

GREENVILLE-SPARTANBURG AIRPORT DISTRICT

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM



GSP INTERNATIONAL
AIRPORT
ROGER MILLIKEN FIELD

**2000 GSP Drive, Suite 1
Greer, SC 29651**

September 9, 2019

Objectives and Policy Statement
(49 CFR Sections 26.1 & 26.23)

The Greenville-Spartanburg Airport District (hereafter referred to as "the District") has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. As a small-hub primary airport, the District has received Federal financial assistance from the US Department of Transportation (DOT). As a condition of receiving this assistance, the District has signed airport grant assurances that it will comply with 49 CFR Part 26.

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

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

Ashley Bruton, Director of Human Resources, has been designated as the DBE Liaison Officer (DBELO). In that capacity, Ashley Bruton is responsible for implementing all aspects of the ACDBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the District in its financial assistance agreements with the DOT.

The District has disseminated this policy statement to its board members and all the components of our organization. The District has publicized this statement on its website and will continue to publicize this statement with the DBE and non-DBE business communities that perform work or is interested in performing work on DOT-assisted contracting opportunities.



David N. Edwards, Jr., A.A.E.
President/CEO



Date

Subpart A – General Requirements

Objectives

(Section 26.1)

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

Applicability

(Section 26.3)

The District is the recipient of federal airport funds authorized by 49 U.S.C. 47107, *et seq.*

Definitions

(Section 26.5)

The District will use terms in this program that have the meaning defined in Section 26.5.

Non-Discrimination Requirements

(Section 26.7)

The District 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 District 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.

Record Keeping Requirements

(Section 26.11)

Reporting to USDOT: 26.11(b)

The District will report DBE participation to USDOT as follows:

The District will submit to the FAA annually, no later than December 1, the *Uniform Report of DBE Awards or Commitments and Payments*, as modified for use by FAA recipients, via the FAA Civil Rights Connect System (<https://faa.civilrightsconnect.com>) or any other format acceptable to the FAA as instructed.

Bidders List: 26.11(c)

The District will create and maintain a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The purpose of this requirement is to provide accurate data about the universe of DBE and non-DBE contractors and subcontractors who seek to work on Federally assisted contracts and helping to set the District's overall goals. The bidders list will include the name, address, DBE non-DBE status, age, and annual gross receipts of firms.

The District will collect this information at the time of bids or proposals by requiring prime contractors to furnish the information about their subcontractors using a Bidders List Collection Form (Attachment 3).

Federal Financial Assistance Agreement

(Section 26.13)

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

Assurance: 26.13(a) – Each financial assistance agreement the District signs with a DOT operating administration (or a primary recipient) will include the following assurance:

Greenville-Spartanburg Airport District (hereafter 'the District') 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 District 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 District'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 District of its failure to carry out its approved program, the Department may impose sanction as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

Contract Assurance: 26.13(b) – For all DOT-assisted contracts, the District will ensure the following clause is included each contract 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 recipient deems appropriate, which may include, but is not limited to:

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

Subpart B – ACDBE Programs

DBE Program Updates

(Section 26.21)

The District is required to have a DBE program meeting the requirements of 49 CFR Part 26 as it will receive grants for airport planning or development and will award prime contracts, the cumulative total value of which exceeds \$250,000 in FAA funds in a Federal fiscal year. The District is not eligible to receive DOT financial assistance unless the DOT has approved the District's DBE program and the District is in compliance with it and this part. The District will continue to carry out its program until all funds from DOT financial assistance have been expended. The District does not have to submit regular updates of its program, as long as the District remains in compliance. However, the District will submit significant changes in the program for approval by the FAA as required.

Policy Statement

(Section 26.23)

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

DBE Liaison Officer (DBELO)

(Section 26.25)

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

*Ashley Bruton
Director of Human Resources
Greenville-Spartanburg International Airport
2000 GSP Drive, Greer SC 29651
864.848.6271
abruton@gspairport.com*

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the Airport District complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the President/CEO concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment 1 to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate District staff. The DBELO, along with the assistance of District staff, will administer the program. The DBELO carries out the following duties and responsibilities:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall triennial goals.
4. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
5. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals attainment and identifies ways to improve progress) and monitors results.
6. Analyzes the Airport's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the District on DBE matters and achievement, when appropriate.
9. Chairs the DBE Advisory Committee (when formed).
10. Determines contractor compliance with good faith efforts.
11. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
12. Plans and participates in DBE training seminars.
13. Acts as liaison to the Uniform Certification Process.
14. Provides outreach to DBEs and community organizations to advise them of opportunities.

DBE Financial Institutions

(Section 26.27)

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

The District will make reasonable efforts to identify financial institutions owned by economically disadvantaged individuals on an as needed basis to meet the District's financial requirements. If the District identifies viable financial institutions, the District will encourage prime contractors to investigate their services and/or encourage their subcontractors to investigate such financial institutions.

Prompt Payment Mechanisms

(Section 26.29)

The District has established the following 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 made by the District to the prime contractor.

The District will ensure prompt and full payment of retainage from the prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed. The District will use the following method to comply with this requirement:

1. Hold retainage from prime contractors and provide for prompt and regular incremental acceptances of portions of the prime contract, pay retainage to prime contractors based on these acceptances, and require a contract clause obligating the prime contractor to pay all retainage owed to the subcontractor for satisfactory completion of the accepted work within 30 days after your payment to the prime contractor.

The District will consider a subcontractor's work satisfactorily complete when all the tasks called for in the subcontract have been accomplished and documented as required by the District. When the District 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 District will include the following clause in each DOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than thirty (30) days from the receipt of each payment the prime contract receives from the Airport. The prime contractor agrees further to return retainage payments to each subcontractor within thirty (30) days after the subcontractors work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of the District. This clause applies to both DBE and non-DBE subcontracts.

The District will provide appropriate means to enforce the requirements of this section. Such means of enforcement include, but are not limited to:

1. Addressing appropriate penalties for failure to comply; and
2. Any delay or postponement of payment among the parties may take place only for good cause, with the District's prior written approval.

The District has also established, as part of its DBE program, the following mechanisms to ensure prompt payment:

1. Contractual language specifying that the decision to award the contract will be conditioned upon the District's satisfaction that the respondent has demonstrated performance of good faith efforts.
2. Contractual language requiring that contractors also sign the Assurance of DBE Participation form as required by the Federal Supplemental Contract Clauses and Requirements for Construction Contracts, which requires bidders to comply with 49 CFR Part 26. Failure to meet these requirements may be considered grounds for rejecting a bid or proposal.
3. DBE Participation verification and prompt payment process:
 - a. Prior to award of a contract, a prime contractor must submit a Letter of Intent to DBE sub participants listed in their response. The Letter of Intent must identify the scope of work and the estimated dollar value of the subcontract. The Letter of Intent must be on the prime contractor's letterhead, signed and countersigned by the DBE.
 - b. After award, a prime contractor is required to submit to the District monthly verification of payment to its subcontractors on a report indicating how much each subcontractor has been paid for the month and to-date. The District will also follow-up with subcontractors to insure prompt receipt of payment as specified in the agreement.
 - c. Contractual language requiring the prime contractor to make good faith efforts to replace any DBE unable to perform with another DBE. The District must approve substitutions after a notice of award. Approval is subject to verification of the inability of a DBE to perform.

Prompt Payment Complaints

Complaints by subcontractors regarding the prompt payment requirements are handled in accordance with the following procedure:

1. The affected subcontractor should file or make a complaint with the prime contractor directly regarding payment. If a subcontractor is not comfortable with contacting the prime contractor directly, the affected subcontractor may contact the District's DBELO for help in facilitating the filing of the complaint.
2. If filing a complaint with the prime contractor does not resolve the payment dispute, the affected subcontractor may contact the District's DBELO to file a complaint.
3. If filing a prompt payment complaint with the DBELO does not resolve the payment dispute, the affected subcontractor may contact the FAA Office of Civil Rights.

Prompt Payment Dispute Resolution

To satisfactorily comply with the purpose of this part, the District may schedule a meeting with the prime contractor, affected subcontractor(s), DBELO, and other staff as necessary to resolve disputes regarding whether work has been completed as agreed upon in order to facilitate prompt payment to the subcontractor(s) by the prime contractor.

DBE Directory

(Section 26.31)

The District uses the South Carolina Unified Certification Program (SCUCP) DBE Directory, maintained by the South Carolina Department of Transportation (SCDOT). 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 South Carolina Department of Transportation updates the Directory periodically, but at least annually. The SCUCP DBE Directory can be found using the links provided in Attachment 2.

Overconcentration

(Section 26.33)

The District has not identified that overconcentration exists in the types of work that DBEs perform.

Business Development Programs

(Section 26.35)

The District has not established a business development program.

Monitoring and Enforcement Mechanisms

(Section 26.37)

The District will implement appropriate mechanisms to ensure compliance with 49 CFR Part 26 program requirements by all program participants, including prompt payment (Section 26.29), and describes and sets forth these mechanisms herein.

1. The District 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 26.109.
2. The District will consider similar action under its own legal authorities, including responsibility determinations in future contracts. Attachment 7 lists the regulations, provisions, and contract remedies available to the District in the event of non-compliance with the DBE regulations by a participant in procurement activities.
3. The District will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by DBEs. This will be accomplished by the following means:
 - a. *Review bid package documentation thoroughly, obtaining clarification, if necessary.*
 - b. *Review monthly reports regarding employment as well as DBE participation to ensure adherence to plan as represented in bid documents and as stipulated in this program.*
 - c. *Monitor progress of payments to DBEs through monthly reports from prime contractors.*
 - d. *Monitor progress of DBEs work through on-site visits and communication with DBEs.*
4. The District actively monitors participation by maintaining a running tally of actual DBE attainments (e.g., payments actually made to DBE firms), including a means of comparing these attainments to commitments.
5. The District 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 those means set forth in Attachment 7.

Fostering Small Business Participation

(Section 26.39)

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

The program element is included as Attachment 8.

The District 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

Set-asides or quotas

(Sections 26.43)

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

Overall Goals

(Section 26.45)

The District will establish an overall DBE goal covering a three-year Federal Fiscal Year period if the District anticipates awarding DOT/FAA funded prime contracts 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 District will submit its overall goals according to the following schedule:

Primary Airport Size	Date Due	Period Covered	Next Goal Due
Small Hub Primary	August 1, 2017	2018 - 2020	August 1, 2020 (2021 – 2023)

The DBE goals will be established in accordance with the 2-step process as specified in 49 CFR Part 26.45. If the District does not anticipate awarding DOT/FAA funded prime contracts the cumulative total value of which exceeds \$250,000 during any of the years within the three-year reporting period, the District will not develop an overall goal; however, this DBE Program will remain in effect and the District will seek to fulfill the objectives outlined in 49 CFR Part 26.1.

Step 1 – The first step is to determine the relative availability of DBEs in the market area, “base figure”. The District will use a combination of bidders from similar, recent projects, the SCUCP registry, and a determination of relevant NAICS codes from the market area capable of performing work for proposed projects as a method to determine our weighted base figure. The second step is to adjust the “base figure” percentage from Step 1 so that it reflects as accurately as possible the DBE participation the recipient would expect in the absence of discrimination based on past participation, a disparity study and/or information about barriers to entry to past competitiveness of DBEs on Contracts.

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

will establish a mechanism (documented in our goal submission) to directly capture data on DBE and non-DBE prime and subcontractors that submitted bids or quotes on our DOT-assisted contracts.

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

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

26.45 (g)(1) In establishing the overall goal, the District will provide for consultation and publication. This includes consultation with minority, women’s and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the District’s efforts to establish a level playing field for the participation of DBEs. The consultation will include a scheduled, direct, interactive exchange (e.g., a face-to-face meeting, video conference, teleconference) with as many interested stakeholders as possible focused on obtaining information relevant to the District’s goal setting process, and it will occur before the District is required to submit its goal methodology to the operating administration for review pursuant to paragraph (f) of this section. The District will document in the goal submission the consultation process that it engaged in. Notwithstanding paragraph (f)(4) of this section, the District will not implement the proposed goal until the District has complied with this requirement.

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

The District’s 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.

The District will begin using the overall goal on October 1 of the reporting period, unless it has received other instructions from DOT.

Section 26.45 (e) - Project Goals

If permitted or required by the FAA Administrator the District will express its overall goals as a percentage of funds for a particular grant or project or group of grants and/or projects, including

entire projects. Like other overall goals, a project goal may be adjusted to reflect changed circumstances, with the concurrence of the appropriate operating administration. A project goal is an overall goal and must meet all the substantive and procedural requirements of this section pertaining to overall goals. A project goal covers the entire length of the project to which it applies. The project goal should include a projection of the DBE participation anticipated to be obtained during each fiscal year covered by the project goal. The funds for the project to which the project goal pertains are separated from the base from which your regular overall goal, applicable to contracts not part of the project covered by a project goal, is calculated.

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

Section 26.45(f) - Prior Operating Administration Concurrent

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

The District's current overall goal and methodology to calculate the overall goal can be found in Attachment 5 to this program.

Failure to Meet Overall Goals

(Section 26.47)

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

If the District's awards and commitments shown on the Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall goal applicable to that fiscal year, the District 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 District will prepare, within 90 days of the end of the fiscal year, the analysis and corrective actions developed under paragraph (c)(1) and (2) of this section. The District will retain a copy of analysis and corrective actions in its records for a minimum of three years and will make it available to FAA upon request.

Means Used to Meet Overall Goals

(Section 26.51)

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

The District 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 the District's approved projection under 26.51(c) estimates that the District can meet the entire overall goal for a given year through race-neutral means, the District will implement the program without setting contract goals during that year, unless it becomes necessary in order to meet the overall goal.

The District will establish contract goals only for those DOT-assisted contracts that have subcontracting possibilities. The District need not establish a contract goal for 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).

Additional information regarding the means to facilitate DBE participation, including the District's Overall Goals can be found in Attachment 5 (III – V).

Good Faith Efforts Procedures

(Section 26.53)

Good Faith Efforts (Pre-Award)

The obligation of the bidder/offeror is to make good faith efforts to meet the DBE goal. 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 49 CFR Part 26.

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

The District will ensure that all information provided by a bidder/offeror is complete and accurate and adequately documents the good faith efforts before it commits to the performance of the contract.

Award of a contract will be conditioned on meeting the requirements of a solicitation that requires contract goals.

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

1. The names and addresses of DBE firms that will participate in the contract;
2. A description of the work that each DBE will perform. To count toward meeting a goal, each DBE firm must be certified in South Carolina and a NAICS code applicable to the kind of work the firm would perform on the contract;
3. The dollar amount of the participation of each DBE firm participating;
4. Written and signed documentation of commitment to use a DBE subcontractor whose participation it submits to meet a contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment and
6. Evidence of good faith efforts if the contract goal is not met. The documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted

to the bidder when a non-DBE subcontractor was selected over a DBE for work on the contract; and

7. The District will require that the bidder/offeror present the information required by this section No later than five (5) business days after bid opening as a matter of **responsibility**. This information will be collected using the forms found in Attachment 6.

Provided that, in a negotiated procurement, including a design-build procurement, the bidder/offeror may make a contractually binding commitment to meet the goal at the time of bid submission or the presentation of initial proposals but provide the information required by this section before the final selection for the contract is made by the District.

Administrative reconsideration

Within five (5) business days of being informed by the District that it is not responsible because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidders should make this request in writing to the following reconsideration official:

*David N. Edwards, Jr. (President/CEO)
Greenville-Spartanburg Airport District
2000 GSP Drive, Suite 1, Greer, SC 29651
dedwards@gspairport.com*

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

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

Good Faith Efforts Procedures (Post-Award)

For all DOT-assisted contracts, the District will include in each prime contract a provision stating:

"The contractor shall utilize the specific DBEs listed to perform the work and supply the materials for which each is listed unless the contractor obtains written consent from the District as provided in 49 CFR 26.53(f); and

That, unless consent is provided by the District, the contractor shall not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE."

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

For purposes of this paragraph, good cause includes the following circumstances:

1. The listed DBE subcontractor fails or refuses to execute a written contract;

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

Before transmitting to the District its request to terminate, the prime contractor must give notice in writing to the DBE of its intent to do so. A copy of this notice must be provided to the District prior to consideration of the request to terminate. The DBE will then have five (5) business days to respond and advise the Airport District of why it objects to the proposed termination.

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

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

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

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

Sample Bid Specification:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of Greenville-Spartanburg Airport District 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, including those who qualify as a DBE. A DBE contract goal of ____ percent has been established for this contract. The bidder shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26, to meet the contract goal for DBE participation in the performance of this contract.

The bidder will be required to submit the following information:

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

Counting DBE Participation

(Section 26.55)

The District will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55. The District 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.

If the firm is not currently certified as a DBE in accordance with the standards of subpart D of this part at the time of the execution of the contract, the District will not count the firm's participation toward any DBE goals, except as provided for in 26.87(j).

Subpart D – Certification Standards

Certification Process

(Section 26.61 – 26.73)

The District will refer all matters pertaining to certification to the South Carolina Department of Transportation in accordance with the State's UCP program. The South Carolina Department of Transportation will use the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. The South Carolina Department of Transportation will make all certification decisions based on the facts as a whole.

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

Office of Business Development and Special Programs
955 Park Street
PO Box 191
Columbia, SC 29202-0191
(803) 737-1372

The certification application forms and documentation requirements are found in Attachment 4 to this program.

Subpart E – Certification Procedures

Unified Certification Programs

(Section 26.81)

The District is a member of the Unified Certification Program (UCP) administered by the South Carolina Department of Transportation (SCDOT). The SCUCP will meet all of the requirements of this section. South Carolina's UCP program uses the certification standards of Subpart D of Part 26 and the certification procedures of Subpart E of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. Under the SCUCP, only SCDOT will conduct DBE certifications. To be certified as a DBE, a firm must meet all certification eligibility standards. The District will refer all certifications to either of these two agencies.

Subpart F – Compliance and Enforcement

Applicable Compliance Procedures

(Section 26.101)

The District understands that if it fails to comply with any requirement of 49 CFR Part 26, the District may be subject to formal enforcement action under 26.103 and 26.105 or appropriate program sanctions by USDOT through the FAA, such as the suspension or termination of federal funds, or refusal to approve projects, grants, or contracts until deficiencies are remedied. Program sanctions may include actions consistent with 49 U.S.C 47106(d), 47111(d), and 47122 and regulations implementing them.

Information, Confidentiality, Cooperation and Intimidations or Retaliation

(Section 26.109)

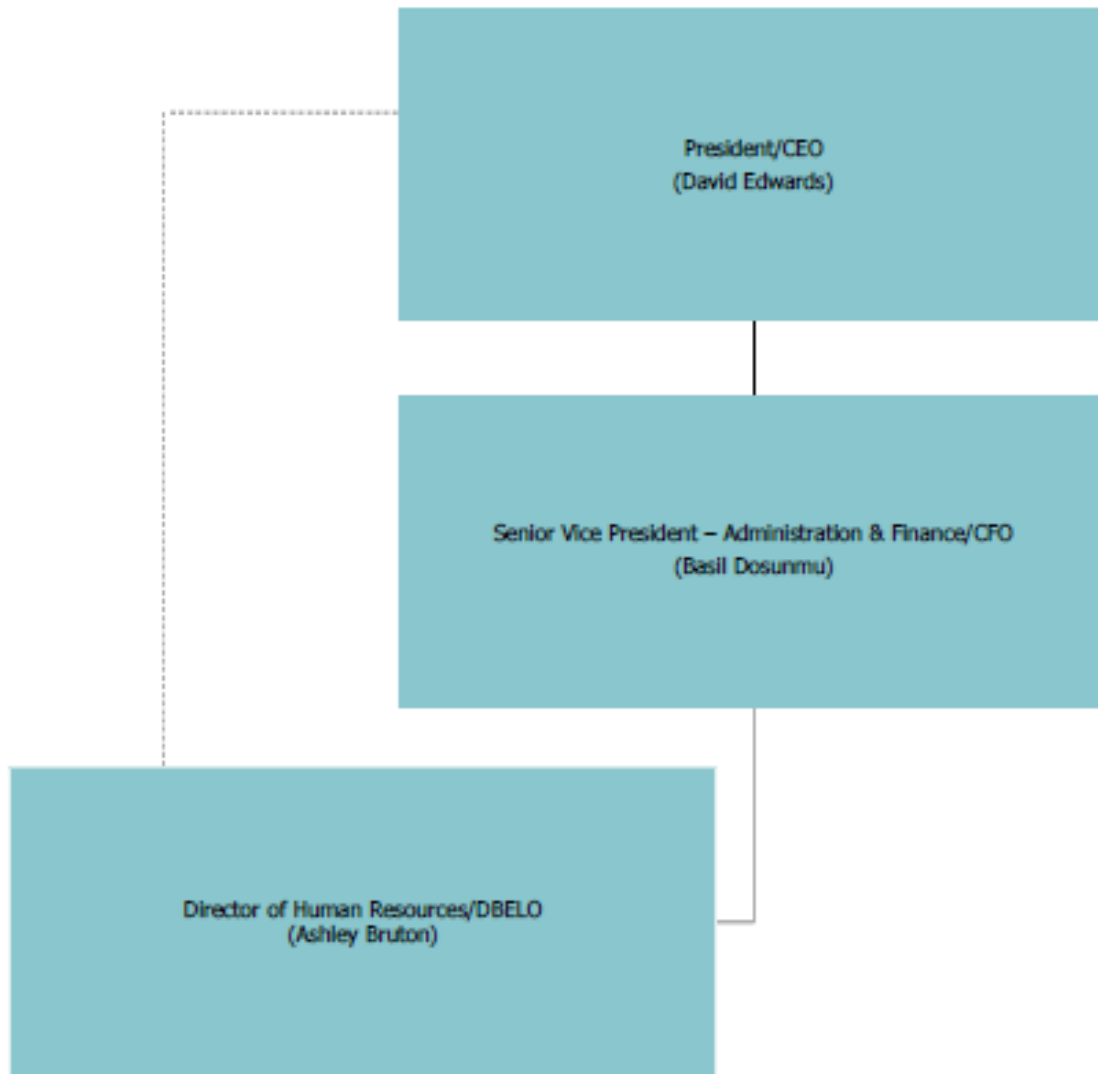
The District will safeguard from disclosure to third party's information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. Notwithstanding any provision of Federal or state law, the District will not release any information that may reasonably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

The District, contractor, or any other participant in the program will not intimidate, threaten, coerce, or discriminate against any individual or firm for the purpose of interfering with any right or privilege secured by this part or because the individual or firm has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The District is out of compliance with this part if it violates this prohibition.

List of Attachments

- Attachment 1 DEBLO/ACDBELP Organization Reporting Structure
- Attachment 2 Regulations: 49 CFR Part 26 (Website Link)
- Attachment 3 Bidder's List Collection Form
- Attachment 4 DBE Certification Information
- Attachment 5 Overall Goal Calculation
- Attachment 6 Form 1 & 2 for Demonstration of Good Faith Efforts
- Attachment 7 DBE Monitoring and Enforcement Mechanisms
- Attachment 8 Small Business Element

Attachment 1
DBELO/ACDBELO Organization Reporting Structure



Attachment 2

Regulations: 49 CFR Par 26

https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr26_main_02.tpl

Attachment 3
Bidder's List Form

Firm Name	Firm Address & Phone No.	DBE or Non-DBE Status (Verify via DBE Directory)	Age of Firm	Annual Gross Receipts
		<input type="checkbox"/> DBE <input type="checkbox"/> Non-DBE	<input type="checkbox"/> Less than 1 year	<input type="checkbox"/> Less than \$500K
			<input type="checkbox"/> 1 – 3 years	<input type="checkbox"/> \$500K - \$1M
			<input type="checkbox"/> 4 – 7 years	<input type="checkbox"/> \$1M - \$2M
			<input type="checkbox"/> 8 – 10 years	<input type="checkbox"/> \$2M - \$5M
			<input type="checkbox"/> Greater than 10 years	<input type="checkbox"/> Greater than \$5M
		<input type="checkbox"/> DBE <input type="checkbox"/> Non-DBE	<input type="checkbox"/> Less than 1 year	<input type="checkbox"/> Less than \$500K
			<input type="checkbox"/> 1 – 3 years	<input type="checkbox"/> \$500K - \$1M
			<input type="checkbox"/> 4 – 7 years	<input type="checkbox"/> \$1M - \$2M
			<input type="checkbox"/> 8 – 10 years	<input type="checkbox"/> \$2M - \$5M
			<input type="checkbox"/> Greater than 10 years	<input type="checkbox"/> Greater than \$5M
		<input type="checkbox"/> DBE <input type="checkbox"/> Non-DBE	<input type="checkbox"/> Less than 1 year	<input type="checkbox"/> Less than \$500K
			<input type="checkbox"/> 1 – 3 years	<input type="checkbox"/> \$500K - \$1M
			<input type="checkbox"/> 4 – 7 years	<input type="checkbox"/> \$1M - \$2M
			<input type="checkbox"/> 8 – 10 years	<input type="checkbox"/> \$2M - \$5M
			<input type="checkbox"/> Greater than 10 years	<input type="checkbox"/> Greater than \$5M
		<input type="checkbox"/> DBE <input type="checkbox"/> Non-DBE	<input type="checkbox"/> Less than 1 year	<input type="checkbox"/> Less than \$500K
			<input type="checkbox"/> 1 – 3 years	<input type="checkbox"/> \$500K - \$1M
			<input type="checkbox"/> 4 – 7 years	<input type="checkbox"/> \$1M - \$2M
			<input type="checkbox"/> 8 – 10 years	<input type="checkbox"/> \$2M - \$5M
			<input type="checkbox"/> Greater than 10 years	<input type="checkbox"/> Greater than \$5M
		<input type="checkbox"/> DBE <input type="checkbox"/> Non-DBE	<input type="checkbox"/> Less than 1 year	<input type="checkbox"/> Less than \$500K
			<input type="checkbox"/> 1 – 3 years	<input type="checkbox"/> \$500K - \$1M
			<input type="checkbox"/> 4 – 7 years	<input type="checkbox"/> \$1M - \$2M
			<input type="checkbox"/> 8 – 10 years	<input type="checkbox"/> \$2M - \$5M
			<input type="checkbox"/> Greater than 10 years	<input type="checkbox"/> Greater than \$5M
		<input type="checkbox"/> DBE <input type="checkbox"/> Non-DBE	<input type="checkbox"/> Less than 1 year	<input type="checkbox"/> Less than \$500K
			<input type="checkbox"/> 1 – 3 years	<input type="checkbox"/> \$500K - \$1M
			<input type="checkbox"/> 4 – 7 years	<input type="checkbox"/> \$1M - \$2M
			<input type="checkbox"/> 8 – 10 years	<input type="checkbox"/> \$2M - \$5M
			<input type="checkbox"/> Greater than 10 years	<input type="checkbox"/> Greater than \$5M
		<input type="checkbox"/> DBE <input type="checkbox"/> Non-DBE	<input type="checkbox"/> Less than 1 year	<input type="checkbox"/> Less than \$500K
			<input type="checkbox"/> 1 – 3 years	<input type="checkbox"/> \$500K - \$1M
			<input type="checkbox"/> 4 – 7 years	<input type="checkbox"/> \$1M - \$2M
			<input type="checkbox"/> 8 – 10 years	<input type="checkbox"/> \$2M - \$5M
			<input type="checkbox"/> Greater than 10 years	<input type="checkbox"/> Greater than \$5M

Attachment 4

DBE Certification Information

South Carolina Disadvantaged Business Program

<https://www.scdot.org/business/bus-development-dbe-certification.aspx>

DBE Certification Directory

<https://www.scdot.org/business/bus-development-dbe-sbe-cert.aspx>

Minority & Small Business Affairs Staff

<https://www.scdot.org/business/bus-development-directory.aspx>

Attachment 5
Overall Goal Calculation

General Information:

Airport Sponsor: **Greenville-Spartanburg Airport District**
 Airport: **Greenville-Spartanburg International Airport**
 DBELO: **Ashely Bruton**
 Director of Human Resources
 Greenville-Spartanburg Airport District
 2000 GSP Drive, Suite 1
 Greer, SC 29651
 P: 864-848-6271
 E: abruton@gspairport.com

I. Detailed Methodology: Specific Steps

A. Amount of Goal

The Airport District’s overall goal for the FY 2018-2020 Federal financial assistance it will expend in USDOT-assisted contracts is the following:

Overall Goal:	11.0%
Race-Neutral:	0.4%
Race-Conscious:	10.6%

Given the amount of USDOT-assisted contracts that the Airport District expects to let from FY 2018-2020, which is approximately **\$25,550,100**, this means that the Airport District has set a goal of expending approximately **\$2,807,205** with DBEs during this period.

B. Determination of the Market Area of the study

The normal market area was based on discussions with the Airport staff and an assessment of bidders from similar recent projects. Specifically, the market area is based on where the substantial majority of bidders, both successful and unsuccessful are located and where the substantial majority of funding was spent as illustrated in **Table 1** on the following page:

Table 1: Greenville-Spartanburg Airport District Market Area

County	Bidders	Percent of bidders	Dollars	Percent of dollars
Cherokee - SC	1	5.0%	\$4,239	0.2%
Greenville - SC	3	15.0%	\$511,859	23.6%
Horry - SC	2	10.0%	\$429,916	19.8%
Kershaw - SC	3	15.0%	\$77,994	3.6%
Oconee - SC	1	5.0%	\$36,941	1.7%
Spartanburg - SC	1	5.0%	\$142,035	6.5%
Anson - NC	2	10.0%	\$297,362	13.7%
Mecklenburg - NC	1	5.0%	\$114,300	5.3%
Market Area	14	70.0%	\$1,614,646	74.4%
Other	6	30.0%	\$556,872	25.6%
Total	20	100.0%	\$2,171,518	100.0%

Source: Subcontractor list for recent projects.

Attachment 5

Overall Goal Calculation

C. Determination of relevant NAICS codes

Based on information provided by the Airport District concerning the proposed projects, a list of NAICS codes corresponding to these projects was developed and is shown below:

**Table 2: Greenville-Spartanburg Airport District
FY 2018 – FY 2020 Projects & Activities**

FY	PROJECT	ACTIVITY	NAICS
FY 2018	ARFF Station Construction	Building Construction	236220
		Concrete	238110
		Structural Steel	238120
		Roofing	238160
		Electrical	238210
		Mechanical	238220
		Carpentry	238350
		Site Prep	238910
		Engineering	541330
	New Cargo Apron (Construction Phase)	Highway & Street	237310
		Site Prep	238910
		Engineering	541330
		Landscaping	561730
		Highway & Street	237310
FY 2019	Taxiway Rehabilitation	Site Prep	238910
		Engineering	541330
		Landscaping	561730
		Highway & Street	237310
FY 2020	Rehabilitation General Aviation Apron	Highway & Street	237310
		Site Prep	238910
		Engineering	541330
	Aviation Parkway Rehab (Design)	Engineering	541330

Source: Greenville-Spartanburg Airport District

Attachment 5

Overall Goal Calculation

D. Determination of Relative Availability of DBEs in Market Area Compared to all Firms

Table 3a: DBEs — Greenville-Spartanburg Airport District by Relevant NAICS Codes — FY 2018
ARFF Station Construction

Activity	NAICS CODES	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Goal (Dollars)
Building Construction	236220	8	148	5.4%	\$1,715,118	\$92,709
Concrete	238110	11	63	17.5%	\$267,091	\$46,635
Structural Steel	238120	0	16	0.0%	\$471,829	\$0
Roofing	238160	2	80	2.5%	\$258,103	\$6,453
Electrical	238210	1	273	0.4%	\$640,034	\$2,344
Mechanical	238220	2	478	0.4%	\$856,945	\$3,586
Carpentry	238350	3	111	2.7%	\$1,200,520	\$32,446
Site Prep	238910	19	141	13.5%	\$260,361	\$35,084
Engineering	541330	1	252	0.4%	\$630,000	\$2,500
Total					\$6,300,000	\$221,757
Weighted Step 1 Goal =						3.5%

Sources: 2015 County Business Patterns, U.S. Census Bureau.
 South Carolina UCP DBE Directory, September 2017.

Table 3b: DBEs — Greenville-Spartanburg Airport District by Relevant NAICS Codes — FY 2018
New Cargo Apron (Construction Phase)

Activity	NAICS CODES	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Goal (Dollars)
Highway & Street	237310	7	44	15.9%	\$10,182,080	\$1,619,876
Site Prep	238910	19	141	13.5%	\$2,471,802	\$333,080
Engineering	541330	1	252	0.4%	\$1,545,423	\$6,133
Landscaping	561730	17	477	3.6%	\$145,795	\$5,196
Total					\$14,345,100	\$1,964,285
Weighted Step 1 Goal =						13.7%

Sources: 2015 County Business Patterns, U.S. Census Bureau.
 South Carolina UCP DBE Directory, September 2017.

Attachment 5

Overall Goal Calculation

**Table 3c: DBEs — Greenville-Spartanburg Airport District by Relevant NAICS Codes
— FY 2019
Taxiway Rehabilitation**

Activity	NAICS CODES	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Goal (Dollars)
Highway & Street	237310	7	44	15.9%	\$638,815	\$101,630
Site Prep	238910	19	141	13.5%	\$155,079	\$20,897
Engineering	541330	1	252	0.4%	\$96,959	\$385
Landscaping	561730	17	477	3.6%	\$9,147	\$326
Total					\$900,000	\$123,238
Weighted Step 1 Goal =						13.7%

Sources: 2015 County Business Patterns, U.S. Census Bureau.
South Carolina UCP DBE Directory, September 2017.

**Table 3d: DBEs — Greenville-Spartanburg Airport District by Relevant NAICS Codes
— FY 2020
Rehabilitation General Aviation Apron**

Activity	NAICS CODES	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Goal (Dollars)
Highway & Street	237310	7	44	15.9%	\$2,803,735	\$446,049
Site Prep	238910	19	141	13.5%	\$326,137	\$43,948
Engineering	541330	1	252	0.4%	\$470,128	\$1,866
Total					\$3,600,000	\$491,862
Weighted Step 1 Goal =						13.7%

Sources: 2015 County Business Patterns, U.S. Census Bureau.
South Carolina UCP DBE Directory, September 2017.

**Table 3e: DBEs — Greenville-Spartanburg Airport District by Relevant NAICS Codes
— FY 2020
Aviation Parkway Rehab (Design)**

Activity	NAICS CODES	DBE Firms	All Firms	% of DBE Firms Available	NAICS Dollars	DBE Goal (Dollars)
Engineering	541330	1	252	0.4%	\$405,000	\$1,607
Total					\$405,000	\$1,607
Weighted Step 1 Goal =						0.4%

Sources: 2015 County Business Patterns, U.S. Census Bureau.
South Carolina UCP DBE Directory, September 2017.

Attachment 5

Overall Goal Calculation

NOTE: The County Business Patterns data were used as the source to determine the denominator, or the number of all firms in the market area. The DBE directory listed above were used to determine the numerator, or the number of DBE firms in the market area.

E. Determination of the "Weighted" DBE Base Figure

The Step 1 DBE Base Figure for each project was derived by using a weighting process by which the percentage of dollars spent on various activities (represented by NAICS codes) were multiplied by the percentage of relevant DBE firms to all relevant firms as indicated in Table 3 above.

The Step 1 DBE Base Figures for the Airport District are as follows:

ARFF Station Construction -	<u>3.5%</u>
New Cargo Apron (Construction Phase) -	<u>13.7%</u>
Taxiway Rehabilitation -	<u>13.7%</u>
Rehabilitation General Aviation Apron -	<u>13.7%</u>
Aviation Parkway Rehab (Design) -	<u>0.4%</u>

II. Adjustments to the DBE Base Figure

After the DBE Base Figure has been developed, the regulations (49 CFR Part 26) require that:

"...additional evidence in the sponsor's jurisdiction be considered to determine what adjustment, if any, is needed to the base figure in order to arrive at your overall goal" (26:45(d)).

A. Adjustment Factors to Consider

The regulations further state that there are several types of evidence that must be considered when adjusting the base figure. These include:

"(i) The current capacity of DBEs to perform work in your USDOT-assisted contracting program, as measured by the volume of work DBEs have performed in recent years.

The historical overall DBE goals accomplished at the Airport in recent years were examined relative to the above consideration. Notice the annual DBE percent accomplishment indicated in Table 4 below:

***Table 4: Greenville-Spartanburg Airport District
DBE Accomplishment***

Report Period	DBE Goal	DBE Percent Achieved	Achieved Over/Under
FY 2011	10.0%	3.9%	-6.1%
FY 2012	10.6%	11.0%	0.4%
FY 2013	10.6%	11.0%	0.4%
FY 2015	10.2%	20.9%	10.7%
FY 2016	10.2%	25.4%	15.2%
MEDIAN	10.2%	11.0%	0.4%

Source: Uniform Report of DBE Commitments/Awards and Payments

Attachment 5

Overall Goal Calculation

The median DBE accomplishment for the periods as shown above for the Airport District is 11.0%.

B. Consultations

The Airport District held a public meeting on September 21, 2017. The purpose of the meeting was to solicit information from interested stakeholders about the draft goal, as well as the availability of potential, the effects of discrimination on opportunities for DBEs, and the Airport District's effort to increase DBE participation. Although invitations were sent to 83 companies and organizations there were no attendees.

C. Adjustment to Step 1 DBE Base Figures: Greenville-Spartanburg Airport District, FY 2018-FY 2020

With the adjustment factors considered to this point, the Airport District will adjust the Step 1 base figures as calculated above by adding the annual accomplishment factor derived in Table 4 above (11.0%) to the base figure for each project as noted, and averaging the total, for an adjusted overall DBE goal.

FY 2018 – FY 2020 Overall Goal

Fiscal Year	Project	Step1	Step 2 adjustment	Overall Goal	Total project costs	DBE Goal (dollars)
FY18	ARFF Station Construction	3.5%	11.0%	7.25%	\$6,300,000	\$456,750
FY18	New Cargo Apron (Construction Phase)	13.7%	11.0%	12.35%	\$14,345,100	\$1,771,620
FY 2018 Total				10.8%	\$20,645,100	\$2,228,370
FY19	Taxiway Rehabilitation	13.7%	11.0%	12.35%	\$900,000	\$111,150
FY 2019 Total				12.4%	\$900,000	\$111,150
FY20	Rehabilitation General Aviation Apron	13.7%	11.0%	12.35%	\$3,600,000	\$444,600
FY20	Aviation Parkway Rehab (Design)	0.4%	11.0%	5.70%	\$405,000	\$23,085
FY 2020 Total				11.7%	\$4,005,000	\$467,685
FY 2018 - FY 2020 Overall Goal				11.0%	\$25,550,100	\$2,807,205

The total DBE goal in dollars was divided by the total federal portion of project costs to derive the overall DBE goal of 11.0% for FY 2018-FY 2020.

Attachment 5

Overall Goal Calculation

III. Process

The Airport District will normally submit its overall goal to the FAA on August 1 of each goal year.

Before establishing the overall goal this year, the Airport District consulted 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 Airport District's efforts to establish a level playing field for the participation of DBEs.

Following this consultation, the Airport District published a notice of the proposed overall goal, informing the public that the proposed goal and its rationale were available for review and comment during normal business hours at the Airport District's administrative office for 30 days following the date of the notice. The notice was published on the Airport District's website. The notice included addresses (including offices) to which comments could be sent and addresses where the proposal could be reviewed. This process was used to establish the goals for FY 2018 to FY 2020.

The Airport District's overall goal submission to the FAA will include a summary of information and comments received during this public participation process and our responses.

The Airport District will begin using the overall goal on October 1 of each year, unless the Airport District has received other instructions from DOT/FAA (or, if the goal is established on a project basis) by the time of the first solicitation for a DOT/FAA-assisted contract for the projects.

IV. Breakout of Estimated Race-Conscious/Race-Neutral Participation

The Airport District will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. The Airport District will use a combination of the following race-neutral means to increase DBE participation:

- 1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE, and other small businesses participation (e.g., unbundling large contracts to make them more accessible to small businesses, encouraging prime contractors to subcontract portions of work that they might otherwise perform with their own forces);*
- 2. Disseminating information communications on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders, ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors).*

The Airport District proposes a race-conscious goal of **10.6%** and a race-neutral goal of **0.4%**, for a total of **11.0%**. The reason for this breakout is that the projects from the previous years show that the median amount by which the past DBE goals were over-achieved is **0.4%** (see **Table 4**).

The Airport District will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (26.51(f)) and it will track and report race-neutral and race-conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following: DBE

Attachment 5

Overall Goal Calculation

participation through a prime contract a DBE obtains through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry 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.

V. Contract Goals

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

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 Federal share of a DOT-assisted contract.

Resource Documents

1. South Carolina UCP DBE Directory.
2. 2015 County Business Patterns, Census Bureau.
3. Uniform Report of DBE Commitments/Awards and Payments.
4. Greenville-Spartanburg Airport District Capital Improvements Plan.

Attachment 6

Forms for Demonstration of Good Faith Efforts

FORM 1: DSADVANTAGED BUSINESS ENTERPRISE (DBE) UTILIZATION

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

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

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

Name of Bidder/offeror's firm: _____

By: _____

Title: _____
(Printed Name and Title of Authorized Representative)

Signature: _____

Date: _____

Attachment 6

Forms for Demonstration of Good Faith Efforts

FORM 2: LETTER OF INTENT

Name of bidder/offeror firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of ACDBE firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone Number: _____

Description of work to be performed by DBE firm:

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

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

Affirmation

The above named DBE firm affirms that it will perform the portion of the work described above for the **{Project Name}** project for the estimated dollar value as shown on this Letter of Intent.

By: _____
(Print Name) *(Signature)* *(Title)*

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

(Submit this page for each DBE subcontractor)

Attachment 7

DBE Monitoring and Enforcement Mechanisms

The District has several remedies available to enforce the DBE requirements contained in its contracts, including, but not limited to, a breach of contract action, pursuant to the terms of the contract.

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 23 and 2 CFR parts 180 and 1200
2. Enforcement action pursuant to 49 CFR part 31; and
3. Prosecution pursuant to 18 USC 1001.

Attachment 8

Small Business Element

1. Objective/Strategies

The Greenville-Spartanburg Airport District (District) recognizes the need to facilitate competition for small business concerns by structuring contract opportunities in a way that reduces obstacles in order to gain more small business participation. The District seeks to meet the projected race-neutral portion its overall goal through race-neutral measures, ensuring that a reasonable number of prime contracts are of a size that small businesses, including DBEs, can reasonably perform. The District's small business element seeks to implement a supplemental Small Business Participation Plan (SBPP) in conjunction with its overall DBE program that fulfills the overall intent of 49 CFR 26.39. The District is committed to taking all reasonable steps to meet this objective using a combination of the following strategies:

1. *Set-Asides* – The District will establish a procurement vehicle for certain projects under \$1,000,000 that will be set-aside and designed to provide small businesses equal opportunity to compete for project awards. The procurement vehicle will have a requirement that limits an interested offeror's business size which meet the requirements of the Small Business Administration (SBA) without regard to race, gender, or geographic location of the interested offeror. Where feasible, the District will encourage prime contractors on contracts that do not have DBE contract goals to determine elements of the contract that can be set-aside for small businesses, including DBEs, and give them opportunity to bid for work that they can reasonable perform without hindering project execution.
2. *Alternative Acquisition Strategies* – The District will look to identify future project requirements that allow for an opportunity to structure procurements which can facilitate the ability of consortia or joint ventures consisting of small businesses, including DBEs, to compete for and perform prime contracts. When such projects present this opportunity, the Greenville-Spartanburg Airport Commission (Commission) is required to approve an alternative acquisition method prior to executing the strategy. If an alternative acquisition strategy is approved, the District will ensure due diligence is performed for all firms that want to participate in the consortia or joint venture.
3. *Unbundling* – The Commission, as the operator of the District, has given consideration to "unbundling" as a small business strategy and believe that at this time, such a strategy will not be suitable for the commission. Because of the limited number of contracts each year, the increased total number of bid solicitations with "unbundling" could significantly increase both administrative and project costs per bid. This will reduce the necessary "economy of scale".
4. *Outreach* – The District currently advertises all contracting opportunities through its website and various commercial outlets to maximize competition exposure. To broaden outreach efforts, the District may look to add other methods to reach out to the small business community, such as submitting advertisements with small business organization websites. The District will look at the way other local municipalities and regional airports seek small business participation to possibly utilize those methods to introduce small businesses to the District's procurement processes and practices.

The District will evaluate and utilize a variety of methods to increase opportunity for small business participation. Other methods may include establishing a separate bidders list of qualified small businesses for solicitations that match those qualified small businesses skill

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sets. The District will consider additional governmental resources such as the Small Business Administration (SBA) and Department of Commerce and Minority Business Development Agencies as tools to provide further assistance in order to foster small business participation.

2. Definitions

Small Business – For purposes of this program element, which is part of our approved DBE program, “small business” shall have the same definition as “small business concerns” contained in 49 CFR 26.5:

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

For additional clarification, it is useful to include here some excerpts from the SBA regulations, 13 CFR, 121.105:

(a)(1) Except for small agricultural cooperatives, a business concern eligible for assistance from SBA as a small business is a business entity organized for profit, with a place of business located in the United States, and which operates primarily within the United States or which makes a significant contribution to the U.S. economy through payment of taxes or use of American products, materials or labor; and,

(b) A business concern may be in the legal form of an individual proprietorship, partnership, limited liability company, corporation, joint venture, association, trust or cooperative, except that where the form is a joint venture there can be no more than 49 percent participation by foreign business entities in the joint venture.

Further, it is acknowledged that the SBA rules make allowances, depending on the industry, for size standards based on the average number of employees for the preceding twelve (12) months or based on gross annual receipts averaged over a three-year period to meet the annual eligibility requirement.

Disadvantaged Business Enterprise (DBE) – A for-profit small business concern (defined by SBA rules, above) that meets the standards of 49 CFR Part 26, i.e.

1. At least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals;
2. Whose socially and economically disadvantaged owners do not exceed the personal net worth (PNW) described in 49 CFR Part 26. (The current PNW cap is \$1.32 million.)
3. Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it;
4. Where in any Federal fiscal year, a firm has had less than \$23.98 million in gross receipts based on the average of gross receipts of the firm's previous three fiscal years;

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5. Has been certified as a DBE by a certifying member of the South Carolina Unified Certification Program (SC UCP) in accordance with the full requirements of 49 CFR 26.

It is understood that in the implementation of this element, all of the small business concerns may not necessarily be DBE firms. However, small businesses that are also owned and controlled by individuals who meet the DBE standard will certainly be encouraged to seek DBE certification. Only DBE certified firms who participate as small business concerns, pursuant to this element, will be counted towards DBE race-neutral participation on FAA-assisted contracts in this program.

3. Verification

The District will take steps to verify eligibility of a firm to participate in the District's DBE program and this SBPP. The District will rely on the certification/verification process from other entities and accept the following certifications to be included in this SBPP:

1. *South Carolina Unified Certification Program (SCUCP) DBE Certification* – The Commission is a non-certifying member of the SCUCP and relies on certification decisions of the South Carolina Department of Transportation (SCDOT). DBE certification by a certifying member of the SCUCP which stipulates that a firm has been determined to meet all the requirements in accordance with 49 CFR Part 26. All certification determinations are evidenced by a letter of DBE certification issued by a certifying member of the SC UCP.
2. *Small Business Administration (SBA) Business Development Certification* – The District rely on the certification process used by the SBA in accordance with 13 CRF Parts 121 and 124.

4. Monitoring/Record Keeping

1. The District is only required to track and report any race-neutral participation by certified DBEs achieved through this SBPP. However, the District will collect data on small business participation obtained through this SBPP as a means to track data for future needs at the airport as well as to answer future questions that may arise as a result of the District's program.
2. The District will separate the records of firms that meet the requirements for small businesses from those firms that are DBE certified. This is done to make it easier to report annually the DBE participation to the FAA.

5. Implementation Timeline

The Commission approved this SBPP in 2012 and it was submitted to the FAA at that time. This update will be approved and submitted to the FAA by October 1, 2019. After submission, the updated SBPP will be fully implemented within 180 days of final FAA approval.

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6. Assurance

The District makes the following assurances:

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