE Certification Application Form
- Attachment 9 State's UCP Agreement
- Attachment 10 Small Business Element Program

Attachment

1

ATTACHMENT 1

Regulations: [49 CFR Part 26](#)

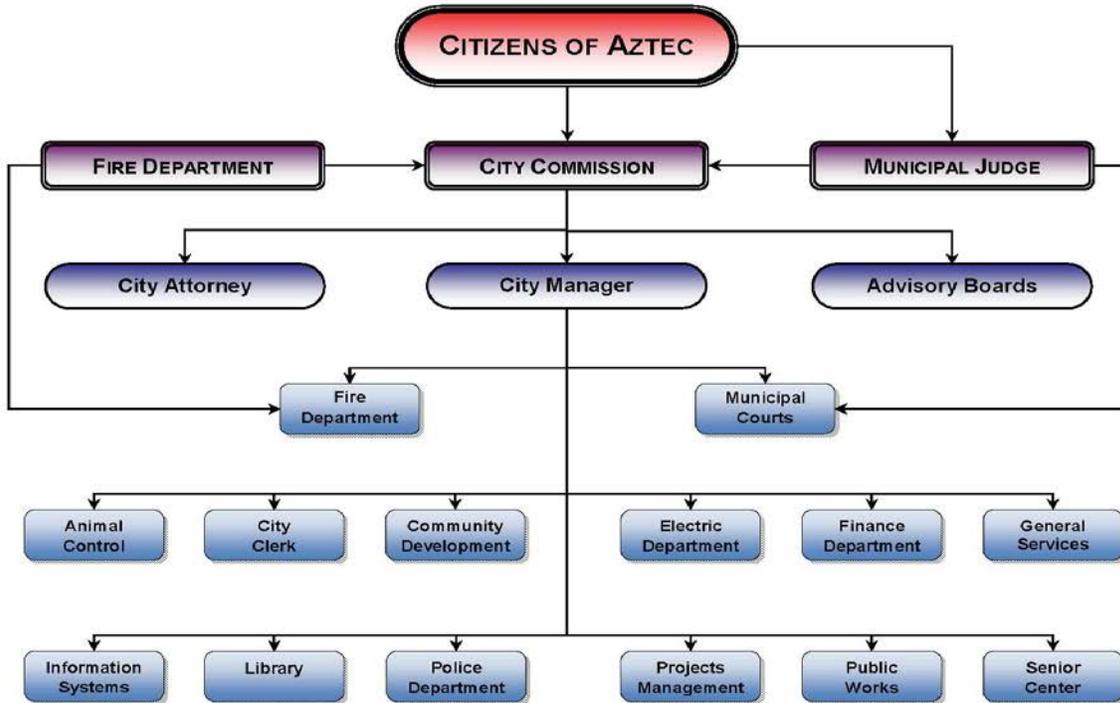
Attachment

2

ATTACHMENT 2

Organizational Chart

City of Aztec Organizational Chart



Attachment

3

ATTACHMENT 3
Bidder's List Collection Form
City of Aztec

BIDDERS LIST OF QUOTERS FOR THE DISADVANTAGES BUSINESS ENTERPRISE PROGRAM

In accordance with 49 CFR Part 26.11, the City of Aztec will maintain a bidders list to compile all quotes received by the Contractor during the advertising period. This bidders list will be used to determine the relative availability of DBE's.

At the time that the bid is submitted to the City of Aztec, the contractor shall list each quote received. The contractor shall also include each quoter's name, business location, telephone number, the quoter's status as a DBE or Non-DBE, the age of the firm, and the quoter's annual gross receipts.

FAILURE TO COMPLY WITH THIS REQUIREMENT SHALL RENDER A BID NON-RESPONSIVE AND THE BID SHALL BE REJECTED.

The term "quoter" shall include subcontractors and any suppliers of materials with whom the contractor has direct contact.

BIDDER: _____
ADDRESS: _____
TELEPHONE NO.: _____ **FAX NO.:** _____
E-MAIL ADDRESS: _____
PROJECT: _____

This bidders list is not the subcontractors list required by the subcontractors fair practices act (1978 NMSA 13-4-31 through 13-4-43)

Attachment

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ATTACHMENT 4

FOLLOW LINK:

[New Mexico DBE directory](#)

Attachment

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ATTACHMENT 5

Section 26.45: Project Specific Goal Methodology

Name of Recipient: City of Aztec

Goal Period: FY-2016-2017-2018 October 1, 2015 through September 30, 2018

DOT-assisted contract amount:	FY-2016	0
	FY-2017	<u>6.59%</u>
	FY-2018	0
Total		<u>6.59%</u>

Overall Three-Year Goal: 6.59%, to be accomplished through 6.59% RC and 0% RN

Total dollar amount to be expended on DBE's: \$29,985 (\$455,000 x .0659)

Describe the Number and Type of Projects that the airport anticipates awarding:

Projects Fiscal Year #1

1. Reconstruct Terminal Apron, Phase 1 – design - \$63,000 (under program dollar value)

Projects Fiscal Year #2

1. Reconstruct Terminal Apron, Phase 2 – construction- \$455,000

Projects Fiscal Year #3

1. Close Runway 4-22 EA – less than \$250,000

Market Area: The Market Area consists of the Geographical Area where the Aztec Municipal Airport is located (Geographical Area 2) and Geographical Area 1 which consists of the following counties: Sandoval, Santa Fe, Bernalillo, Los Alamos and Valencia.

The reason Geographical Area 1 is included in all of the market areas is because 46% of the total establishments in New Mexico lie in Geographical Area 1. Geographical Area 2 is included as it is the area where the airport is located and where the substantial majority of the contracting dollars are spent.

The market area includes Geographical Area and Geographical Area 1 which is representative of the area where the substantial majority of the contractors and subcontractors with which the sponsor does business are located and the area in where the sponsor spends the substantial majority of their contracting dollar.

The market area was defined by examining the following documents: DBE Directory, contractor directory, recent city bids and bidders lists. A map and breakout of the geographical areas can be seen at the end of this attachment.

Step 1. Analysis: Actual relative availability of ready, willing, and able DBE's

Method: Use DBE Directories <http://osdbu.dot.gov/DBEProgram/StateDOTDBESites.cfm>

Census Bureau Data <http://www.census.gov/econ/cbp/index.html>

and contractor licensing <http://public.psiexams.com/search.jsp>

The contractor license analysis is to address the “able” part of the requirement. New Mexico has specific contractor license requirements for construction on airports and many DBE contractors do not possess this license. The check for appropriate contractor’s license is in NAICS 237310 only.

Projects Fiscal Year #1

1. Reconstruct Terminal Apron, Phase 1 – design \$63,000 (under program dollar value)

Projects Fiscal Year #2

1. Reconstruct Terminal Apron, Phase 2 - construction \$455,000

NAICS	Type of Work	Total DBE's	Total All Firms
237310	Heavy Construction/Highway, Streets AP	6	47
238210	Electrical AP	2	358
484220	Dump trucking	4	60
541330	Engineering	9	312
54137	Surveying	3	45
54138/54169	Inspection/Testing	8	140
Total		32	962

Divide the total number of DBE's by the total number of All Firms = base figure for each project.

32/962 = 3.33 Base Figure = 3.33%

Step 2. Analysis: Adjustments to Step 1 base figure.

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

Fiscal Year #2

For FY-2017, we anticipate the award of the following: Reconstruct Terminal Apron

A	B	C	D	E	F	G	H	I
Project Name	Trade	NAICS Description	NAICS	Trade (\$)	Census	Directory	DBE (%) (= G/F)	DBE (\$)
Reconstruct Apron, Phase 3 - Construction		Heavy Construction/ Highway, Streets AP	237310	\$292,500	47	6	12.77%	\$37,755.32
		Electrical AP	238210	\$22,500	358	2	0.56%	\$127.09
		Dump trucking	484220	\$22,500	60	4	6.67%	\$1,516.67
		Engineering	541330	\$45,000	312	9	2.88%	\$1,312.50
		Surveying	54137	\$22,500	45	3	6.67%	\$1,516.67
		Inspection/Testing	54138/54169	\$45,000	140	8	5.71%	\$2,600.00
Total Project				\$455,000	962	32	9.85%	\$44,828.25
Total FY-2017				\$455,000	962	32	9.85%	\$44,828.25

Projects Fiscal Year #3

1. Close Runway 4-22 EA – less than \$250,000

Past History Participation

Other data used to determine the adjustment to the base figure was the median of historical DBE accomplishments as follows:

FY	Total Grant \$ Amount	DBE Goals			Accomplishments			Type of work
		RC	RN	Total	RC	RN	Total	
2009	\$ 166,184							Acquire Land for Development [BLM Land Transfer Fees], Rehabilitate Runway - 08/26
2010	\$ 1,703,616	2.94		2.94	3.97		3.97	Rehabilitate Runway - 08/26
2011	\$0							None
2012	\$0							None
2013	\$0							None
2014	\$0							None
2015	\$0							None

The proposed Overall DBE Goals are as follows:

- Fiscal Year #1 – 0%
- **Fiscal Year #2 – 6.59%**
- Fiscal Year #3 - 0%

Our proposed overall three year goal will be reflected as 6.59%

To arrive at an overall goal, we added our Step 1 base figure (3.33%) with our Step 2 adjustment figure (9.85%) and then averaged the total arriving at an overall goal of 6.59%. We feel this adjusted goal figure will accurately reflect DBE participation that can be achieved for the type of project work being awarded during this three-year period.

Further, there are no applicable disparity studies for the local market area or recent legal case information available from the State of New Mexico Office of Equal Opportunity Programs to show any evidence of barriers to entry or competitiveness of DBEs in the state.

Breakout of Estimated “Race and Gender Neutral” (RN) and “Race and Gender Conscious” (RC) Participation.

26.51(b) (1-9)

The recipient will meet the maximum feasible portion of its overall goal by using RN means of facilitating DBE participation.

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitates DBE, and other small businesses, participation;
2. Providing technical assistance and other services;
3. Carrying out information and communications programs on contracting procedures and specific contract opportunities;
4. Ensuring distribution of DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors;
5. Requiring and/or encouraging prime contractors to subcontract portions of work that they might otherwise perform with their own forces

The recipient estimates that in meeting its overall goal 6.59%, it will obtain 0% from RN participation and 6.59% through RC measures.

This breakout is based on the established goals and recent construction projects at the Aztec Municipal Airport.

In looking at past participation at the Aztec Municipal Airport, the Airport does not have a history of DBE participation or over-achievement of goals to reference and expects to obtain its DBE participation through the use of DBE contract goals or a conscious effort to obtain DBE participation. Therefore, we are applying the entire goal of 6.59% to race-conscious participation.

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

PUBLIC PARTICIPATION

Consultation: Section 26.45(g)(1).

We will consult with minority, women's and general contractor groups, community organizations who can share information on the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBE's and efforts to establish a level playing field for the participation of DBE's.

The City of Aztec submits its overall 3-year goal to DOT on August 1 or as soon as practicable as required.

The DBE plan was submitted to a representative from the City of Aztec Chamber of Commerce, the Small Business Development Center (SBDC) at San Juan College, and the Albuquerque Association of General Contractors. Each of these representatives were invited to participate in a conference call on April 29, 2016, however only one of the invitees participated. Kathy Lamb from the City of Aztec and a representative from the Small Business Development Center, and WHPacific, the city's airport consultant, participated in the teleconference. A public notice was posted on the City of Aztec's website as well as the Farmington Daily News and the Navajo Times informing the public that the proposed goal and its rationale are available for inspection during normal business hours at the City offices for 30 days following the date of the notice, and informing the public that the City and DOT will accept comments on the goals for 45 days from the date of the notice.

Our 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 Aztec will share the bidder's list with the SBDC in an effort to identify potential DBE firms and build a stronger DBE work force in the area.

Published Notice: Section 26.45 (g)(2). The proposed goal and rationale was advertised as available for inspection as indicated below.

The notice was published in the Farmington Daily Times and the Navajo Times.

PUBLIC NOTICE

The City of Aztec hereby announces its fiscal year 2016-2018 goal of 6.59% for Disadvantaged Business Enterprise (DBE) airport construction projects. The proposed goal and rationale is available for inspection between 7:00 a.m. and 6:00 p.m., Monday through Thursday at the City Clerk office at the City of Aztec Municipal Complex, 201 W Chaco, Aztec, NM 87410 or on the City website: <http://www.aztecnm.gov/> for 30 days from the date of this publication.

Comments on the DBE goal will be accepted for 45 days from the date of this publication and can be sent to the following:

Procurement Specialist
City of Aztec Municipal Complex
201 W. Chaco
Aztec, NM 87410
Or

Dolores P. Leyva
FAA - AWP-9
Office of Civil Rights
PO Box 92007
Los Angeles, CA 90009-2002

Contract Goals

The City of Aztec will use contract goals to meet any portion of the overall goal that the recipient does not project being able to meet using RN 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 recipient's overall goal that is not projected to be met through the use of RN means.

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

We will express our contract goals as a percentage of the total amount of a DOT assisted contract.

Attachment

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ATTACHMENT 6

Demonstration of Good Faith Efforts - Forms 1 & 2

[Forms 1 and 2 should be provided as part of the solicitation documents.]

Reference DISADVANTAGED BUSINESS ENTERPRISE CONTRACT PROVISIONS DBE 1 through DBE-6

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

_____ The bidder/offeror is committed to a minimum of **6.59%** DBE utilization on this contract for the base bid and all alternates.

_____ The bidder/offeror (if unable to meet the DBE goal of **6.59%** %) is committed to a minimum of _____% DBE utilization on this contract and submits with this form, documentation demonstrating good faith efforts.

_____ The bidder/offeror (if unable to meet the DBE goal of **6.59%** for the base bid and all alternates) is committed to a minimum of the percentages below for DBE utilization on this contract and submits with this form, documentation demonstrating good faith efforts.

Base bid _____ %

Additive Alternate 1 _____ %

Additive Alternate 2 _____ %

Additive Alternate 3 _____ %

Name of bidder/offeror's firm: _____

State Registration No. _____

By: _____

(Signature)

Title

FORM 2: LETTER OF INTENT

Name of bidder/offeror's firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of DBE firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Description of work to be performed by DBE firm:

.....
.....
.....
.....

The bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The estimated dollar value of this work is \$ _____.

The bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The estimated dollar value of this work is:

Base Bid: \$ _____
Additive Alternate 1: \$ _____
Additive Alternate 2: \$ _____
Additive Alternate 3: \$ _____

Affirmation

The above-named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above and that the firm is DBE certified to perform the specific trades.

By _____
(Signature)

Date: _____

(Title)

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

Submit this page for each DBE subcontractor.

Attachments

Attachment

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ATTACHMENT 7

DBE Monitoring and Enforcement Mechanisms

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

1. Breach of contract action, pursuant to the terms of the contract;
2. Breach of contract action, pursuant to the City of Aztec's and State Procurement Code
3. Suspension or debarment proceedings pursuant to the City of Aztec's and State Procurement Code

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

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

Attachment

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ATTACHMENT 8
DBE Certification Application Form



UNIFORM CERTIFICATION APPLICATION
DISADVANTAGED BUSINESS ENTERPRISE (DBE) /
AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE (ACDBE)
49 C.F.R. Parts 23 and 26

Roadmap for Applicants

1. Should I apply?

You may be eligible to participate in the DBE/ACDBE program if:

- The firm is a for-profit business that performs or seeks to perform transportation related work (or a concession activity) for a recipient of Federal Transit Administration, Federal Highway Administration, or Federal Aviation Administration funds.
- The firm is at least 51% owned by a socially and economically disadvantaged individual(s) who also controls it.
- The firm's disadvantaged owners are U.S. citizens or lawfully admitted permanent residents of the U.S.
- The firm meets the Small Business Administration's size standard and does not exceed \$23.98 million in gross annual receipts for DBE (\$56.42 million for ACDBEs). (Other size standards apply for ACDBE that are banks/financial institutions, car rental companies, pay telephone firms, and automobile dealers.)

2. How do I apply?

First time applicants for DBE certification must complete and submit this certification application and related material to the certifying agency in your home state and participate in an on-site interview conducted by that agency. The attached document checklist can help you locate the items you need to submit to the agency with your completed application. If you fail to submit the required documents, your application may be delayed and/or denied. Firms already certified as a DBE do not have to complete this form, but may be asked by certifying agencies outside of your home state to provide a copy of your initial application form, supporting documents, and any other information you submitted to your home state to obtain certification or to any other state related to your certification.

3. Where can I send my application? [INSERT UCP PARTICIPATING MEMBER CONTACT INFORMATION]

4. Who will contact me about my application and what are the eligibility standards?

The DBE and ACDBE Programs require that all U.S. Department of Transportation (DOT) recipients of federal assistance participate in a statewide Unified Certification Program (UCP). The UCP is a one-stop certification program that eliminates the need for your firm to obtain certification from multiple certifying agencies within your state. The UCP is responsible for certifying firms and maintaining a database of certified DBEs and ACDBEs for DOT grantees, pursuant to the eligibility standards found in 49 C.F.R. Parts 23 and 26.

5. Where can I find more information?

U.S. DOT—<https://www.civilrights.dot.gov/> (This site provides useful links to the rules and regulations governing the DBE/ACDBE program, questions and answers, and other pertinent information)

SBA—Small Business Size Standards matched to the North American Industry Classification System (NAICS):
<http://www.census.gov/eos/www/naics/> and <http://www.sba.gov/content/table-small-business-size-standards>.

In collecting the information requested by this form, the Department of Transportation (Department) complies with the provisions of the Federal Freedom of Information and Privacy Acts (5 U.S.C. 552 and 552a). 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 Department's Disadvantaged Business Enterprise Program as defined in 49 CFR §26.5 and the Airport Concession Disadvantaged Business Enterprise Program as defined in 49 CFR §23.3. You may review DOT's complete Privacy Act Statement in the Federal Register published on April 11, 2000 (65 FR 19477).

Under 49 C.F.R. §26.107, dated February 2, 1999 and January 28, 2011, if at any time, the Department or a recipient has reason to believe that any person or firm has willfully and knowingly provided incorrect information or made false statements, the Department may initiate suspension or debarment proceedings against the person or firm under 2 CFR Parts 180 and 1200, Nonprocurement Suspension and Department, take enforcement action under 49 C.F.R. Part 31, Program Fraud and Civil Remedies, and/or refer the matter to the Department of Justice for criminal prosecution under 18 U.S.C. 1001, which prohibits false statements in Federal programs.



**INSTRUCTIONS FOR COMPLETING THE
DISADVANTAGED BUSINESS ENTERPRISE (DBE)
AIRPORT CONCESSIONS DISADVANTAGED BUSINESS ENTERPRISE (ACDBE)
UNIFORM CERTIFICATION APPLICATION**

NOTE: All participating firms must be for-profit enterprises. If your firm is not for profit, then you do NOT qualify for the DBE/ACDBE program and should not complete this application. If you require additional space for any question in this application, please attach additional sheets or copies as needed, taking care to indicate on each attached sheet/copy the section and number of this application to which it refers.

Section 1: CERTIFICATION INFORMATION

A. Basic Contact Information

- (1) Enter the contact name and title of the person completing this application and the person who will serve as your firm's contact for this application.
- (2) Enter the legal name of your firm, as indicated in your firm's Articles of Incorporation or charter.
- (3) Enter the primary phone number of your firm.
- (4) Enter a secondary phone number, if any.
- (5) Enter your firm's fax number, if any.
- (6) Enter the contact person's email address.
- (7) Enter your firm's website addresses, if any.
- (8) Enter the street address of the firm where its offices are physically located (not a P.O. Box).
- (9) Enter the mailing address of your firm, if it is different from your firm's street address.

B. Prior/Other Certifications and Applications

- (10) Check the appropriate box indicating whether your firm is currently certified in the DBE/ACDBE programs, and provide the name of the certifying agency that certified your firm. List the dates of any site visits conducted by your home state and any other states or UCP members. Also provide the names of state/UCP members that conducted the review.
- (11) Indicate whether your firm or any of the persons listed has ever been denied certification as a DBE, 8(a), or Small Disadvantaged Business (SDB) firm, or state and local MBE/WBE firm. Indicate if the firm has ever been decertified from one of these programs. Indicate if the application was withdrawn or whether the firm was debarred, suspended, or otherwise had its bidding privileges denied or restricted by any state or local agency, or Federal entity. If your answer is yes, identify the name of the agency, and explain fully the nature of the action in the space provided. Indicate if you have ever appealed this decision to the Department and if so, attach a copy of USDOT's final agency decision(s).

Section 2: GENERAL INFORMATION

A. Business profile:

- (1) Give a concise description of the firm's primary activities, the product(s) or services the company provides, or type of construction. If your company offers more than one product/service, list primary product or service first (attach additional sheets if necessary). This description may be used in our UCP online directory if you are certified as a DBE.

- (2) If you know the appropriate NAICS Code for the line(s) of work you identified in your business profile, enter the codes in the space provided.
- (3) State the date on which your firm was established as stated in your firm's Articles of Incorporation or charter.
- (4) State the date each person became a firm owner.
- (5) Check the appropriate box describing the manner in which you and each other owner acquired ownership of your firm. If you checked "Other," explain in the space provided.
- (6) Check the appropriate box that indicates whether your firm is "for profit." **If you checked "No," then you do NOT qualify for the DBE/ACDBE program** and should not complete this application. All participating firms must be for-profit enterprises. If the firm is a for profit enterprise, provide the Federal Tax ID number as stated on your firm's Federal tax return.
- (7) Check the appropriate box that describes the type of legal business structure of your firm, as indicated in your firm's Articles of Incorporation or similar document. Identify all joint venture partners if applicable. If you checked "Other," briefly explain in the space provided.
- (8) Indicate in the spaces provided how many employees your firm has, specifying the number of employees who work on a full-time, part-time, and seasonal basis. Attach a list of employees, their job titles, and dates of employment, to your application.
- (9) Specify the firm's gross receipts for each of the past three years, as stated in your firm's filed Federal tax returns. You must submit complete copies of the firm's Federal tax returns for each year. If there are any affiliates or subsidiaries of the applicant firm or owners, you must provide these firms' gross receipts and submit complete copies of these firm(s) Federal tax returns. Affiliation is defined in 49 C.F.R. §26.5 and 13 C.F.R. Part 121.

B. Relationships and Dealings with Other Businesses

- (1) Check the appropriate box that indicates whether your firm is co-located at any of its business locations, or whether your firm shares a telephone number(s), a post office box, any office space, a yard, warehouse, other facilities, any equipment, financing, or any office staff and/or employees with any other business, organization or entity of any kind. If you answered "Yes," then specify the name of the other firm(s) and fully explain the nature of your relationship with these other businesses by identifying the business or person with whom you have any formal, informal, written, or



oral agreement. Provide an explanation of any items shared with other firms in the space provided.

- (2) Check the appropriate box indicating whether any other firm currently has or had an ownership interest in your firm at present or at any time in the past. If you checked yes, please explain.
- (3) Check the appropriate box that indicates whether at present or at any time in the past your firm:
 - (a) ever existed under different ownership, a different type of ownership, or a different name;
 - (b) existed as a subsidiary of any other firm;
 - (c) existed as a partnership in which one or more of the partners are/were other firms;
 - (d) owned any percentage of any other firm; and
 - (e) had any subsidiaries of its own.
 - (f) served as a subcontractor with another firm constituting more than 25% of your firm's receipts.

If you answered "Yes" to any of the questions in (3)(a-f), you may be asked to explain the arrangement in detail.

Section 3: MAJORITY OWNER INFORMATION

Identify all individuals or holding companies with any ownership interest in your firm, providing the information requested below (if your firm has more than one owner, provide completed copies of this section for each owner):

A. Identify the majority owner of the firm holding 51% or more ownership interest

- (1) Enter the full name of the owner.
- (2) Enter his/her title or position within your firm.
- (3) Give his/her home phone number.
- (4) Enter his/her home (street) address.
- (5) Indicate this owner's gender.
- (6) Identify the owner's ethnic group membership. If you checked "Other," specify this owner's ethnic group/identity not otherwise listed.
- (7) Check the appropriate box to indicate whether this owner is a U.S. citizen or a lawfully admitted permanent resident. If this owner is neither a U.S. citizen nor a lawfully admitted permanent resident of the U.S., then this owner is NOT eligible for certification as a DBE owner.
- (8) Enter the number of years during which this owner has been an owner of your firm.
- (9) Indicate the percentage of the total ownership this person holds and the date acquired, including (if appropriate), the class of stock owned.
- (10) Indicate the dollar value of this owner's initial investment to acquire an ownership interest in your firm, broken down by cash, real estate, equipment, and/or other investment. Describe how you acquired your business and attach documentation substantiating this investment.

B. Additional Owner Information

- (1) Describe the familial relationship of this owner to each other owner of your firm and employees.
- (2) Indicate whether this owner performs a management or supervisory function for any other business. If you

checked "Yes," state the name of the other business and this owner's function/title held in that business.

- (3) (a) Check the appropriate box that indicates whether this owner owns or works for any other firm(s) that has any relationship with your firm. If you checked "Yes," identify the name of the other business, the nature of the business relationship, and the owner's function at the firm.
 - (b) If the owner works for any other firm, non-profit organization, or is engaged in any other activity more than 10 hours per week, please identify this activity.
- (4) (a) Provide the personal net worth of the owner applying for certification in the space provided. Complete and attach the accompanying "Personal Net Worth Statement for DBE/ACDBE Program Eligibility" with your application. Note, complete this section and accompanying statement only for each owner applying for DBE qualification (i.e., for each owner claiming to be socially and economically disadvantaged).
- (b) Check the appropriate box that indicates whether any trust has been created for the benefit of the disadvantaged owner(s). If you answered "Yes," you may be asked to provide a copy of the trust instrument.
- (5) Check the appropriate to indicate whether any of your immediate family members, managers, or employees, own, manage, or are associated with another company. Immediate family member is defined in 49 C.F.R. §26.5. If you answered "Yes," provide the name of each person, your relationship to them, the name of the company, the type of business, and whether they own or manage the company.

Section 4: CONTROL

A. Identify the firm's Officers and Board of Directors

- (1) In the space provided, state the name, title, date of appointment, ethnicity, and gender of each officer.
- (2) In the space provided, state the name, title, date of appointment, ethnicity, and gender of each individual serving on your firm's Board of Directors.
- (3) Check the appropriate box to indicate whether any of your firm's officers and/or directors listed above performs a management or supervisory function for any other business. If you answered "Yes," identify each person by name, his/her title, the name of the other business in which s/he is involved, and his/her function performed in that other business.
- (4) Check the appropriate box that indicates whether any of your firm's officers and/or directors listed above own or work for any other firm(s) that has a relationship with your firm. (e.g., ownership interest, shared office space, financial investments, equipment leases, personnel sharing, etc.) If you answered "Yes," identify the name of the firm, the individual's name, and the nature of his/her business relationship with that other firm.



B. Duties of Owners, Officers, Directors, Managers and Key Personnel

(1), (2) Specify the roles of the majority and minority owners, directors, officers, and managers, and key personnel who control the functions listed for the business. Submit résumés for each owner and non-owner identified below. State the name of the individual, title, race and gender and percentage ownership if any. Circle the frequency of each person's involvement as follows: "always, frequently, seldom, or never" in each area.

Indicate whether any of the persons listed in this section perform a management or supervisory function for any other business. Identify the person, business, and their title/function. Identify if any of the persons listed above own or work for any other firm(s) that has a relationship with this firm (e.g. ownership interest, shared office space, financial investment, equipment, leases, personnel sharing, etc.) If you answered "Yes," describe the nature of his/her business relationship with that other firm.

C. Inventory: Indicate firm inventory in these categories:

(1) Equipment and Vehicles

State the make and model, and current dollar value of each piece of equipment and motor vehicle held and/or used by your firm. Indicate whether each piece is either owned or leased by your firm or owner, whether it is used as collateral, and where this item is stored.

(2) Office Space

State the street address of each office space held and/or used by your firm. Indicate whether your firm or owner owns or leases the office space and the current dollar value of that property or its lease.

(3) Storage Space

State the street address of each storage space held and/or used by your firm. Indicate whether your firm or owner owns or leases the storage space and the current dollar value of that property or its lease. Provide a signed lease agreement for each property.

D. Does your firm rely on any other firm for management functions or employee payroll?

Check the appropriate box that indicates whether your firm relies on any other firm for management functions or for employee payroll. If you answered "Yes," you may be asked to explain the nature of that reliance and the extent to which the other firm carries out such functions.

E. Financial / Banking Information

Banking Information. State the name, City and State of your firm's bank. In the space provided, identify the persons able to sign checks on this account. Provide bank authorization and signature cards

Bonding Information. State your firm's bonding limits (in dollars), specifying both the aggregate and project limits.

F. Sources, amounts, and purposes of money loaned to your firm, including the names of persons or firms guaranteeing the loan.

State the name and address of each source, the name of person securing the loan, original dollar amount and the current balance of each loan, and the purpose for which each loan was made to your firm. Provide copies of signed loan agreements and security agreements

G. Contributions or transfers of assets to/from your firm and to/from any of its owners or another individual over the past two years:

Indicate in the spaces provided, the type of contribution or asset that was transferred, its current dollar value, the person or firm from whom it was transferred, the person or firm to whom it was transferred, the relationship between the two persons and/or firms, and the date of the transfer.

H. Current licenses/permits held by any owner or employee of your firm.

List the name of each person in your firm who holds a professional license or permit, the type of permit or license, the expiration date of the permit or license, and issuing State of the license or permit. Attach copies of licenses, license renewal forms, permits, and haul authority forms.

I. Largest contracts completed by your firm in the past three years, if any.

List the name of each owner or contractor for each contract, the name and location of the projects under each contract, the type of work performed on each contract, and the dollar value of each contract.

J. Largest active jobs on which your firm is currently working.

For each active job listed, state the name of the prime contractor and the project number, the location, the type of work performed, the project start date, the anticipated completion date, and the dollar value of the contract.

AIRPORT CONCESSION (ACDBE) APPLICANTS

Identify the concession space, address and location at the airport, the value of the property or lease, and fees/lease payments paid to the airport. Provide information concerning any other airport concession businesses the applicant firm or any affiliate owns and/or operates, including name, location, type of concession, and start date of the concession enterprise.

AFFIDAVIT & SIGNATURE

The Affidavit of Certification must accompany your application for certification. Carefully read the attached affidavit in its entirety. Fill in the required information for each blank space, and sign and date the affidavit in the presence of a Notary Public, who must then notarize the form.

Section 1: CERTIFICATION INFORMATION



A. Basic Contact Information

(1) Contact person and Title: _____ (2) Legal name of firm: _____

(3) Phone #: (____) _____ - _____ (4) Other Phone #: (____) _____ - _____ (5) Fax #: (____) _____ - _____

(6) E-mail: _____ (7) Firm Websites: _____

(8) Street address of firm (No P.O. Box): _____ City: _____ County/Parish: _____ State: _____ Zip: _____

(9) Mailing address of firm (if different): _____ City: _____ County/Parish: _____ State: _____ Zip: _____

B. Prior/Other Certifications and Applications

(10) Is your firm currently certified for any of the following U.S. DOT programs?

DBE ACDBE Names of certifying agencies: _____

⊗ If you are certified in your home state as a DBE/ACDBE, you do not have to complete this application for other states. Ask your state UCP about the interstate certification process.

List the dates of any site visits conducted by your home state and any other states or UCP members:

Date ___/___/___ State/UCP Member: _____ Date ___/___/___ State/UCP Member: _____

(11) Indicate whether the firm or any persons listed in this application have ever been:

(a) Denied certification or decertified as a DBE, ACDBE, 8(a), SDB, MBE/WBE firm? Yes No

(b) Withdrawn an application for these programs, or debarred or suspended or otherwise had bidding privileges denied or restricted by any state or local agency, or Federal entity? Yes No

If yes, explain the nature of the action. (If you appealed the decision to DOT or another agency, attach a copy of the decision,

Section 2: GENERAL INFORMATION

A. Business Profile: (1) Give a concise description of the firm's primary activities and the product(s) or service(s) it provides. If your company offers more than one product/service, list the primary product or service first. Please use additional paper if necessary. This description may be used in our database and the UCP online directory if you are certified as a DBE or ACDBE.

(2) Applicable NAICS Codes for this line of work include: _____

(3) This firm was established on ___/___/___ (4) I/We have owned this firm since: ___/___/___

(5) Method of acquisition (Check all that apply):

- Started new business Bought existing business Inherited business Secured concession
- Merger or consolidation Other (explain) _____



Section 3: MAJORITY OWNER INFORMATION

A. Identify the majority owner of the firm holding 51% or more ownership interest.

(1) Full Name: _____ (2) Title: _____ (3) Home Phone #: () _____ - _____
(4) Home Address (Street and Number): _____ City: _____ State: _____ Zip: _____

(5) Gender: [] Male [] Female

(6) Ethnic group membership (Check all that apply):

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

(7) U.S. Citizenship:

- [] U.S. Citizen
[] Lawfully Admitted Permanent Resident

(8) Number of years as owner: _____

(9) Percentage owned: _____ %

Class of stock owned: _____

Date acquired _____

(10) Initial investment to acquire ownership interest in firm:

Table with 2 columns: Type, Dollar Value. Rows: Cash \$, Real Estate \$, Equipment \$, Other \$

Describe how you acquired your business:

- [] Started business myself
[] It was a gift from: _____
[] I bought it from: _____
[] I inherited it from: _____
[] Other _____

(Attach documentation substantiating your investment)

B. Additional Owner Information

(1) Describe familial relationship to other owners and employees:

(2) Does this owner perform a management or supervisory function for any other business? [] Yes [] No

If Yes, identify: Name of Business: _____ Function/Title: _____

(3)(a) 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.) [] Yes [] No

Identify the name of the business, and the nature of the relationship, and the owner's function at the firm:

(b) Does this owner work for any other firm, non-profit organization, or is engaged in any other activity more than 10 hours per week? If yes, identify this activity: _____

(4)(a) What is the personal net worth of this disadvantaged owner applying for certification ? \$ _____

(b) Has any trust been created for the benefit of this disadvantaged owner(s)? [] Yes [] No

(If Yes, you may be asked to provide a copy of the trust instrument).

(5) Do any of your immediate family members, managers, or employees own, manage, or are associated with another company? [] Yes [] No If Yes, provide their name, relationship, company, type of business, and indicate whether they own or manage the company: (Please attach extra sheets, if needed): _____



Section 3: OWNER INFORMATION, Cont'd.

A. Identify all individuals, firms, or holding companies that hold LESS THAN 51% ownership interest in the firm (Attach separate sheets for each additional owner)

(1) Full Name: _____ (2) Title: _____ (3) Home Phone #: () _____ - _____
(4) Home Address (Street and Number): _____ City: _____ State: _____ Zip: _____ - _____

(5) Gender: [] Male [] Female
(6) Ethnic group membership (Check all that apply)
[] Black [] Hispanic
[] Asian Pacific [] Native American
[] Subcontinent Asian
[] Other (specify) _____
(7) U.S. Citizenship:
[] U.S. Citizen
[] Lawfully Admitted Permanent Resident

(8) Number of years as owner: _____
(9) Percentage owned: _____ %
Class of stock owned: _____
Date acquired _____
(10) Initial investment to acquire ownership interest in firm:
Type Dollar Value
Cash \$
Real Estate \$
Equipment \$
Other \$
Describe how you acquired your business:
[] Started business myself
[] It was a gift from: _____
[] I bought it from: _____
[] I inherited it from: _____
[] Other _____
(Attach documentation substantiating your investment)

B. Additional Owner Information

(1) Describe familial relationship to other owners and employees:

(2) Does this owner perform a management or supervisory function for any other business? [] Yes [] No
If Yes, identify: Name of Business: _____ Function/Title: _____

(3)(a) 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.) [] Yes [] No
Identify the name of the business, and the nature of the relationship, and the owner's function at the firm:

(b) Does this owner work for any other firm, non-profit organization, or is engaged in any other activity more than 10 hours per week? If yes, identify this activity: _____

(4)(a) What is the personal net worth of this disadvantaged owner applying for certification? \$ _____

(b) Has any trust been created for the benefit of this disadvantaged owner(s)? [] Yes [] No
(If Yes, you may be asked to provide a copy of the trust instrument).

(5) Do any of your immediate family members, managers, or employees own, manage, or are associated with another company? [] Yes [] No If Yes, provide their name, relationship, company, type of business, and indicate whether they own or manage: (Please attach extra sheets, if needed): _____



Section 4: CONTROL

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

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

(3) Do any of the persons listed above perform a management or supervisory function for any other business?

Yes No If Yes, identify for each:

Person: _____ Title: _____
 Business: _____ Function: _____

Person: _____ Title: _____
 Business: _____ Function: _____

(4) Do any of the persons listed in section A 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. Duties of Owners, Officers, Directors, Managers, and Key Personnel

1. (Identify your firm's management personnel who control your firm in the following areas (Attach separate sheets as needed).)

A = Always F = Frequently	S = Seldom N = Never	Majority Owner (51% or more)				Minority Owner (49% or less)			
		Name: _____	Title: _____	Percent Owned:		Name: _____	Title: _____	Percent Owned:	
		A	F	S	N	A	F	S	N
Sets policy for company direction/scope of operations		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bidding and estimating		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Major purchasing decisions		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marketing and sales		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Supervises field operations		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Attend bid opening and lettings		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Perform office management (billing, accounts receivable/payable, etc.)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hires and fires management staff		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hire and fire field staff or crew		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Designates profits spending or investment		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Obligates business by contract/credit		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Purchase equipment		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Signs business checks		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. Complete for all Officers, Directors, Managers, and Key Personnel who control the following functions for the firm. (Attach separate sheets as needed).

A= Always S = Seldom F = Frequently N = Never	Officer/Director/Manager/Key Personnel				Officer/Director/Manager/ Key Personnel			
	Name: _____				Name: _____			
	Title: _____				Title: _____			
	Race and Gender: _____				Race and Gender: _____			
	Percent Owned: _____				Percent Owned: _____			
Sets policy for company direction/scope of operations	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Bidding and estimating	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Major purchasing decisions	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Marketing and sales	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Supervises field operations	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Attend bid opening and lettings	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Perform office management (billing, accounts receivable/payable, etc.)	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Hires and fires management staff	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Hire and fire field staff or crew	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Designates profits spending or investment	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Obligates business by contract/credit	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Purchase equipment	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Signs business checks	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>

Do any of the persons listed in B1 or B2 perform a management or supervisory function for any other business? If Yes, identify the person, the business, and their title/function: _____

Do any of the persons listed 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.) If Yes, describe the nature of the business relationship: _____

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

1. Equipment and Vehicles

Make and Model	Current Value	Owned or Leased by Firm or Owner?	Used as collateral?	Where is item stored?
1. _____				
2. _____				
3. _____				
4. _____				
5. _____				
6. _____				
7. _____				
8. _____				
9. _____				

2. Office Space

Street Address	Owned or Leased by Firm or Owner?	Current Value of Property or Lease



3. Storage Space (Provide signed lease agreements for the properties listed)

Street Address

Owned or Leased by
Firm or Owner?

Current Value of Property or Lease

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

E. Financial/Banking Information (Provide bank authorization and signature cards)

Name of bank: _____ City and State: _____
The following individuals are able to sign checks on this account: _____

Name of bank: _____ City and State: _____
The following individuals are able to sign checks on this account: _____

Bonding Information: If you have bonding capacity, identify the firm's bonding aggregate and project limits:
Aggregate limit \$ _____ Project limit \$ _____

F. Identify all sources, amounts, and purposes of money loaned to your firm including from financial institutions. Identify whether you the owner and any other person or firm loaned money to the applicant DBE/ACDBE. Include the names of any persons or firms guaranteeing the loan, if other than the listed owner. (Provide copies of signed loan agreements and security agreements).

Name of Source	Address of Source	Name of Person Guaranteeing 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 or another individual 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	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.	_____	_____	_____	_____	_____	_____

AIRPORT CONCESSION (ACDBE) APPLICANTS ONLY MUST COMPLETE THIS SECTION

Identify the following information concerning the ACDBE applicant firm:

<u>Concession Space</u>	<u>Address / Location at Airport</u>	<u>Value of Property or Lease</u>	<u>Fees/Lease Payments Paid to the Airport</u>

Provide information concerning any other airport concession businesses the applicant firm or any affiliate owns and/or operates, including name, location, type of concession, and start date of concession

<u>Name of Concession</u>	<u>Location</u>	<u>Type of Concession</u>	<u>Start Date of Concession</u>



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 the applicant firm
_____ 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, subcontract, concession lease or
sublease, 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 of any material change in the
information contained in the original application within 30
calendar days of such change (e.g., ownership changes,
address/telephone number, personal net worth exceeding \$1.32
million, 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 or Airport
Concession Disadvantaged Business Enterprise. 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): (Check 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
\$1.32 million, 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.

Signature _____
(DBE/ACDBE Applicant) _____
(Date)

NOTARY CERTIFICATE



UNIFORM CERTIFICATION APPLICATION SUPPORTING DOCUMENTS CHECKLIST

In order to complete your application for DBE or ACDBE certification, you must attach copies of all of the following **REQUIRED** documents. A failure to supply any information requested by the UCP may result in your firm denied DBE/ACDBE certification.

Required Documents for All Applicants

- Résumés (that include places of employment with corresponding dates), for all owners, officers, and key personnel of the applicant firm
- Personal Net Worth Statement for each socially and economically disadvantaged owners comprising 51% or more of the ownership percentage of the applicant firm.
- Personal Federal tax returns for the past 3 years, if applicable, for each disadvantaged owner
- Federal tax returns (and requests for extensions) filed by the firm and its affiliates with related schedules, for the past 3 years.
- Documented proof of contributions used to acquire ownership for each owner (e.g., both sides of cancelled checks)
- Signed loan and security agreements, and bonding forms
- List of equipment and/or vehicles owned and leased including VIN numbers, copy of titles, proof of ownership, insurance cards for each vehicle.
- Title(s), registration certificate(s), and U.S. DOT numbers for each truck owned or operated by your firm
- Licenses, license renewal forms, permits, and haul authority forms
- Descriptions of all real estate (including office/storage space, etc.) owned/leased by your firm and documented proof of ownership/signed leases
- Documented proof of any transfers of assets to/from your firm and/or to/from any of its owners over the past 2 years
- DBE/ACDBE and SBA 8(a), SDB, MBE/WBE certifications, denials, and/or decertifications, if applicable; and any U.S. DOT appeal decisions on these actions.
- Bank authorization and signatory cards
- Schedule of salaries (or other remuneration) paid to all officers, managers, owners, and/or directors of the firm
- List of all employees, job titles, and dates of employment.
- Proof of warehouse/storage facility ownership or lease arrangements

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(s)
- 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)

Optional Documents to Be Provided on Request

The UCP to which you are applying may require the submission of the following documents. If requested to provide these document, you must supply them with your application or at the on-site visit.

- Proof of citizenship
- Insurance agreements for each truck owned or operated by your firm
- Audited financial statements (if available)
- Personal Federal Tax returns for the past 3 years, if applicable, for other disadvantaged owners of the firm.
- Trust agreements held by any owner claiming disadvantaged status
- Year-end balance sheets and income statements for the past 3 years (or life of firm, if less than three years)

Suppliers

- List of product lines carried and list of distribution equipment owned and/or leased

NEW MEXICO DEPARTMENT OF TRANSPORTATION

DISADVANTAGED BUSINESS ENTERPRISE ANNUAL AFFIDAVIT FOR CERTIFICATION

YEAR: FY16

(October 1, 2015 – September 30, 2016)

STATE _____)

SS

COUNTY _____)

_____, _____,
(Name of Affiant) (Residence Address of Affiant)

being first duly sworn deposes and says:

1. That he/she is an authorized representative of _____,
(Name of DBE Firm)
hereinafter "DBE Firm" holding the position of _____.
(Position with DBE Firm)

2. With respect to such DBE Firm:

Owner or Owners' Name(s): _____

Address of DBE Firm: _____

_____.

3. The DBE Firm's average annual gross receipts, including all DBE Owner's affiliate business annual gross receipts, do not exceed the amounts specified in 13 CFR Part 121.402 and 49 CFR Part 26.65(b).

4. The DBE Firm's annual gross receipts (and affiliate's), for the most recent reporting fiscal year are

\$ _____.

5. Attached hereto is a complete copy of the DBE Firm's most recent Federal Business Tax Return, OR Schedule "C" from Federal Personal Tax Return. If an Extension request has been filed, submit a copy in lieu of tax documents; upon filing, ensure a complete copy of the tax document(s) is provided to this office as soon as possible.

6. Check one:

(a) The DBE Firm's owner(s) are member(s) of a designated group identified in 49 CFR Part 26.67(a) and therefore are presumed to be socially and economically disadvantaged individuals; or

(b) The DBE Firm's owner(s) are not presumptively disadvantaged, but claim to be socially and economically disadvantaged as set forth in 49 CFR Part 26.67(d), and have submitted evidence of such social and economic disadvantage as required by 49 CFR, Appendix E.

7. Ownership of at least 51% of the DBE Firm, per 49 CFR Part 26.69(b), is held by socially and economically disadvantaged individuals.

8. The DBE Firm is an independent business as defined by 49 CFR Part 26.71(b) et seq. The socially and economically disadvantaged owners possess the power to direct or cause the direction of the management and policies of the DBE Firm and make day-to-day as well as long term decisions on matters of management, policy and operations as set forth in 49 CFR Part 26.71(d) et seq.

9. The Personal Net Worth of each owner claiming DBE status, does not exceed \$1.32 million individually.

10. He/she agrees to permit the audit and examination of any and all books, records or files of this business deemed necessary by the New Mexico Department of Transportation.

11. He/she understands that any material misrepresentations shall be grounds for denial of certification, decertification and/or termination of any contracts that may be awarded to the DBE Firm, possible debarment or suspension of the DBE Firm, and/or referral to the Office of the Attorney General.

Affiant

NOTARY:

Subscribed and sworn to before me this _____ day of _____, 20__.

My Commission Expires:

Attachment

9

ATTACHMENT 9
State's UCP Agreement

AGREEMENT

FOR

2002 FEB 19 PM 2:34

NEW MEXICO UNIFIED CERTIFICATION PROGRAM (NMUCP)

THIS AGREEMENT is made and entered into this 15TH day of FEB, 2002, by and between the undersigned, authorized representatives of the New Mexico State Highway and Transportation Department (NMSHTD), and CITY OF AZTEC, a current or future recipient of United States Department of Transportation (USDOT) funds (USDOT Recipient) from Federal Highway Administration (FHWA), Federal Aviation Administration (FAA) or Federal Transit Administration (FTA).

WHEREAS, a final rule revising the USDOT's regulations for its Disadvantaged Business Enterprise (DBE) Program was published in the *Federal Register* on February 2, 1999.

WHEREAS, these regulations contained in 49 CFR Part 26, as amended, became effective on March 4, 1999.

WHEREAS, 49 CFR Part 26, Subpart E, as amended, of the Regulation details the requirements for a Unified Certification Program (UCP) including a "one-stop shopping" certification provision intended to enable DBEs, once certified by any one recipient of USDOT funds, to participate in the programs of other recipients.

WHEREAS, all USDOT recipients within each state must sign an agreement establishing a UCP, said agreement is to be submitted by March 3, 2002, for approval by the Secretary of the USDOT, and

WHEREAS, USDOT Recipient wishes to participate in the NMUCP.

NOW THEREFORE, IT IS MUTUALLY AGREED BETWEEN THE PARTIES:

1. The New Mexico Unified Certification Program (NMUCP) is established for all USDOT Recipients within the State of New Mexico. The NMUCP is detailed in Attachment A to this Agreement. The purpose of the NMUCP is to comply with the requirements contained in 49 CFR Part 26, Subpart E, as amended.

2. NMSHTD, through its Office of Equal Opportunity Programs (OEOP), will take the lead and be responsible for:

a. The certification of DBEs, the removal of DBE eligibility, and the suspension or debarment of DBEs consistent with 49 CFR Part 26, as amended,

b. Administering the requisite procedures for full cooperation with the oversight, review and monitoring activities of USDOT and its Operating Administrations (OA),

c. The maintenance of the NMUCP's DBE Directory (electronic and hard copy), listing certified DBEs, and

d. The implementation of USDOT directives and guidance concerning certification matters.

3. USDOT Recipient agrees to:

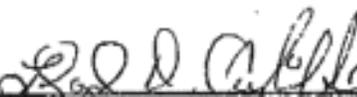
a. Be bound by the decisions or actions of the NMUCP concerning this program,

b. Use the Uniform Certification Application as published in the *Federal Register on Tuesday, May 8th 2001* (Attachment B), and

c. Commit to ensure that the NMUCP has sufficient resources and expertise to carry out the requirements contained in 49 CFR Part 26 Subpart E, as amended.

4. Upon approval of New Mexico's Uniform Certification Program, the NMSHTD, through the OEOP, will immediately assume and consolidate all certification functions and responsibilities. The NMUCP will be operational not later than 18 months following its approval by USDOT.

USDOT RECIPIENT

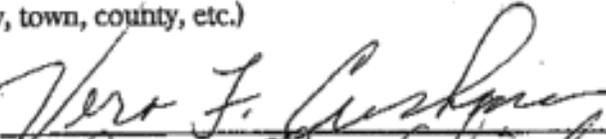
By: 

Title: PUBLIC WORKS DIRECTOR

Agency: CITY OF AZTEC

Recipient: CITY OF AZTEC
(city, town, county, etc.)

NMSHTD

By: 

Title: OEOP, Chief

New Mexico State Highway and Transportation
Department (NMSHTD)

Attachment

10

ATTACHMENT 10
Small Business Element Program

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

The City of Aztec's DBE program includes this Small Business element to structure contracting requirements to facilitate competition by small business concerns within the limits of the Procurement Code of the State of New Mexico (New Mexico Statute Annotated (NMSA) 13-1-1 *et. seq.*), the City of Aztec's Procurement Code, and the Federal and State grant obligations and requirements.

The Small Business element is not a separate goal, only certified DBEs count toward the program goals. The Small Business element provides a methodology to expand the prime contracting opportunities of small businesses which, generally, include the universe of certified DBEs.

Small Business Definition

A Small Business for the purposes of this element is a business that meets the Small Business Administration's (SBA's) definition of a "small business" for the company's NAICS code applicable for the project.

SBA's definition and size standards (as it may be amended from time to time):

Definition:

"... a small business concern is one that is independently owned and operated, is organized for profit, and is not dominant in its field. Depending on the industry, size standard eligibility is based on the average number of employees for the preceding twelve months or on sales volume averaged over a three-year period."

Size Standard:

From the SBA, the small business size standard for construction has the following limits:
General building and heavy construction contractors: \$33.5 million
Special trade construction contractors: \$14 million

The complete SBA size standard by NAICS is defined in 13 CFR part 121.201.

Program Elements

As the New Mexico Procurement Code does not allow small business set asides, other methods must be used to promote small business participation in federally assisted projects.

The City of Aztec will take all reasonable steps to eliminate obstacles to small business participation, within the above limitations. These include unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors.

When not a violation of the Procurement Code and as approved by the DOT funding agency, large projects will be considered for multiple prime contract awards based on discernible items of work (unbundling of contract into complete and usable project elements that can be legally bid as a separate construction contracts.) The unbundling must be complete and usable items of work which can stand independent of the other prime contract. We feel that by unbundling contracts, small businesses may have a better chance of obtaining prime contracts.

The City of Aztec will work with the NMDOT and will follow the approved plan for small business participation that they have implemented.

Contractors who may be DBE eligible will be encouraged to apply for DBE certification.

The award of contracts will be based on the procurement code and, for competitive sealed bids, will not contain a prohibition on award based on the volume of work the contractor has with the City of Aztec.

Verification Process

Included in the bidding requirements will be information for the prime contractor and their proposed sub-contractors to self-report small business status and annual revenues. This will be used to track small business opportunities and awards.

Businesses that are certified by the SBA via the System for Award Management (SAM), HubZone, 8(a) Program or other programs are considered verified as small businesses. We will ask for copies of SBA certifications.

Other databases available to the City of Aztec will be used to audit businesses for small business size.

Record Keeping & Monitoring

We will report RN DBE participation by small businesses as stated in the approved Disadvantaged Business Enterprise Program.

Implementation

The City of Aztec will implement this plan nine months after approval.

Assurances

As required by the program, we have reviewed these assurances listed in 49 CFR 26.45 along with the response of which may be addressed under the NM State Procurement Code.

1. assurance that the program is authorized under state law;
2. assurance that certified DBEs that meet the size criteria established under the program are presumptively eligible to participate in the program;
3. assurance that there are no geographic preferences or limitations imposed on any federally assisted procurement included in the program;
4. assurance that there are no limits on the number of contracts awarded to firms participating in the program but that every effort will be made to avoid creating barriers to the use of new, emerging, or untried businesses;
5. assurance that steps will be taken to encourage those small businesses that are eligible for DBE certification to become certified.
6. assurance that the program is open to small businesses regardless of their location