



Dallas Airport System

DISADVANTAGED BUSINESS ENTERPRISES (DBE)

AIRPORT CONCESSIONS DISADVANTAGED BUSINESS
ENTERPRISES (ACDBE)

GOOD FAITH EFFORT (GFE) PARTICIPATION PROGRAM
FOR SMALL AND MINORITY BUSINESS ENTERPRISES

For Federally Funded Projects

FY 2017 – 2019
City of Dallas DBE Program Policy
City of Dallas Airport Concessions ACDBE Program Policy
AC/DBE Good Faith Effort (GFE) Documentation Forms

City of Dallas Disadvantaged Business Enterprises (DBE) Program Policy

Airport related Construction and Professional Service procurement contracts awarded by the City of Dallas are not subject to the requirements of the City's M/WBE Program, but instead are governed by the requirements of the US Department of Transportation (DOT) Federal Aviation Administration's (FAA) Disadvantaged Business Enterprises (DBE) Regulation, 49 CFR Part 26 ("Part 26").

To be eligible for the award of a construction or professional services contract, a proposer or bidder must either be able to meet the established annual DBE goal (for the current period through **September 30, 2019 is 24.36%**) or document a good faith effort to meet the goal. Upon award, the prime contractor must agree that it will not discriminate against any business owner because of the owner's race, color, national origin, or sex in connection with the award or performance of any agreement, management contract, or subcontract, purchase or lease agreement, covered by 49 CFR Part 26. Further, the prime contractor agrees to include the following statement in any subsequent agreement, contract or subcontract covered by 49 CFR Part 26, that it enters into and cause those businesses to similarly include the following statement in further agreements, contracts or subcontracts:

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

The prime contractor shall take all necessary and reasonable steps in accordance with 49 CFR Part 26 to ensure that disadvantaged business enterprises have the maximum opportunity to compete for and perform on contracts and subcontracts. All proposers, potential contractors, or subcontractors for DOT-assisted contracts are hereby notified that failure to carry out this DOT policy and the DBE obligation shall constitute a breach of contract which may result in termination of the Contract or such other remedy as deemed appropriate by the recipient and the FAA.

As a condition of the bid submission, the Bidder/Proposer must provide one of the following:

- A) Documentation that it has obtained enough DBE participation to meet the goal; or
- B) Documentation that it made adequate good faith efforts to meet the goal, even though it did not succeed in obtaining enough DBE participation to do so.

Fully executed documentation in final form must be submitted prior to contract award. Please refer to the AC/DBE Good Faith Effort Documentation Packet for copies of the forms required for proposal/bid submission.

For general information concerning the City's DBE program and DBE certification, contact the Purchasing Dept. of the City of Dallas, 1500 Marilla St., Room 3FN, Dallas, TX 75201, 214/671-9814 – Direct, 214/670-4793 – Fax. The list of certified DBE firms can be accessed via the Texas Unified Certification Process website at <http://www.txdot.gov/apps-cg/tucp/temp.htm>

City of Dallas Airport Concessions Disadvantaged Business Enterprises (ACDBE) Program Policy

Airport concessions do not fall under the requirements of the City's M/WBE program, but rather under the US Department of Transportation's (DOT) Federal Aviation Administration (FAA) Final Rule for Participation by Disadvantaged Business Enterprises in Airport Concessions, 49 CFR Part 23 ("Part 23").

Part 23 requires that the City of Dallas submit an Airport Concession Disadvantaged Business Enterprise ("ACDBE") Program to the FAA for approval and set an ACDBE participation goal for the airport's concessions program. The goal for ACDBE participation at Dallas Love Field for Non-Car Rental Concession contracts for the current period through **September 30, 2020 is 34.75%**.

A firm must be certified as an ACDBE prior to the bid or proposal due date to count toward the Love Field ACDBE participation goal. To apply for certification as an ACDBE, contact the North Central Texas Regional Certification Agency (NCTRCA) via the web at www.nctrca.org or by phone at 817-640-0606. You may also contact the Texas Unified Certification Program (TUCP), of which the NCTRCA is a certifying agency, for additional information via the Department of Transportation website: <http://www.txdot.gov/apps-cg/tucp/temp.htm>

To be eligible for award of a concession contract, a proposer or bidder must either be able to meet Love Field's ACDBE goal or document a good faith effort to meet the goal.

The Bidder/Proposer may meet the ACDBE goal via any of the following:

- As a certified DBE (must submit a copy of their DBE Certificate or letter from the certifying entity displaying a current DBE certification number); or
- By the formation and execution of a Joint Venture Agreement that meets the standards specified in the FAA's Joint Venture Guidance dated July 17, 2008. The Joint Venture Agreement must be submitted with the proposal; or
- By the inclusion of sub-contracting agreements with current certified DBEs for services (signed contracts or Letters of Intent must be submitted with the proposal); or
- By supplier agreements for products from and/or supplies from certified DBEs. Signed Agreements or Letters of Intent must be submitted with the Proposal.

Please refer to the AC/DBE Good Faith Effort Documentation Packet for copies of the forms required for proposal/bid submission. Fully executed documentation in final form must be submitted prior to contract award. For general information concerning the City's ACDBE program and ACDBE certification, contact the Purchasing Dept. of the City of Dallas, 1500 Marilla St., Room 3FN, Dallas, TX 75201, 214/671-9814 – Direct, 214/670-4793 – Fax. The list of certified ACDBE firms can be accessed via the Texas Unified Certification Process website at www.dot.state.tx.us/business/tucp.htm.

DBE Good Faith Effort (GFE) Program Documentation

Eligibility for contract award is demonstrated by submission of the appropriate documents by the successful bidder/proposer within the timeframe allotted. The forms listed in this section are for the bidder's/proposer's use in documenting good faith effort. The apparent low bidder/most advantageous proposer must, within five (5) business days, submit a completed GFE Documentation Packet to the Dallas Airport System (DAS) after DAS has issued notification of intent to award the contract in order to be considered for award by City Council. Failure to timely submit completed forms will delay award and may deem the recommended bid non-responsive. Electronic versions of these forms are available upon request.

The following forms are used to document DBE GFE for Construction & Professional Services Contracts:

1. Form 203A - AVI Disadvantaged Business Enterprises (DBE) Affidavit: This form is to be turned in with the bid packet or proposal package and certifies that the bidder/proposer agrees to comply with the City's AC/DBE Program.
2. Form 204A - Workforce Ethnic Composition Report: This form is to be turned in with the Schedule of Work and provides information on the ethnic and gender composition of the bidder/proposer's existing internal workforce.
3. Form 205A – RFP/RFQ Contractor's Affidavit of DBE Historical Utilization: This form is used to document the bidder's historical DBE utilization on prior projects. It lists the proposer's history of DBE utilization on past City and non-City contracts and agreements.
4. Form 213A – Pre-Award Schedule of Work (SOW) and Sub-Contractor/Supplier Participation Form: This form is to be completed and submitted by the bidder/proposer who **WILL** meet the AC/DBE goal on the contract. This form lists all sub-contractors, suppliers or service providers participating with the bidder/proposer on the anticipated contract. This form is to be used in conjunction with Form 214A. Post contract award, the Prime Contractor is required to submit Form 213B – SOW and Actual Payments Form. (See #5 below)
5. Form 213B – Schedule or Work and Actual Payments Form – Post contract award, the Prime Contractor is required to submit Form 213B – SOW and Actual Payments Form on a monthly basis to document actual payments made to all contract participants for the duration of the contract.
6. Form 214A - AC/DBE Sub-Contractor/Supplier Intent Form: This form is to be completed by the apparent low bidder/most advantageous proposer for each AC/DBE subcontractor, supplier or service provider participating on the anticipated contract to affirm their intent to participate. A separate form is to be submitted for each DBE subcontractor, supplier or service provider listed on the Schedule of Work and Sub-Contractor/Supplier Form (Form 213A). All certified AC/DBE primes, subcontractors, suppliers and service providers are required to maintain a current/valid certification for the entire duration of the contract.

7. Form 215A – Documentation of GFE Sufficiency: This form is to be completed and submitted by the bidder/proposer who **WILL NOT** meet the AC/DBE goal on the contract. This form is used to document the bidder/proposer’s attempt to obtain sufficient AC/DBE participation but was unsuccessful in doing so.
8. Form 216A – Change of DBE Subcontractor/Supplier Form: This form is to be completed post-award by prime contractors to document subcontractor, supplier, or service provider changes during the term of the contract. This form must be approved by the City of Dallas Project Manager and the Department of Aviation prior to execution of any changes.
9. Form 222A – Prime Using Own Workforce on Contract: Federal regulations recognize that not every contract will have sub-contracting or joint-venture opportunities available due to the nature of the contract or service provided. In such cases, bidders/proposers are to use this form to document such. The information provided here must be verifiable, and the City must concur with the assessment of the prime contractor that no sub-contracting opportunities exist.
10. Form 223A – Prime Using Own or Existing Sub-Contractor’s Workforce on Change Order or Supplemental Agreement to Contract: As in the case of Form 222A, prime contractors may use this form to document the award of additional work to themselves or to an existing sub-contractor if deemed in the best interest of the project that the additional work is best handled by their own workforces or by the workforces of an existing sub-contractor already on-site. The information provided here must be verifiable and the City must concur with the assessment of the prime contractor for utilization of the existing workforce.

Meeting Goals and Documenting Good Faith Efforts: Pre- & Post-Award Documentation

GFE Documents To Be Submitted With The Bid or Proposal

All bid and proposal package submissions must include the documents listed below. The DBE Affidavit confirms the bidder/proposer’s intent to comply with the City of Dallas’ AC/DBE Good Faith Effort Program. The Workforce Ethnic Composition Form provides information on the composition of the bidder’s own workforce. **No other GFE documentation will be required at time of bid/proposal submission.**

- DBE Affidavit Form 203A
- Workforce Ethnic Composition Report Form 204A or Form 4 as applicable

Pre-Contract Award DBE Documentation

Prime contractors **who will meet** or exceed the AC/DBE goal must submit the following forms within five (5) days of the notice of intent to award:

- Pre-Award Schedule of Work (SOW) and Sub-Contractor/Supplier Participation Form 213A
- AC/DBE Sub-Contractor/Supplier Intent Form 214A – One (1) For Each Sub Listed on the SOW

Prime contractors who **will not meet** the AC/DBE goal must submit the following forms within five (5) days of the notice of intent to award:

- Pre-Award Schedule of Work (SOW) and Sub-Contractor/Supplier Participation Form 213A
- AC/DBE Sub-Contractor/Supplier Intent Form 214A – One (1) Form For Each Sub Listed on the SOW
- Documentation of GFE Sufficiency - Form 215A

RFQ/SOI Award DBE Documentation

- Responders to a City RFQ (Request for Qualifications) or SOI (Solicitation of Interest) solicitation must submit Form 205A – RFP/RFQ Contractor's Affidavit of DBE Historical Utilization: This form is used to document the bidder's historical DBE utilization on ANY prior projects (City and/or Non-City of Dallas contracts).

Post-Contract Award DBE Documentation

Post contract award, Prime Contractors are required to submit the following forms to the City's Project Manager and Aviation Department on a monthly basis as evidence of continued compliance with the City's DBE Program:

- Schedule of Work and Actual Payments Form 213B is to be submitted with each payment request for the Prime Contractor and all sub-contractor/suppliers/service providers associated with the contract through the term of the contract. **Attach supporting documentation indicating proof of payment to DBE Sub-Contractors.**
- Change of DBE Subcontractor/Supplier Form 216A if there are any additions, deletions, substitutions, or changes to the DBE participants listed on the original contract award documentation Form 213A.