

# DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

Fiscal Years 2012-2014

**ERNEST A. LOVE FIELD / PRESCOTT MUNICIPAL AIRPORT**  
Prescott, Arizona



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**FINAL DRAFT**  
**FOR PUBLIC COMMENT**  
June 1, 2011

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Fiscal Years 2012-2014  
ERNEST A. LOVE FIELD / PRESCOTT MUNICIPAL AIRPORT  
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# POLICY STATEMENT

## DBE PROGRAM ERNEST A. LOVE FIELD / PRESCOTT MUNICIPAL AIRPORT PRESCOTT, ARIZONA

FINAL DRAFT – June 1, 2011 (For Public Comment)

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### Objectives/Policy Statement (§26.1, 26.23)

Ernest A. Love Field / Prescott Municipal Airport (the Prescott Airport) 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 Prescott Airport has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the Prescott Airport has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the Prescott Airport 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.

Mary Catherine Tennant, Airport Management Analyst, has been delegated as the DBE Liaison Officer. In that capacity, Ms. Tennant 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 Prescott Airport in its financial assistance agreements with the Department of Transportation.

The Prescott Airport has disseminated this policy statement to the Prescott City Council and City Attorney. We have made this statement available to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts by advertisement of its availability in the local legal publication.

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Benjamin Vardiman  
Airport Manager

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Date

## **SUBPART A – GENERAL REQUIREMENTS**

### **Objectives (§26.1)**

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

### **Applicability (§26.3)**

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

### **Definitions (§26.5)**

The Prescott Airport will adopt the definitions contained in 40 CFR Part 26, Section 26.5 for this program.

### **Non-discrimination Requirements (§26.7)**

The Prescott Airport 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 Prescott Airport 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 (§26.11)**

#### Reporting to DOT: 26.11(b)

DOT Form 4630, as modified for use by FAA recipients, will be submitted annually.

#### Bidders List: 26.11(c)

The Prescott Airport will create 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 allow use of the bidders list approach to calculating overall goals in future updates. The bidders list will include the name, address, DBE non-DBE status, age, and annual gross receipts of firms.

We will collect this information in the following ways:

The Prescott Airport will include a contract clause requiring prime bidders on all DOT-funded projects to report the names and addresses, DBE/SBE status, and contact information, of all firms who quote to them as potential subcontractors.

## **Federal Financial Assistance Agreement (§26.13)**

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

### Assurance: 26.13(a)

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

### Contract Assurance: 26.13b

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

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

## SUBPART B - ADMINISTRATIVE REQUIREMENTS

### DBE Program Updates (§26.21)

Since the Prescott Airport has received a grant of \$250,000 or more for airport planning or development, we will continue to carry out this program until all funds from DOT financial assistance have been expended. We will provide to DOT updates representing significant changes in the program.

### Policy Statement (§26.23)

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

### DBE Liaison Officer (DBELO) (§26.25)

We have designated the following individual as our DBE Liaison Officer:

Mary Catherine Tennant, Airport Management Analyst  
Phone: (928) 777-1114  
Fax: (928) 771-5861  
mc.tennant@prescott-az.gov

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the Prescott Airport complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Airport Manager, Mayor, and City Manager concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in **APPENDIX B, Attachment 1**.

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

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to 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.
6. Analyzes Prescott Airport's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the Airport Manager, Mayor, and City Manager on DBE matters and achievement.
9. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
10. Plans and participates in DBE training seminars.
11. Coordinates certification of DBEs according to the criteria set by DOT and acts as liaison to the Uniform Certification Process in Arizona.

12. Provides outreach to DBEs and community organizations to advise them of opportunities.
13. Maintains the Prescott Airport's updated directory on certified DBEs.

#### **DBE Financial Institutions (§26.27)**

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

The City of Prescott's Finance Director has informed the DBELO that, since the City of Prescott does not require business licensing, there is no mechanism to determine DBE ownership of local financial institutions. The Finance Director is not aware of any DBE financial institutions doing business within the City of Prescott.

#### **Prompt Payment Mechanisms (§26.29)**

The Prescott Airport will include the following clause in each DOT-assisted prime contract:

*"Prompt payment of subconsultants by prime contractors is governed by the Arizona Prompt Payment Act (A.R.S. § 32-1129.02). The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than seven (7) days from the receipt of each payment the prime contract receives from Prescott Airport. The prime contractor agrees further to return retainage payments to each subcontractor within seven (7) days after the subcontractor's 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 Prescott Airport. This clause applies to both DBE and non-DBE subcontracts. An unpaid subcontractor or supplier is entitled to interest on unpaid amounts at 18% per annum. For licensed contractors, failure to pay is also grounds for disciplinary action by the Arizona Registrar of Contractors."*

#### **Directory (§26.31)**

The Prescott Airport has adopted the Arizona Disadvantaged Business Enterprise Program database identifying all firms eligible to participate as DBEs. The directory lists the firm's name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE. This directory is kept current by the State and is available at the following URL address:

[http://www.azdot.gov/azdbe/DBE\\_search.aspx](http://www.azdot.gov/azdbe/DBE_search.aspx)

#### **Overconcentration (§26.33)**

Prescott Airport has not identified that overconcentration exists in the types of work that DBEs perform.

### **DBE Business Development Programs (§26.35)**

Prescott Airport has not established a Disadvantaged Business Enterprise business development program.

### **Monitoring and Enforcement Mechanisms (§26.37)**

The Prescott Airport will utilize 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 26.109.
2. We will consider similar action under our own legal authorities, including responsibility determinations in future contracts.
3. We will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by the DBEs. This will be accomplished by monitoring of contractor invoicing and payments, along with on site observation of construction activities.
4. We will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

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

### **Set-asides or Quotas (§26.43)**

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

### **Overall Goals (§26.45)**

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

In accordance with Section 26.45(f), and as directed by the FAA, the Prescott Airport will update and submit its overall goal to DOT on August 1 of every third year.

Following preparation of an updated DBE Program and overall goal, 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 the Prescott Airport manager's office for 30 days following the date of the notice, and informing the public that the Prescott Airport and DOT will accept comments on the goals for 45 days from the date of the notice. Normally, we will publish this notice by June 1 of each year. 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 goal submission to DOT will include a summary of information and comments received during this public participation process and our responses.

We will begin using our overall goal on October 1 of each year, unless we have received other instructions from the FAA or 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.

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

The breakout of estimated race-neutral and race-conscious participation can be found in **APPENDIX A** of this program. This section of the program will be updated when the goal calculation is updated.

### **Contract Goals (§26.51 (d-g))**

The Prescott Airport will use contract goals to meet any portion of the overall goal Prescott Airport 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 total amount of a DOT-assisted contract.

## **Good Faith Efforts Procedures (§26.53)**

### 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 40 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.

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

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

Prescott Airport 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 the bidders/offerors to submit the following information:

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

### Administrative reconsideration (26.53(d))

Within ten (10) business days of being informed by Prescott Airport 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:

Prescott City Manager  
201 South Cortez Street  
Prescott, AZ 86303-3989  
(928) 777-1380

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.

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

Prescott Airport 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.

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

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

#### Sample Bid Specification:

The Prescott Airport will include the following clause in each Request for Bids or Request for Qualifications (RFQ) for any DOT-assisted prime contract that includes a contract goal:

*"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 Prescott Airport to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offerors, including those who qualify as a DBE. A DBE contract goal of \_\_\_\_ percent has been established for this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (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 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 (5) if the contract goal is not met, evidence of good faith efforts."*

#### **Counting DBE Participation (§26.55)**

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

## SUBPART D – CERTIFICATION STANDARDS

### Certification Process (§26.61 – 26.73)

Prescott Airport 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. We rely upon the Arizona Department of Transportation's Arizona Unified Certification Program (UCP) certification process and accept only firms certified under their jurisdiction as eligible for consideration on Prescott Airport projects.

### General Criteria for DBE Certification

In order for a business to be considered for Arizona Department of Transportation DBE certification, the business must meet the following general guidelines:

1. The business must be at least 51% owned by one or more socially or economically disadvantaged individuals. A socially disadvantaged individual is a citizen (or lawfully admitted permanent resident) who is a member of one of the following groups: Black American, Hispanic American, Native American, Asian-Pacific American, Subcontinent American, or a woman.
2. The company must be an independent business, and one or more of the socially disadvantaged owners must control its management and daily operations.
3. Only existing "for-profit" businesses may be certified, and DBE applicants are subject to applicable small business size standards.
4. The personal net worth (PNW) of each socially and economically disadvantaged owner must not exceed \$750,000 with regulatory exclusions.

To apply for DBE certification through the Arizona Department of Transportation web site, firms may use the following link:

<https://adot.dbesystem.com/FrontEnd/VendorsIntroduction.asp?XID=2999&TN=adot>

For information about the ADOT DBE certification process or to apply for certification, firms may contact:

Jamie Geist  
(602) 712-7761  
[Jgeist2@azdot.gov](mailto:Jgeist2@azdot.gov)

## **SUBPART E – CERTIFICATION PROCEDURES**

### **Unified Certification Programs (§26.81)**

#### Arizona Unified Certification Program (UCP)

The Arizona UCP has been established to facilitate statewide DBE certification. The UCP eliminates the need for DBE applicant businesses to obtain certification from multiple agencies, and provides reciprocity within Arizona. The Arizona Department of Transportation, City of Phoenix, and the City of Tucson are members of the Arizona UCP. The official UCP DBE database includes DBE firms certified by these three agencies. Bidders who are meeting goals on FAA contracts being let by other in-state entities can only use the DBEs certified by the Arizona UCP.

Prescott Airport utilizes the Arizona UCP, which will meet all of the requirements of this section.

### **Procedures for Certification Decisions (§26.83)**

#### Re-certifications 26.83(a) & (c) and “No Change” Affidavits and Notices of Change (26.83(j))

Prescott Airport recognizes the Arizona UCP certification, review, and re-certification process. Only firms that are certified under the Arizona UCP are recognized as eligible DBE firms who may participate in DOT-assisted projects. Prescott Airport relies upon the Arizona UCP for certification of DBE firms, as well as for all certification decisions.

### **Denials of Initial Requests for Certification (§26.85)**

Prescott Airport recognizes the Arizona UCP certification, review, and re-certification process. Only firms that are certified under the Arizona UCP are recognized as eligible DBE firms who may participate in DOT-assisted projects. Prescott Airport relies upon the Arizona UCP for certification of DBE firms.

### **Removal of a DBE’s Eligibility (§26.87)**

In the event the Prescott Airport believes that a DBE firm certified by the Arizona UCP who is being considered for, or is under contract for, work under a DOT-assisted project may be ineligible for participation under federal or state law, we will bring the matter to the attention of the Arizona UCP to initiate de-certification proceedings. The Arizona UCP will serve as the impartial decision-maker in de-certification proceedings.

### **Certification Appeals (§26.89)**

Any firm or complainant may appeal any decision in a certification matter to DOT. Such appeals may be sent to:

U.S. Department of Transportation	Phone: (202) 366-4754
Departmental Office of Civil Rights	TTY: (202) 366-9696
External Civil Rights Programs Division (S-33)	Fax: (202) 366-5575
1200 New Jersey Ave., S.E.	
Washington, DC 20590	

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

### **Information, Confidentiality, Cooperation (§26.109)**

We will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with existing Federal, state, and local law.

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

### **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 Prescott Airport 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.

## **APPENDICES**

### **APPENDIX A: CALCULATION OF DBE GOAL - ERNEST A. LOVE FIELD / PRESCOTT MUNICIPAL AIRPORT, PRESCOTT, ARIZONA**

Exhibit A: Arizona Department of Transportation 2012-2016  
Five-Year Airport Capital Improvement Program for Ernest A. Love Field

### **APPENDIX B: ATTACHMENTS TO THE DBE POLICY STATEMENT**

Attachment 1 Organizational Chart  
Attachment 2 Form 1 & 2 for Demonstration of Good Faith Efforts

### **APPENDIX C: CDROM**

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# APPENDIX A

## CALCULATION OF DBE GOAL ERNEST A. LOVE FIELD / PRESCOTT MUNICIPAL AIRPORT PRESCOTT, ARIZONA

FINAL DRAFT – June 1, 2011 (For Public Comment)

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Calculation of a Disadvantaged Business Enterprise (DBE) goal for participation in DOT-assisted projects was undertaken in conformance with 49 CFR Part 26 (Participation by Disadvantaged Business Enterprises in Department of Transportation Assistance Programs), hereinafter referred to as the “DBE Rule”. A two-step process is suggested.

### Step One:

The first step in determining the overall DBE goal was to derive a base value that fairly represents the ratio of certified DBE’s to the total number of contractors within a reasonable geographic area of Ernest A. Love Field / Prescott Municipal Airport (the Prescott Airport).

The base value was derived as follows:

- A. Airport improvement projects generally consist of construction of runway, taxiway and aircraft parking and movement area pavements, including grading and drainage improvements, preparation of subgrade, construction of base courses, and asphaltic concrete or Portland Cement Concrete (PCC) paving. Many projects include installation of airfield lighting and electrical systems, including underground duct and cable systems, runway and taxiway edge lighting, lighted guidance signage, visual aids (PAPI, REIL, MALSR, etc.), rotating beacons, apron security lighting and obstruction lighting, as well as installation of electrical control equipment, constant current regulators, radio control units, and emergency generator systems. Federal funding of public use airport buildings is now also eligible for AIP funding participation usually with the limitation that airside and safety improvements must be completed first. Paving projects include paint marking.

Federally funded projects may also include pavement maintenance, including seal coats, crack sealing, concrete slab rehabilitation and joint sealing. Property line fencing and security fencing and some access road construction are also typical elements of an airport improvement project.

A review of the Arizona Department of Transportation’s 2012-2016 Tentative Five-Year Transportation Facilities Construction Plan – Airport Capital Improvement Program (ACIP), indicates that these types of projects are programmed for design and construction at the Prescott Airport during the time frame of this DBE Program (see **Exhibit A** in **APPENDIX B**). Within the 2012-2014 (inclusive) planning period, there are ten (10) projects with approximately \$14.7 million programmed for FAA-eligible capital improvements at the Prescott Airport.

The projects in the ACIP were broken down into six (6) categories, as follows:

**1. Equipment Acquisition (ARFF Vehicle)**

The ACIP projects in this category include:

2012 - Acquire new ARFF vehicle (index B) \$ 500,000

**2. Design-only Projects (Engineering/Architectural services for future construction)**

The ACIP projects in this category include:

2012 - Design security upgrades to include 29,000 LF  
of fencing with cameras and access controls ..... \$ 157,895  
2012 - Design Rwy 12/30 shift (approximately 15' ESE)  
for RSA requirements to include paving Rwy/Twy shoulders,  
realigning Twy F west of Twy C, Twy E lighting, drainage  
improvements between Twy F and Rwy 12/30 in the RSA ..... \$ 650,000  
2014 - Complete design of new Terminal Building ..... \$ 700,000

**3. Construction-only Projects (Construction of the Design-only projects)**

The ACIP projects in this category include:

2012 - Construct Rwy 12/30 shift (approximately 15' ESE)  
for RSA requirements to include paving Rwy/Twy shoulders,  
realigning Twy F west of Twy C, Twy E lighting, drainage  
improvements between Twy F and Rwy 12/30 in the RSA ..... \$ 6,500,000  
2013 - Construct security upgrades to include 29,000 LF  
of fencing with cameras and access controls ..... \$ 1,500,000

**4. Design and Construction Projects**

The ACIP projects in this category include:

2012 - Pavement Maintenance – Rwy and Twys (430,000 SY) –  
crack sealing, seal coats, overlays, paint striping  
as required ..... \$ 675,500

**5. Planning Projects (Terminal Area Study; Environmental Assessment)**

The ACIP projects in this category include:

2012 - Conduct terminal area study to include the entire  
SW corner of airport and proposed new access  
from Ruger Road ..... \$ 700,000  
2013 - Prepare EA per FAA Order 5050-4B for development and  
approach protection land acquisition (80 ac), for Rwy 12/30  
approach protection (7 ac), and for development of a  
terminal building ..... \$ 300,000

**6. Land Acquisition**

The ACIP projects in this category include:

2014 - RPZ Rwy 21L/3R land acquisition (80 ac), for Rwy 21L  
extension to 9,300 ft, and for Rwy 12/30 RPZ land  
acquisition for approach protection ..... \$ 3,045,000

In the calculation methodology that follows, category 1, Equipment Acquisition, was removed from consideration in the DBE Program calculation because of the limited suppliers of Airport Rescue and Fire Fighting vehicles. The remaining five (5) categories were included in the calculations that follow. Only the estimated cost of professional services associated with Category 6, Land Acquisition, were considered in the calculations.

The following three (3) Work Classifications were established with reference to the ACIP projects, and adjustments to these classifications were made to the gross project amounts from the ACIP as follows:

**a) Professional Services Associated with Projects**

The amounts included in this classification for the purposes of this calculation include the following:

- 100% of the programmed budgets for Design-only Projects are included in this Work Classification.
- 10% of the programmed costs for Construction-only Projects are included to account for construction administration, staking, and materials testing.
- 20% of the programmed costs for Design and Construction Projects are included to account for design, and for construction administration, staking, and materials testing.
- 100% of the programmed budgets for Planning Projects are included in this Work Classification.
- 15% of the programmed costs for Land Acquisition are included to account for land appraisals, legal services, and land surveys.

**b) Airfield Lighting, Electrical, and Security – Construction**

There are two (2) construction projects in the ACIP that include airfield lighting and electrical work and/or installation of security cameras and access control devices. Both of these projects also include paving, grading, and fencing. It was estimated that approximately 30% of the cost of these projects will be subcontracted for Airfield Lighting, Electrical, and Security.

The amounts included in this classification include the following:

- 90% of the programmed budgets for the Airfield Lighting, Electrical, and Security portions of the programmed work (30% of the total budgets for the two projects).

**c) Paving, Grading, and Fencing – Construction**

As noted above, there are two (2) ACIP construction projects that include work in both the Paving, Grading, and Fencing and the Airfield Lighting, Electrical, and Security classifications. It was estimated that the Paving, Grading, and Fencing portions of this work will account for 70% of the cost of these projects.

The amounts included in this classification include the following:

- 90% of the programmed budgets for the Paving, Grading, and Fencing portions of the programmed work that also includes Airfield Lighting, Electrical, and Security (70% of the total budgets for the two projects).
- 80% of the programmed budget for the single Design and Construction Project is included in this Work Classification.

The results of these calculations have been broken down in **TABLE 1**:

<b>TABLE 1</b> <b>ERNEST A. LOVE FIELD / PRESCOTT MUNICIPAL AIRPORT ACIP 2012-2014</b> <b>Anticipated Breakdown by Work Classification</b>		
<b>Work Classification and Variable Name (a, b, c)</b>	<b>Programmed Amount</b>	<b>Percentage of Work</b>
<b>a</b> Professional Services Associated with Projects	\$ 3,899,745	33.50%
<b>b</b> Airfield Lighting, Electrical, and Security - Construction	\$ 2,160,000	18.56%
<b>c</b> Paving, Grading, and Fencing - Construction	\$ 5,580,400	47.94%
<b>TOTAL</b>	<b>\$ 11,639,645</b>	<b>100.00%</b>

- B. It is required that all contractors who engage in DOT-assisted contracts be appropriately licensed to perform the classification of work included in the contract. It is common practice to simply use the Census Bureau’s data lists of the number of contractors existing in the state broken down by NAICS or SIC industry codes in order to establish the number of contractors available. This process will not give a true picture of the availability of currently licensed DBE contractors as compared to the total currently licensed contractor population. The Arizona Registrar of Contractors maintains a list of all state-licensed contractors, including the type(s) of licenses they hold. DBE contractors are included on this list. In order to qualify as a “ready and willing” DBE contractor, the firm must be both certified as a DBE and be appropriately licensed.

The list of Arizona Registrar of Contractors - List of Licensed Contractors, March 28, 2011 is attached as **Exhibit C** on the attached CDROM (**APPENDIX C**).

Therefore in this study deeper analysis was undertaken, utilizing a comparison of the licensed DBE contractors to all licensed contractors included on the Registrar’s database. This methodology is explained in the following steps.

- C. The various work classifications were broken down by NAICS codes, as a convenient method to arrive at a realistic weighted goal. **TABLE 2** (below) illustrates the general breakdown by license required of the work in each of the Work Classifications that are identified in **TABLE 1**.

NOTE: In the tables, the variables that will be applied to the Step One Base Value calculation are color coded.

<b>TABLE 2</b>			
<b>ERNEST A. LOVE FIELD / PRESCOTT MUNICIPAL AIRPORT ACIP 2012-2014</b>			
<b>Required Contractor Licensing (Prime and Subcontractors) and NAICS Coding</b>			
<b>Work Classification and Variable Name (a, b, c)</b>	<b>Required License Classes</b>	<b>NAICS Codes</b>	<b>Percentage of Work (PW)</b>
<b>a</b> Professional Services Associated with Projects	Arizona P.E.; Arizona R.L.S.; Appropriate Business Licensing	541330 541370 541380 541310	<b>33.5%</b>
<b>b</b> Airfield Lighting, Electrical, and Security - Construction	A-17, K-11	237130 238210	<b>18.6%</b>
<b>c</b> Paving, Grading, and Fencing - Construction	A, KA, A-14, K-69, A-5, K-2, A-15, A-5, K-14, K-2, K-66, K-9, L-9, L-14	237310 238910 238110 238990	<b>47.9%</b>

D. The Arizona Registrar of Contractors - List of Licensed Contractors, March 28, 2011 database of currently licensed contractors was used to determine the total number of qualified contractors who are appropriately licensed within the State in each of the work categories that may be included in future contracts - see **Exhibit C** on the attached CDROM (**APPENDIX C**). There are currently 42,942 active contractor licenses listed in the database (many contractors hold multiple license classes). Of this total number, it was estimated that there are 4,297 active licenses that fall into the two selected construction Work Classifications used in this analysis (variables **b** and **c**).

Construction projects in the Prescott area typically attract qualified bidders from around the state of Arizona. The State of Arizona has been identified as the geographic region from which prospective bidders will come, and the certified DBE Directory from the Arizona Department of Transportation was used as a resource to determine the numbers and types of DBE contractors who are available in the area - see **Exhibit B**, Arizona Disadvantaged Business Enterprise Program Directory Search – March 28, 2011 on the attached CDROM (**APPENDIX C**). There are a total of 1,026 certified DBE's included on the list. It is estimated that that 198 of these companies fall into the two construction Work Classifications used in this analysis (variables **b** and **c**).

Each of the construction projects will also require the services of qualified engineers, architects, and planners, and may require the services of other professionals. The membership directory of the American Council of Engineering Companies (ACEC) of Arizona was used as a sample to approximate the ratio of total engineering firms to DBE firms who are active in the state. A search of the ACEC database indicates that there are a total of 250 member firms. Of those firms, 21 are listed as DBE, WBE, or MBE businesses. **TABLE 3** (below) is a summary of the ratio of DBE engineering consultants to total engineering consultants in Arizona.

<b>TABLE 3</b> <b>ARIZONA ENGINEERING CONSULTANTS</b> <b>Ratio of DBE to Total Number of Consulting Firms</b>		
Type of Firm	Number	Percentage
Non-DBE/MBE/WBE Firms	229	91.6%
Arizona Certified DBE/MBE/WBE Firms	21	8.4%
<b>TOTAL</b>	<b>250</b>	<b>100.00%</b>

Source: American Council of Engineering Companies (ACEC) of Arizona, March 28, 2011

**TABLE 4** is a summary of the number of Arizona DBE and non-DBE contractors and consultants, grouped by the three general Work Classifications used in this analysis.

<b>TABLE 4</b> <b>ARIZONA LICENSES BY CLASS</b> <b>Generalized Work Breakdown by Work Classification</b>			
Work Classification	Total	non DBE Firms (nDBE)	DBE Firms (DBE)
<b>a</b> Professional Services Associated with Projects (engineering firms used as surrogate to derive ratio) <sup>2</sup>	250	229	21
<b>b</b> Airfield Lighting, Electrical, and Security - Construction <sup>1</sup>	1,362	1,316	46
<b>c</b> Paving, Grading, and Fencing - Construction <sup>1</sup>	2,935	2,783	152
<b>TOTAL</b>	<b>4,547</b>	<b>4,328</b>	<b>219</b>

<sup>1</sup> Arizona Registrar of Contractors - List of Licensed Contractors, March 28, 2011

<sup>2</sup> American Council of Engineering Companies (ACEC) of Arizona, March 28, 2011

- E. The DBE Rule suggests the following “Step One” equation to be used as a tool to calculate the Base Value for expected DBE participation:

$$\left[ PW_a \frac{DBE_a}{nDBE_a} + PW_b \frac{DBE_b}{nDBE_b} + PW_c \frac{DBE_c}{nDBE_c} \right] \times 100 = \text{Base Value}$$

**Where:**  $PW_a$ ,  $PW_b$ , and  $PW_c$  are relative percentages of distribution of DOT-assisted contracts for each of the Work Classification groups (from **TABLE 2**).

$DBE_a$ ,  $DBE_b$ , and  $DBE_c$  are the number of DBE firms in each Work Classification (from **TABLE 4**).

$nDBE_a$ ,  $nDBE_b$ , and  $nDBE_c$  are the number of non-DBE firms in each Work Classification (from **TABLE 4**).

- F. These values were applied to the “Step One” equation as follows to arrive at the initial unadjusted Base Value:

$$\left[ .335 \frac{21}{229} + .186 \frac{46}{1,316} + .479 \frac{152}{2,783} \right] \times 100 = 6.34\%$$

### Step Two:

The DBE Rule states that after a base value is derived, the recipient must review available evidence to determine whether an up or down adjustment of the base value is needed.

No evidence was found that indicates that an adjustment of the calculated base value is required.

### Breakout of Estimated Race-Neutral and Race-Conscious Participation

The DBE Rule specifies that DBE goals must be met by implementation of race-neutral means as much as possible. The Prescott Airport will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. The Prescott Airport will use the following race-neutral means to increase DBE participation:

It is estimated that approximately 66.5% of the overall goal will be obtained from race-neutral participation: Since all construction contracts are let on a strict low bid basis, which does not consider the DBE status of the

prime contractor, all construction services will be selected through race-neutral means. This will account for approximately 66.5% of project dollar values (see **TABLE 1**, above). Professional and technical service contracts are anticipated to account for 33.5% of future project expenses. These are awarded on a qualifications and experience basis, with stated DBE goals (or a requirement to include DBE participation) included in the evaluation process. This is not a race-neutral process. Therefore, the race-neutral and race-conscious goals were calculated as follows in **TABLE 5**:

<b>TABLE 5</b> <b>CALCULATION OF RACE-NEUTRAL and RACE-CONSCIOUS GOALS</b> <b>ERNEST A. LOVE FIELD / PRESCOTT MUNICIPAL AIRPORT ACIP 2012-2014</b>		
	Percent of Goal	Goal
Engineering and Technical Service Contracts (Race-Conscious)	33.5%	<b>2.12%</b>
Construction Contracts (Race-Neutral)	66.5%	<b>4.22%</b>
TOTAL	100.0%	6.34%

#### **Small Business Participation (§26.39)**

DBEs are small businesses. Therefore it is logical the program provisions that help small businesses can help DBEs. By facilitating participation for small businesses, recipients can make possible more DBE participation, and subsequent participation by additional DBE firms. The DOT believes that “a program element that pulls together the various ways that a recipient reaches out to small businesses and makes it easier for them to compete for DOT-assisted contracts will foster the objectives of the DBE program.”

The DBE Rule states that the “...DBE program must include an element to structure contracting requirements to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation...”. DBE Program elements must be actively implemented to foster small business participation.

In order to facilitate opportunities for race-neutral DBE participation, the Prescott Airport will include certified small business enterprise firms in its DBE requirements for all contracts. All references to requirements for prospective contractors and service providers to meet DBE goals will include certified small business enterprises (SBE/SBA) as qualifying classifications for meeting those goals, regardless of those firms’ DBE status.

Small businesses that are recognized under federal, state, or local certification programs (i.e. Federal Small Business Administration; City of Phoenix Small Business Enterprise program, etc.) will be considered as eligible for inclusion.

#### **Contract Goals (§26.51)**

The Prescott Airport will use contract goals to meet any portion of the overall goal that we do 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.

The Airport will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. The Airport 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 DBE's to perform the particular type of work, etc.).

The Airport will express contract goals as a percentage of the total amount of a DOT-assisted contract.

## EXHIBIT A -

### Arizona Department of Transportation 2012-2016 Five-Year Airport Capital Improvement Program for Ernest A. Love Field

<i>FY</i>	<i>Project Component</i>	<i>Project Description</i>	<i>State Share</i>	<i>Local Share</i>	<i>Federal Share</i>	<i>Project Total</i>
2012	Equipment:Acquire Aircraft Rescue & Fire Fighting Vehicle [required by Part 139 only] - Safety/Security	Acquire new ARFF vehicle (Index B).	\$12,500	\$12,500	\$475,000	\$500,000
2012	Equipment:Acquire Security Equipment/Install Fencing [required by Part 107] - Safety/Security	Design security upgrades to include 29,000 lf of fencing with cameras and access control devices.	\$3,947	\$3,947	\$150,000	\$157,895
2012	Runways:<Construct/Extend/Improve> Runway Safety Area [Primary Airports] - Safety/Security	Construct Rwy 12/30 Shift for RSA requirements to include paving Rwy Twy Shoulders, realignment of Twy F, Twy E lighting, drainage improvements.	\$162,500	\$162,500	\$6,175,000	\$6,500,000
2012	Runways:<Construct/Extend/Improve> Runway Safety Area [Primary Airports] - Safety/Security	Design Rwy 12/30 shift (approx 15 ft E-SE) for RSA requirements to include paving Rwy/Twy shoulders, realigning Twy F west of Twy C, Twy E lighting, drainage improvements between Twy F and Rwy 12/30 in the RSA.	\$16,250	\$16,250	\$617,500	\$650,000
2012	Planning:<Conduct/Update> <Airport Master Plan Study {ALP, EA, etc.}>	Conduct terminal area study to include the entire SW corner of airport and proposed new access from Ruger Road.	\$17,500	\$17,500	\$665,000	\$700,000
2012	Runways:Rehabilitate Runway - Reconstruct	Pavement Maintenance - Rwys and Twys (430,000 sy) - crack sealing, seal coats, overlays, paint striping as required.	\$16,888	\$16,888	\$641,725	\$675,500
2013	Equipment:Acquire Security Equipment/Install Fencing [required by Part 107] - Safety/Security	Construct security upgrades to include 29,000 lf of fencing with cameras and access control devices.	\$37,500	\$37,500	\$1,425,000	\$1,500,000
2013	Planning:Conduct <Environmental Assessment/Environmental Impact Statement/Feasibility> <study/update>	Prepare EA per FAA Order 5050-4B for development and approach protection land acquisition (80 ac) for Rwy 21L extension to 9,300 ft, Rwy 12/30 approach protection (7 ac) and development of a terminal building.	\$7,500	\$7,500	\$285,000	\$300,000
2014	APMS - Runway Pavement Preservation	Thin asphalt overlay/PFC (RW1230PR Section 10).	\$353,352	\$39,261	\$0	\$392,613
2014	Terminal Development:Construct Terminal Building - Capacity	Complete design of new terminal building.	\$17,500	\$17,500	\$665,000	\$700,000
2014	Land:Acquire <land/easement> for development/relocation	RPZ Rwy 21L/3R land acquisition (80 acres) for Rwy 21L extension to 9,300 ft and for Rwy 12/30 RPZ land acquisition for approach protection.	\$76,125	\$76,125	\$2,892,750	\$3,045,000
2015	Runways:Extend Runway- Capacity	Design Rwy 21L/3R & Twys to minimum of 9,300 ft and 200K lbs; Extend/relocate security fencing; upgrade airfield lighting including relocating vault and adding Twy E lighting.	\$37,500	\$37,500	\$1,425,000	\$1,500,000
2015	Runways:Rehabilitate Runway - Reconstruct	Pavement Maintenance - Rwys and Twys (430,000 sy) - crack sealing, seal coats, overlays, paint striping as required.	\$17,500	\$17,500	\$665,000	\$700,000
2016	Runways:Extend Runway- Capacity	Construct extension Rwy 21L/3R & Twys to minimum of 9,300 ft and 200K lbs; upgrade of airfield lighting.	\$375,000	\$375,000	\$14,250,000	\$15,000,000
2016	Runways:Rehabilitate Runway - Reconstruct	Pavement maintenance - Rwys and Twys (430,000 sy) - crack sealing, seal coats, overlays, paint striping as required.	\$17,500	\$17,500	\$665,000	\$700,000
2016	Terminal Development:Construct Terminal Building - Capacity	Construct new terminal building.	\$332,500	\$332,500	\$12,635,000	\$13,300,000
<b>Airport Total:</b>			<b>\$1,501,562</b>	<b>\$1,187,471</b>	<b>\$43,631,975</b>	<b>\$46,321,008</b>

## **APPENDIX B: ATTACHMENTS TO THE DBE POLICY STATEMENT**

**Attachment 1 -  
Organizational Chart**

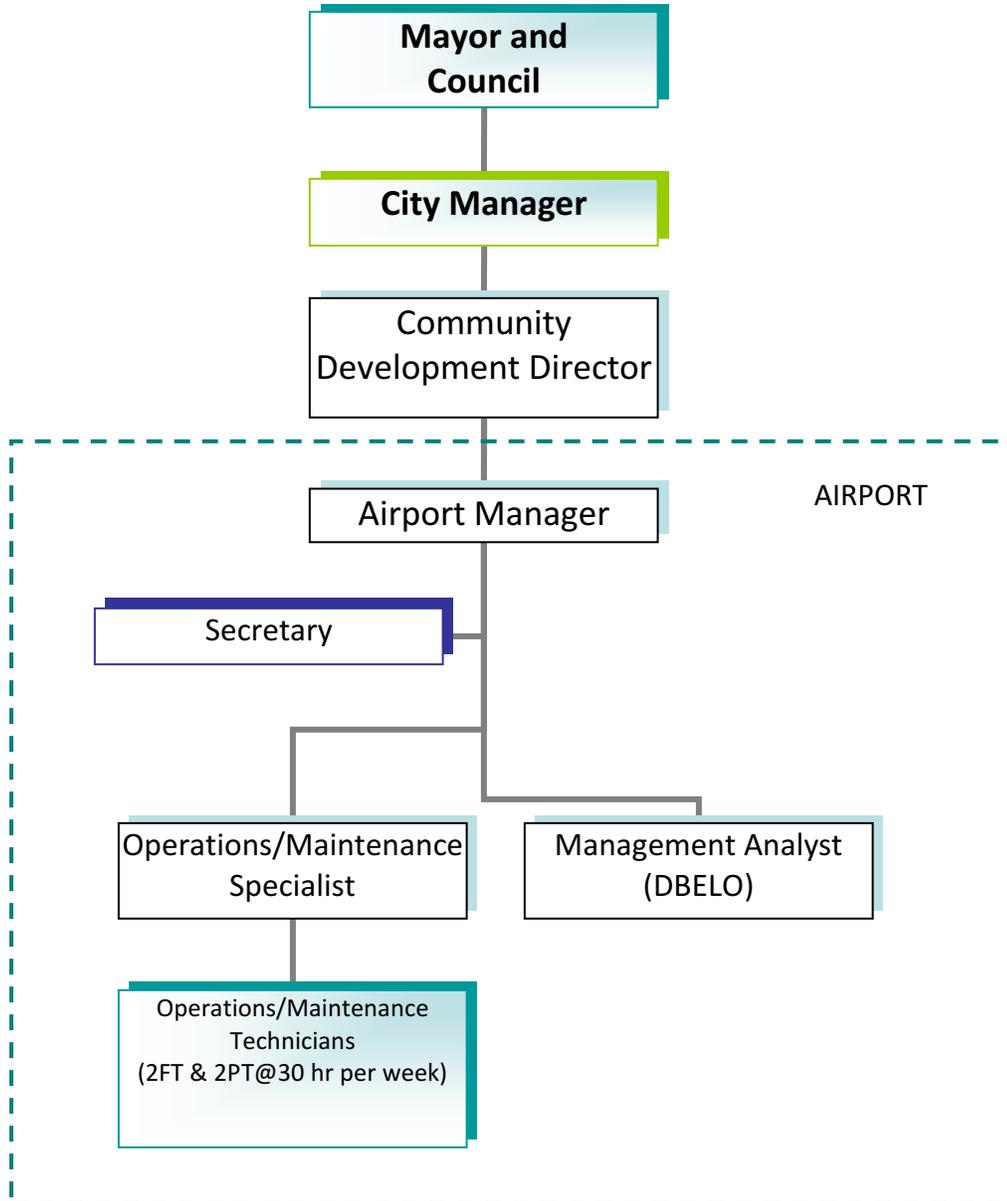
**Attachment 2 -  
Form 1 & 2 for Demonstration of Good Faith Efforts**

ATTACHMENT 1

Organization Chart

**ERNEST A. LOVE FIELD / PRESCOTT MUNICIPAL AIRPORT**  
**Prescott, Arizona**

April, 2011



**ATTACHMENT 2**

**Forms 1 & 2 for Demonstration of Good Faith Efforts**

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

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

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

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

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

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

By \_\_\_\_\_  
(Signature) Title

**FORM 2: LETTER OF INTENT**

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

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

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

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

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

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

Telephone: \_\_\_\_\_

Description of work to be performed by DBE firm:

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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 \$ \_\_\_\_\_.

**Affirmation**

The above-named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above.

By \_\_\_\_\_  
(Signature) (Title)

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

(Submit this page for each DBE subcontractor.)

**Attachment 2**

## **APPENDIX C: CDROM**

### **Exhibit B -**

**Arizona Disadvantaged Business Enterprise Program  
Directory Search – March 28, 2011  
(Microsoft Excel file included on CDROM)**

### **Exhibit C -**

**Arizona Registrar of Contractors - List of Licensed  
Contractors, March 28, 2011  
(Microsoft Excel file included on CDROM)**

### **Attachment 3 -**

**Regulations: 49 CFR Part 26  
(PDF file included on CDROM)**