


DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

July 2016 - 2018



Port of Seattle
Office of Social Responsibility
2711 Alaskan Way
Seattle, WA 98121

**Port of Seattle
Disadvantaged Business Enterprise (DBE) Program**

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INTRODUCTION

The Disadvantaged Business Enterprise (DBE) Program is a comprehensive program, developed by the U.S. Department of Transportation, which establishes guidelines for the participation of firms owned and operated by socially and economically disadvantaged firms in DOT/FAA-assisted contracting.

The Port of Seattle oversees the Seattle-Tacoma International Airport. The Port consists of a five member Board of Commissioners. Ms. Stephanie Bowman is President of Commission. Mr. Ted Flick is the Port Chief Executive Officer and Mr. Mark Reis is the Managing Director of the Aviation Division.

The local contact and DBE Liaison Officer “DBELO” is:

Mr. Mian Rice, Program Manager
Office of Social Responsibility
Port of Seattle
2711 Alaskan Way
Seattle, WA 98121

Telephone: (206) 787-7951 Fax Number: (206) 787-3089

Email: Rice.M@portseattle.org In order to obtain federal funding for airport related projects, the Port must meet the compliance standard of the Code of Federal Regulations (CFR) relating to the participation of socially or economically disadvantaged individuals and organizations (Disadvantaged Business Enterprises (DBE)) in the public procurement process. The Disadvantaged Business Enterprise Program sets forth the Preliminary Compliance Plan for airports using the revised standards of 49 CFR Part 26, *Participation by Disadvantaged Business Enterprises (DBE) in Department of Transportation Financial Assistance Programs*. The electronic link to the program is found at <http://www.dot.gov/osdbu/disadvantaged-business-enterprise>

Effective March 5, 2010, the United States Department of Transportation (US DOT) amended **49 CFR Part 26** which now requires recipients to submit for review DBE goals for federally funded contracting opportunities every three (3) years rather than annually. If overall goals were set on a fiscal year basis, the DBE goal is to be submitted to the FAA by August 1 at three-year intervals starting in Fiscal Year 2013. Recipients are required to conduct annual reviews to account for changes that may warrant a modification of the overall goal. Further, a recipient must submit to the operating administration (Federal Aviation Administration (FAA)) for approval any significant adjustment made to the goal during the three (3) year period based upon changed circumstances (f)(1).

Annual reports of actual construction participation and DBE participation will be provided to the FAA by December 1 via the FAA's electronic database (DOORs). This statistical data is used to determine compliance with DBE goals as well as to adjust race-conscious and race-neutral DBE participation.

Participation goals, methods of attainment, and other portions of the DBE Program are subject to revision following a 45-day public comment period that commences with the date of publication and subsequent federal review. The provisions contained within the DBE Program relate to all public contracts to be accomplished with US DOT grant assistance, including FAA Airport Improvement Program (AIP) for which the federal share is \$250,000 or greater during fiscal years 2016 through 2018.

The Port anticipates approximately \$11,092,079.00 from the FAA over the three-year goal period (FY 2016-2018) which would be subject to the DBE program. Projects include a combination of Vale grant for Highline School Insulation (\$8,597,000.00) and Airfield ramp pavement program (\$2,495,079.00).

POLICY STATEMENT

The Port of Seattle (the Port) has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT/FAA), 49 CFR Part 26. The Port receives Federal financial assistance from the Department of Transportation (DOT/FAA), and as a condition of receiving this assistance, the Port has signed an assurance that it will comply with 49 CFR Part 26. **See Appendix Section, Attachment 1.**

It is the policy of the Port of Seattle to engage in a meaningful outreach program to assist, counsel, and advise DBE and SBE firms on procedures for doing business with the Port. It is also our policy to ensure that DBEs as defined in Part 26 have an equal opportunity to receive and participate in DOT/FAA-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT/FAA-assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT/FAA-assisted contracts;
3. To ensure that the Port's 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/FAA-assisted contracts; and
6. To assist the development of firms that can compete successfully in the marketplace outside the DBE Program.

Our mission is to assist small businesses of all types; including those owned by minorities, women, and socially disadvantaged to develop, grow, and ensure their long-term success by (a) continually fostering an environment where they can compete successfully on their own merits for a fair share of the Port's contracts and procurement and (b) assisting large businesses to increase subcontracting opportunities for disadvantaged and small businesses.

In accordance with the State of Washington Initiative-200 (RCW 49.60.400), the Port shall not discriminate against, or grant preferential treatment to any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public contracting. I-200 prohibits awarding of contracts based on race or gender preference. The Port shall take all necessary and reasonable steps to ensure nondiscrimination.

The federal operating administration with oversight for the Port's compliance is the Federal Aviation Administration (FAA). This DBE Program is prepared to document the Port's policy, commitment and implementation plan regarding in regard to the regulations of the U.S. Department of Transportation.

The Port has disseminated this Policy Statement to the Port Commission and all components of the Port organization, as appropriate. We have distributed this statement to DBE and non-DBE business communities that perform work for the Port on DOT/FAA-assisted contracts. This document will be available electronically to all contractors currently performing work on DOT/FAA-assisted contracts and will appear in all bid specifications during the DOT/FAA fiscal year 2016-2018. This document will be distributed through the Port of Seattle internal mail system to the five elected Port Commissioners and other Port of Seattle management as is appropriate.


Theodore J. Fick
Chief Executive Officer

11-12-2015
Date

SUBPART A – GENERAL REQUIREMENTS

Section 26.1 Objectives

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

Section 26.3 Applicability

The Port of Seattle's Seattle-Tacoma International Airport (the Port) anticipates receiving Federal airport improvements funds in excess of \$250,000 annually to be used for projects at Seattle-Tacoma International Airport as authorized by 49 U.S.C. 47101, *et. seq.* Therefore, as part of federal grant assurances, the Port of Seattle must have a Federal Aviation Administration (FAA) approved Disadvantaged Business Enterprise (DBE) Program.

As part of our DBE Program, the three-year (Fiscal Years 2016-2018) DBE Goal was established as shown on page 38. If any funding changes occur which may impact planned project development as shown within the three (3) year goal period, the established goal will be revised as required and resubmitted for approval to the Federal Aviation Administration's Civil Rights Office.

Section 26.5 Definitions and Terms

The Port of Seattle adopts the definitions referenced in 49 CFR Part 26.5 for this program.

Section 26.7 Non-discrimination Requirements

The Port of Seattle 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 our DBE program, the Port of Seattle will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE program with respect to individuals of a particular race, color, sex, or national origin.

Section 26.11 Record Keeping Requirements

26.11(b) Reporting to DOT/FAA

The Port of Seattle will report DBE participation at Seattle-Tacoma International Airport to DOT/FAA annually by submitting the *Uniform Report of DBE Awards or Commitments and Payment Form*, DOT/FAA Form as modified for use by FAA recipients.

The Port will create a bidders list, consisting of information about DBE and non-DBE firms that bid or quote on DOT/FAA-assisted contracts. The purpose of this requirement is to allow use of the bidder's list approach in conjunction with U.S. Census data (<http://censtats.census.gov/>) and the State of Washington Office of Minority and Women Business Enterprise Directory (<http://www.omwbe.wa.gov>) to calculate overall goals. The following information about DBE and non-DBE contractors and subcontractors who seek to work on USDOT-assisted contracts is required:

- Firm Name;
- Firm Address;
- Firm's status as a DBE (including UCP or non-UCP) or non-DBE;
- Age of the firm;
- The annual gross receipts of the firm. The Port may obtain gross receipts information by asking each firm to indicate into which bracket it fits (*e.g., less than \$500,000; \$500,000-\$1 million; \$1-2 million, \$2-5 million, etc.*) rather than requesting an exact figure from the firm.

This information will be collected on the Disadvantaged Business Enterprise Proposal Form found in the **Appendix Section as Attachment 2**. A sample contract clause and notice used to gather bidders' list information is included in the Contract Assurance section (26.13b).

The Contractor will not be allowed to start work until this form has been received.

Section 26.13 Federal Financial Assistance Agreement

The Port of Seattle has signed the following assurances, applicable to all DOT/FAA-assisted contracts and their administration, which are to be included in each DOT/FAA-assisted contract and subcontract:

Assurances

Federal Financial Assistance Agreement (49 CFR 26.13(a))

The Port of Seattle shall not discriminate on the basis of race, color, sex, or national origin in the award and performance of any DOT/FAA-assisted contract or in the administration of its DBE Program or the requirements of 49 CFR Part 26. The Port shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of DOT/FAA-assisted contracts. The Port's DBE Program, as required by 49 CFR Part 26 and as approved by DOT/FAA, 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 Port 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 (49 CFR 26.13(b))

The Port will ensure that the following clause is placed in every DOT/FAA-assisted contract and subcontract that has subcontracting potential.

The contractor, sub-recipient, or subcontractor shall not discriminate on the basis of race, color, sex, or national origin 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/FAA-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.

DBE Obligation

"The contractor agrees to ensure that Disadvantaged Business Enterprises as defined in 49 CFR Part 26, Subpart D, have the equal opportunity to participate in the performance of contracts and subcontracts. In this regard, all contractors shall take necessary and reasonable steps in accordance with 49 CFR Part 26 to ensure that Disadvantaged Business Enterprises have the equal opportunity to compete for and perform contracts. Contractors shall not discriminate on the basis of race, color, national origin or sex."

Compliance

"All bidders, potential contractors, or sub-contractors for this contract are hereby notified that failure to carry out the policy and the DBE obligation, as set forth above, shall constitute a breach of contract which may result in non-selection; termination of the contract; or such other remedy as deemed appropriate by the Airports. Agreements between a bidder/offeror and a DBE in which the DBE promises not to provide sub-contracting quotations to other bidders/offeror are prohibited."

Sub-Contract Clauses

"All bidders and potential contractors hereby assure that they will include the above clauses in all subcontracts that offer further sub-contracting opportunities."

Additional Terms and Conditions

1. DBE Goal (See Overall Goal Calculations FY 2016-18 provided as Attachment 4) :

*"Notification shall be given annually that the three-year overall goal for firms owned and controlled by socially and economically disadvantaged individuals is a minimum **4.76 %** of the dollar \$11,092,079.00 value of all FY 2016-2018. Federally funded contracts including alternates and change orders. Each individual AIP where contract goals may have been established shall include separate DBE goals based on the availability of DBEs; and shall incorporate all of the "contract goal" requirements of 49 CFR Part 26. In the event that the bidder for this solicitation is certified and qualifies as a DBE, the contract goal shall be deemed to have been met in accordance with the Section on "Counting DBE Participation toward Meeting the DBE Goals."*

Bidders/Offerors are strongly encouraged to utilize all certified (UCP) DBEs.

"All bidders and offerors hereby assure that they will make sufficient reasonable good faith efforts to meet the above stated goals. Moreover such bidders or offerors hereby assure that they will meet the DBE participation percentages submitted in their respective bids or proposals. Bidders/Offerors, also agree to provide any additional information requested by the DBELO to substantiate DBE participation, including but not limited to, the written subcontract agreement between prime bidder and each subcontractor for the work relative to this project."

2. DBE Substitutions

"All bidders and offerors shall make a good faith effort to replace a DBE subcontractor, who is unable to perform successfully, with another DBE subcontractor. The Port must approve all substitutions. There shall be no substitutions or additions during the time period between the bid opening date and the bid award date, unless required under the Decertification Provision."

"Bidders or Offerors may not make substitutions of DBE subcontractors after bid award on the grounds that they have solicited a response from another contractor whose price is more reasonable than the DBE submitted at bid opening."

SUBPART B – ADMINISTRATIVE REQUIREMENTS

Section 26.21(a)(3) DBE Program Updates

The Port of Seattle is expected to receive federal grants through the FAA's Airport Improvement Program (AIP) in excess of \$250,000 or more for airport planning or development for fiscal year 2013-2015 and therefore, is required to have a DBE Program. The Port will continue to carry out this program until all funds from DOT/FAA financial assistance have been expended. We will provide to DOT/FAA updates representing significant changes in the program.

Effective March 5, 2010, the U.S. DOT now requires recipients to submit for review Disadvantaged Business Enterprise (DBE) goals for federally funded contracting opportunities every three (3) years rather than annually. The Port of Seattle will submit an updated goal every three years if it plans to award prime contracts exceeding \$250,000 in FAA funds for each fiscal year within the program. If overall goals were set on a fiscal year basis, DBE goals are now to be submitted to the FAA by August 1 at three-year intervals. The initial goal evaluation must be advertised at least 45 days prior to the August 1 deadline to allow public review. Otherwise the Recipient (i.e. the airport) may be found non-compliant with 49 CFR Part 26 which could impact future funding. Recipients are also required to conduct annual review to account for changes that may warrant a modification of the overall goal or race-neutral disbursement. Further, a Recipient must submit to the operating administration (e.g. FAA) for approval any significant adjustment made to the goal during the three (3) year period based upon changed circumstances (f)(1).

Section 26.23 Policy Statement

The Policy Statement is stated on page 7 of this Program

Responsibilities and Implementation of DBE Program

The Chief Executive Officer of the Port of Seattle is ultimately responsible for all matters relating to civil rights.

The Manager of the Office of Social Responsibility (OSR) of the Port of Seattle, as the DBELO has direct responsibility and control over the Department's Compliance Programs and provides overall guidance and policy directions in the Disadvantaged Business Enterprise Program. In this capacity, the Director has direct, independent access to the Chief Executive Officer concerning DBE program matters.

The DBELO and relevant Port staff, under the authority of the Port of Seattle, work in the following areas: Contract Compliance, Disadvantaged Business Enterprise, Small Business Program, and Workforce Development.

Compliance with Title VI, DBE and small business activities (e.g. construction) is the joint responsibility of the Office of Social Responsibility and Capital Development Division, including the Central Procurement Office, Project Management, and Engineering Construction Management.

Section 26.25 Responsibilities of the DBE Liaison Officer (DBELO)

Port of Seattle has designated the following individual as the DBE Liaison Officer:

Mr. Mian Rice, Program Manager

Office of Social Responsibility
Port of Seattle
2711 Alaskan Way
Seattle, Washington 98121
Telephone: (206) 787-7951
Fax Number: (206) 787-3089
Email: Rice.M@portseattle.org

In that capacity, Mian Rice is responsible for implementing all aspects of the DBE program and ensuring that the Port of Seattle complies with all the provisions of 49 CFR Part 26. The DBELO has direct, independent access to Mr. Ted Flick, Chief Executive Officer of the Port of Seattle, concerning DBE program matters. An organization chart displaying the DBELO's the position in the organization is found in the **Appendix Section, Attachment 3** to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program in coordination with other appropriate staff. Please be advised that all statements regarding the DBELO's duties throughout the Program are intended to include the assistance of Port of Seattle staff that is sufficient to implement the DBE Program. The DBELO has primary responsibility for these duties, which shall be conducted and/or delegated, as needed to ensure 49 CFR Part 26 compliance, as follows:

1. Develop and ensure compliance with the management and implementation of the DBE Program.
2. Gather and report statistical data and other information as required by DOT/FAA.
3. Ensure non-discrimination in the award and administration of US DOT assisted contracts; Identify contracts and procurements so that DBE and SBE goals are included in solicitations (both race-neutral methods and contract specific goals attainment) and identify ways to improve progress.
4. Work with appropriate staff and departments to set three-year overall goal;
5. Identify contract and procurement opportunities so that DBE goals are included in solicitations and monitors the results;
6. Advise staff and contractors/consultants on DBE matters, overall goal achievement and good faith effort requirements;
7. Participate with legal counsel, the procurement department and project managers to determine contractor compliance;
8. Plan and participate in DBE training seminars and workshops;
9. Provide DBEs with information and assistance in preparing bids, obtaining bonding, insurance and other business needs;
10. Explain the DBE participation requirements at pre-bid conferences;
11. Ensure that solicitations contain the clauses and goals required by this program;
12. Review third party contracts and purchase requisitions for compliance with this program;

13. Identify contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results;
14. Analyze the Port's progress toward attainment and identifies ways to improve progress;
15. Chairs the DBE Advisory Committee;
16. Determine with the assistance of the Port's legal counsel and the procurement department contractor compliance with good faith efforts;
17. Act as liaison to the State of Washington's Uniform Certification Process;
18. Provide outreach to DBEs and community organizations to advise them of opportunities;
19. Ensure the maintenance of the Port's bidders' list information with regard to prime and subcontractor requests;
20. Support the dissemination of information on available business opportunities through various mediums to provide DBEs an equal opportunity to compete for FAA-assisted contracts, and;
21. Ensure that bid notices and requests for proposals are available to DBEs in a timely manner.

Other personnel who have been assigned DBE Program responsibilities include, but are not limited to, the following: Manager, OSR Small Business Program, Senior. Manager, Public Works Contracting, Senior Manager Service Agreements and the Senior Manager Purchasing.

As noted above, the DBELO will inform DBE contractors of actual opportunities through a combination of practices determined to be most successful. These practices may include, but not be limited to:

1. The placement of bid notices in the local newspaper, minority focused newspapers and other regional newspapers for other specific contracts.
2. The development of mailing lists for e-newsletters including DBEs and their associations.
3. The bid notices may be sent to DBE trade associations, social and economic development groups, and DBEs with capabilities relevant to the bid notice as identified using the Port's vendor database (PRMS) or through the OMWBE directory.
4. Bid specifications are made available to DBE contractor associations and technical assistance agencies.
5. DBEs and DBE organizations may be provided with lists of majority firms who are bidding as prime contractors.
6. A lead time of **at least 15 days** may be used by both the DBELO and firms bidding as prime contractors for advertisement of all invitations for bids in order that all firms have ample time to develop complete bid package or proposal.
7. A pre-bid conference may be held to provide firms with an opportunity to ask questions about DBE requirements as well as serve as a teaming forum for prime and sub-contractors.

Section 26.27 DBE Financial Institutions

It is the policy of the Port of Seattle 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/FAA-assisted contracts to make use of these institutions.

In an effort to identify and use such institutions, using the OMWBE online directory, the Port of Seattle did not find any DBE financial Institutions in the King County area. The following NAICS Codes were used: 52111, *Monetary Authorities-Central Bank*, 52211, *Commercial Bank*, 52212, *Savings Institution*, and 52213, *Credit Union*.

The Disadvantaged Business Enterprise Liaison Officer for the Port of Seattle will investigate any financial institutions established within the community, which are owned by socially and economically disadvantaged individuals. When a financial institution, owned and operated by socially and economically disadvantaged individuals, is opened during the period of this approved Program, the DBELO will use their services when feasible and provide notification to prime contractors within the bid documents.

Section 26.29 Prompt Payment Mechanisms

The Port of Seattle will include the following clause in each DOT/FAA-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than 10 calendar days from the receipt of each payment the prime contract receives from the Port of Seattle. The prime contractor agrees further to return retainage payments to each subcontractor within 60 calendar days after the subcontractors work is satisfactorily completed. Any delay or the postponement of payment from the above referenced time frame may occur only for good cause following written approval of the Port of Seattle. This clause applies to both DBE and non-DBE subcontracts.

1. Payment shall be based upon the actual quantities of Work performed as verified and agreed by the Engineer according to the Contract Documents
2. The Contractor is required to make payment to all Subcontractors and all Suppliers within ten (10) calendar days from the receipt of all progress payments for all the Work included in the progress payments. Furthermore, the Contractor shall require all subcontracts issued under this contract to all Subcontractors and Suppliers at all tiers to also make all due payments within ten (10) calendar days of their receipt of payment. The Contractor must justify to the Port in writing any intent to withhold payment of monies due to any Subcontractor or supplier.

3. The Contractor shall supply with each payment request a certification signed by a corporate or company officer. This certification shall attest that all payments by the Contractor due to Subcontractors or Suppliers from the last payment estimate have been made within the ten (10) calendar day's payment period. The certification shall attest that the Contractor will make payment within ten (10) calendar days of all obligations due from the current payment estimate. The Contractor is required to receive the same certification from all Subcontractors and Suppliers at all tiers. No progress payments will be processed until the Contractor's certification is received.
4. The Contractor shall make its request for monthly payment on the day of the month set forth in the Supplementary Conditions or as otherwise established by the Port Engineer.

Section 26.31 DBE Directory

The Port of Seattle utilizes the State of Washington, Office of Minority and Women Business Enterprises (OMWBE) as its DBE Directory to identify all firms eligible to participate in the DBE process. The OMWBE directory lists the firm's name, certification number, the type of work the firm has been certified to perform as a DBE, NAICS codes, and contact information (contact name, address, and telephone number). In the event the bidder names other DBE firms that he/she would like to use, these firms will need to be certified by OMWBE and included in that Directory.

The Port of Seattle will continue to recommend that contractors or small businesses which may qualify as a disadvantaged business work with the Office of Minority and Women Business Enterprise (OMWBE) to obtain DBE certification (UCP DBE). The Port will also direct prime contractors to utilize certified DBEs as listed in the online OMWBE DBE directory. The website address for the OMWBE DBE Directory, which is updated monthly, is <http://www.omwbe.wa.gov>. The DBE Directory is available to bidders interested in meeting DBE goals or to locate DBEs capable of performing specific work. In the event that a bidder desires additional information about a listed DBE, they are encouraged to contact the firm directly.

Section 26.33 Over-Concentration

The Port has not identified that over-concentration exists in the types of work that DBEs perform. The Port will continue to review DBE participation reports and statistical reports each year to determine whether there is an over concentration of DBEs.

Section 26.35 Business Development Programs

- The Port of Seattle has not established a business development program however, we will conduct activities and provide services to support DBE firms seeking opportunities to do business with the Port. Examples of services and activities may include: Outreach to DBE firms regarding opportunities in Port projects
- Referrals to capacity-building and training opportunities
- Information sessions and pre-bid technical assistance as appropriate
- Active participation in small business regional committees

Additionally, OMWBE develops programs designed to improve the contributions of minority and women-owned small businesses to the Washington State economy. All the programs, activities, and efforts of OMWBE encourage, honor, and promote diversity. Their work supports the success of all businesses regardless of race, ethnicity, or gender.

Section 26.37(a)(b) Monitoring and Enforcement Mechanisms

1. The Port of Seattle will take the following steps to ensure compliance with 49 CFR Part 26:
 - a. The Port will notify the U.S. Department of Transportation (DOT) of any false, fraudulent, or dishonest conduct in connection with the program, so that DOT/FAA can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT/FAA Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in §26.107. Similar action will be considered under our own legal authorities, including responsibility determinations in future contracts. The Port has available several remedies to enforce DBE requirements contained in its contracts, including, but not limited to: breach of contract action pursuant to Revised Code of Washington and FTA 49 CFR Part 26.
 - b. The Port will also implement a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by DBEs. This mechanism will provide for a running tally of actual DBE attainments (e.g., payments actually made to DBE firms), including a means of comparing these attainments to commitments. This will be accomplished by requiring prime contractors to provide information concerning payments to subcontractors with their payment invoices to the Port. Participation in the program is credited toward overall or contract goals only when payments are actually made to DBE firms. In our reports of DBE participation, we will show both commitments and attainments, as required by DOT/FAA Form, *Uniform Report of DBE Commitments/Awards and payments* thru DBE Connect. As part of the grant agreement, this information must be reported to the FAA Civil Rights Office on an annual basis each December 1st.

Method of Insuring Contractor and Subcontractor Compliance with DBE Requirements

The Port will utilize the legal instrument of a contract clause to ensure compliance with the bid specifications. After award of the contract, the assigned Port staff will conduct audits and reviews as necessary to assure contractor compliance.

Records of all progress payments made by prime contractors are required with each invoice. Prime contractors must also report to the DBELO when a DBE is terminated for any reason.

The DBELO will monitor the running tally of actual payments to DBE firms for work committed to them at the time of contract award.

These records will be periodically verified by obtaining certified statements from DBE subcontractors.

Other appropriate actions taken to ensure that prime contractors and subcontractors comply with the DBE provisions will include the following:

1. Desk audits to review all material and information concerning the contractor's compliance.
2. On-site reviews that include interviews, visits to project locations, and inspection of documents and/or information not available at the desk audit which pertains to the contractor's compliance.
3. Any additional investigation that may be deemed necessary due to a lack of proper record keeping; failure of the prime contractor to cooperate; failure of DBEs to cooperate; visible evidence of unsatisfactory performance; and other evidence as may warrant further investigation.

The DBELO will monitor prompt compliance determinations regarding prime contractors. Documentation of noncompliance will include the specific areas in which the contractor/subcontractor failed to comply. In these instances, appropriate legal action consistent with the DBE and other contract provisions will be taken.

Procedures Used to Require Contractors to Identify DBEs

The Port's policy is to pursue contractor participation in DOT/FAA-assisted projects in accordance with **49 CFR Part 26**. Therefore, each bidder's attention is directed to the Port's policy indicating its desire to provide equal opportunity for DBEs in all federally funded projects, and prime contractors actively encourage bids from qualified (UCP certified) DBE subcontractors identified in the OMWBE Business Enterprise Directory.

This policy conditions the acceptance or rejection of a bid/proposal on whether a "good-faith effort" was made to secure contract participation of DBEs. The good faith effort determination is based upon the requirements listed here as well as the discretion of the Port, including the DBELO and legal counsel, which shall be final and binding.

Section 26.39 Fostering Small Business Participation

Objectives of the Program

The goal of the Port of Seattle is to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation in Port contracting opportunities, and to assist the development of firms that can compete successfully in the marketplace outside the DBE Program.

Strategies

The Port will use the following strategy to accomplish these goals:

On prime contracts not having DBE contract goals, the Port will require the prime contractor to provide subcontracting opportunities of a size that small businesses, including DBEs, can reasonably perform, rather than self-performing all the work involved. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE/SBE participation, even when the prime contractor might have the ability and otherwise prefer to perform these work items with its own forces.

The Port has reviewed the issue of unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors and has found that unbundling contracts may make sense where different disciplines or trades are involved in a single enterprise. For example, if a main contract included work performed by carpenters, electricians and cleaners, it probably makes sense to unbundle. In cases however where all the work is essentially in the same classification, the Port's experience has been that keeping the work under one prime provides not only greater efficiency of operation but also offers the best opportunities for increasing small business participation.

The Port has concluded from this experience that it is ill-advised to adopt a blanket strategy of unbundling contracts; instead, the Port plans to consider unbundling contracts on a case-by-case basis. **Thus, when practical, on large scope contracts containing work involving different disciplines or trades, such contracts will be divided into potentially smaller contracting opportunities.**

In addition, the Port will accomplish its goals by doing the following:

1. Helping small businesses to better understand the Port's contracting and procurement opportunities.
2. Championing the case for utilization of small businesses among Port departments and prime contractors.
3. Continuing to identify and utilize small business firms that provide goods and services purchased by the Port.
4. Engaging actively and openly with Port departments and the community to share experiences, remedy mistakes, and identify new opportunities.

5. Encouraging small businesses, including those owned by minority and women, to pursue relevant certifications including; M/W, DBE and SCS certification.
6. Hosting and participating in workshops, business development meetings and other hosted events intended to enhance procurement opportunities for small businesses.

SUBPART C – GOALS, GOOD FAITH EFFORTS AND COUNTING

Section 26.43 Set-asides or Quotas

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

Section 26.45 Overall Goals

The Port of Seattle has established a three-year overall goal for awarded prime contracts exceeding \$250,000 in FAA funds at Seattle-Tacoma International Airport in accordance with 49 CFR Part 26.45. The methodology is shown in ***Appendix Section as Attachment 4***.

Overall DBE Goal

In accordance with updated Section 26.45(f)(1), the Port will submit its overall goals to DOT/FAA at three-year intervals starting August 1, 2015.

In establishing the overall three-year goal, and in accordance with Section 26.45(g)(1), the Port will consult 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 Port's efforts to establish a level playing field for DBE participation. A list of persons and groups that the Port consulted is included in the ***Appendix Section as Attachment 5***.

Following this consultation, (Section 26.45(g)(2), the Port will publish a notice of the overall goals informing the public that the overall goal and its rationale are available for inspection during normal business hours at the Port of Seattle, 2711 Alaskan Way, Seattle, WA for 30 days following the date of the notice. The advertisement also states that the Port and US DOT will accept comments on the overall goal up to 45 days from the date of the notice. The notice will be issued both on the Port's website and in a general circulation media (Seattle Daily Journal of Commerce.). Typically, the Port will issue this notice by July 15 of each year. The notice will include addresses to which comments may be sent and addresses (including offices and websites) where the goal and associated methodology may be reviewed Goal implementation schedule:.

Date of Notice	October 12
Public Inspection	October 12 – October 26 (15 days)
Public Comment	October 12 – November 25 (45 days)
Submit to DOT/FAA	December 1
Goal Effective	January 1

The overall goal submission to DOT/FAA will include a summary of information and comments received during this public participation process and associated responses. The Port will begin using the 3-year established, overall goal on January 1, unless other instructions are received from US DOT.

Section 26.47 Failure to Meet Overall Goals

- (a) The Port of Seattle cannot be penalized, or treated by the DOT/FAA as being in non-compliance with this rule if DBE participation falls short of the established overall goal, unless the Port failed to administer the program in good faith.
- (b) If the Port does not have an approved DBE program or overall goal, or if the Port fails to implement the program in good faith, the Port will be in noncompliance with this part.

However, if the awards and commitments shown on the Port's *Uniform Report of DBE Commitments/Awards and Payments*, submitted annually on December 1, are less than the overall goal applicable to the established three-year goal period, the Port will institute the following recommendations to comply with DBE program good faith efforts:

1. Analyze in detail the reasons for the difference between the overall goal and established awards and commitments in that fiscal year;
2. Send a letter to FAA stating that the Port did not meet its goal and outline the steps we will take to meet future goals (e.g. increase outreach).
3. Establish specific steps and milestones to correct the problems identified and to enable the Port to fully meet the goal for the new fiscal year;

Section 26.49 Transit Vehicle Manufacturers Goals

This section is not applicable.

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

The Port of Seattle will meet the maximum feasible portion of its overall goal by using race-gender neutral means of facilitating DBE participation.

Race-neutral means include, but are not limited to the following (Section 26.51(b)):

1. Arranging 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 of this part. For example, this could include unbundling large contracts to make them more accessible to small businesses; requiring or encouraging prime contractors to subcontract portions of work that they might otherwise perform on their own;
2. Providing assistance in overcoming limitations such as inability to obtain bonding or financing. For example, this could include such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, or providing services to help DBEs and other small businesses obtain bonding and financing;
3. Providing technical assistance and other services, within the legal authority of the Port;

4. Carrying out information and communications programs on contracting procedures and specific contract opportunities. For example, this could include 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; provision of information in languages other than English, where appropriate;
5. Providing services to help DBEs and other small businesses to improve long-term development; increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects and achieve eventual self-sufficiency;
6. Encouraging use of the online OMWBE and SCS directories and our website to the widest feasible universe of potential prime contractors.
7. Referring DBEs and other small businesses to programs that can assist them to develop their capacity to utilize emerging technology and conduct business through electronic media.

If the Port projects meeting its entire overall goal through race/gender-neutral means, it will not set any contract goals for that period unless it becomes necessary to do so to avoid falling short of the approved overall goal.

For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following:

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

If the Port must rely on contract goals (race-conscious participation) to meet all or a portion of the overall goal, then such goals will be submitted to the DOT/FAA for approval.

The Port will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see 26.51(f)), and the Port will track and report actual race-neutral and race-conscious participation separately.

This section of the program will be updated every three years when the goal calculation is updated.

Section 26.51 (d-g) Contract Goals

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

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

We will express our contract goals as a percentage of the total cost of all projects as well as the Federal share of DOT/FAA-assisted funding.

Good Faith Efforts Procedures

Section 26.53(a) Demonstration of Good Faith Efforts

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.

Bidders are to make good faith efforts to identify and subcontract portions of US DOT-assisted contracts to DBEs. The bidder can demonstrate that he/she has done so by either meeting the contract goal or documenting sufficient good faith efforts to the DBELO and Sr. Manager, Public Works Contracting. Bidders who do not succeed in obtaining enough DBE participation to meet the established contract goal are required to, and must submit prior to award, evidence as outlined in Appendix A to Part 26 demonstrating Good Faith Efforts in order to remain under consideration for a contract. The Documentation of Good Faith Efforts Form is found in the ***Appendix Section as Attachment 6.***

A list of efforts that a bidder may make, and the Airports' DBELO may use, in making a determination as to the acceptability of the bidder's good faith efforts documents, are as follows:

1. Whether the bidder attended any pre-solicitation or pre-bid meetings, which were scheduled by the Port to inform DBEs of contracting and subcontracting opportunities;
2. Whether the bidder advertised in general circulation, trade association, and minority-focus media concerning the sub-contracting opportunities;
3. Whether the bidder provided written notice to a reasonable number of specific DBEs that their interest in the contract was being solicited, in sufficient time to allow the DBEs to participate effectively;
4. Whether the bidder followed up initial solicitations of interest by contracting DBEs to determine, with certainty, whether the DBEs were interested;
5. Whether the bidder selected portions of work to be performed by DBEs in order to increase the possibility of meeting the DBE goal (including, where appropriate, breaking down contracts into economically feasible units to facilitate DBE participation);
6. Whether the bidder provided interested DBEs with adequate information about the plans, specifications and requirements of the contract;

7. Whether the bidder negotiated in good faith with interested DBEs, not rejecting DBEs as unqualified without sound reasons based on a thorough investigation of their capabilities;
8. Whether the bidder made efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance required by the Port or contractor, and
9. Whether the bidder effectively used the services of available minority and women community organizations; minority and women contractors' groups; local, state and Federal minority business assistance offices; and other organizations which provide assistance in the recruitment and placement of socially and economically individuals.

Section 26.53(b) Information to be Submitted

The Port of Seattle treats bidders/offers compliance with good faith efforts requirements as a matter of responsibility within 3 days of all instances where a contract goal has been established (all bidders will submit the DBE information). As a result, each solicitation for which a contract goal has been established will require the bidders to submit the following information prior to execution:

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 the contract goal;
5. Written and signed confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment; and
6. If the contract goal is not met, evidence of good faith efforts.

Section 26.53(c) Accurate Documentation for Good Faith Efforts

The Port will not execute contracts to bidders until the DBELO or the Sr. Public Works Contracting Manager have determined that the "good faith efforts determination" has been properly documented. In compliance with Part 26.53, the Port assures that good faith efforts are required in every instance where a contract goal was established.

The DBELO will monitor whether a bidder who has not met the contract goal has, in fact, documented sufficient good faith efforts to be regarded as a responsible bidder. The Port will incorporate **Appendix A to Part 26** as its reference for good faith evaluation standards. A sufficient good faith effort shall be determined by the bidders' records of:

1. Attending pre-bid meetings if any were held.
2. Advertising in local papers, minority/women focus media, and trade papers for a period of at least 15 days before bids or proposals are due. (Media schedules permitting); and recruiting DBEs via DBE organizations.
3. Notify DBEs, in writing, of subcontracting opportunities.
4. Following up initial solicitations.
5. Efforts to divide work into areas for subcontracting to DBEs.
6. Providing adequate information about plans and specifications.

7. Attempts to negotiate in good faith with DBEs. Such efforts are to be shown by producing names, addresses, telephone numbers, particular subcontracts, and information regarding each subcontract opportunity that was offered to each DBE.
8. Provide help to the DBEs in overcoming bonding, financial, and insurance problems relevant to the subcontract, and
9. Use of DBE organizations for DBE recruitment.

Section 26.53(d) Administrative Reconsideration

Within 2 business days of being informed by the Port DBELO that a bidder/offeror is not **responsible** because sufficient good faith efforts have not been provided, the bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official:

Following the protest procedures in the appropriate procurement documents. 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 meet in person with the Port's reconsideration official to address the issue of whether the bidder/offeror met the goal or made adequate good faith efforts to do so. The Port 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 Federal Aviation Administration and U.S. Department of Transportation.

Section 26.53(f)(1) Good Faith Efforts when a DBE is replaced on a contract

Replacing a DBE on a Contract (26.53(f))

The Port of Seattle will require a contractor not to terminate a DBE subcontractor (or an approved substitute DBE firm) **without** the Port's written concurrence. This includes, but is not limited to, instances in which a prime contractor seeks to perform work originally designated for a DBE subcontractor with its own forces, those of an affiliate, a non-DBE firm, or with a substitute DBE firm.

The Port may provide such written consent only if it agrees, for reasons stated in the Port's concurrence document, that the prime contractor has a good cause to terminate the DBE firm.

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 its subcontract;
3. The listed DBE subcontractor fails to perform its work on the subcontract in a way that is acceptable to the prime or the Port;
4. The listed DBE subcontractor fails or refuses to meet the prime contractor's reasonable bond requirements;

5. The listed DBE subcontractor becomes bankrupt, insolvent, or exhibits credit unworthiness;
6. The listed DBE subcontractor is ineligible to work on public works projects because of suspension and debarment proceedings pursuant 2 CFR Parts 180, 215, and 1200 or applicable state law;
7. The Port has determined that the listed DBE subcontractor is not a responsible contractor;
8. The listed DBE subcontractor voluntarily withdraws from the project and provides to the Port written notice of its withdrawal;
9. The listed DBE is ineligible to receive DBE credit for the type of work required;
10. A DBE owner dies or becomes disabled with the result that the listed DBE contractor is unable to complete its work on the contract; and
11. Any other good cause that the Port determines that compels the termination of the DBE subcontractor with the concurrence of the FAA, as applicable.

Before transmitting its request to terminate and/or substitute a DBE subcontractor, the prime contractor must give notice in writing to the DBE subcontractor, with a copy to the Port, of its intent to request a termination and/or substitution, and the reason for the request.

The prime contractor must give the DBE subcontractor **five (5) business days** to respond to its notice and advise the Port and the DBE contractor of the reasons, if any, why it objects to the termination of its subcontract and why the Port should not approve the prime contractor's action. In addition to the Port-award terminations, the provisions of this section apply to pre-award deletions of or substitutions for DBE firms put forward by offerors in negotiated procurements.

In accordance with Section 26.53(f)(2) the Port will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. The Port 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, the Port will require the prime contractor to obtain its 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 Ports contracting officer will issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding (Section 26.53(f)(3)).

Section 26.55 Counting DBE Participation

(a) The Port of Seattle will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55. Work performed by a firm will be counted as fulfilling participation requirements only if the firm is certified at the time of bid and

(c)(1) A DBE performs a commercially useful function when it is responsible for the execution of the contract work and is carrying out its responsibilities by actually performing, managing and supervising the work involved. To perform a commercially useful function, the DBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering materials, and installing (where applicable) and paying for the material itself. To determine whether a DBE is performing a commercially useful function, the Port must evaluate the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract is commensurate with the work to be performed, in addition to the DBE credit claimed for work performance and other relevant factors. (A DBE does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract or project through which funds are passed in order to obtain the appearance of DBE participation.)

(c)(3) If a DBE does not perform or exercise responsibility for at least 30 percent of the total cost of its contract with its own work force, or the DBE subcontracts a greater portion of the contract work than would be expected on the basis of normal industry practice for the type of work involved, the Port must presume that it is not performing a commercially useful function.

A certified firm which is a conduit or pass through or which is not performing a commercially useful function will not be considered toward fulfillment of contract participation goals. The Port's decisions on commercially useful function matters are subject to review by the FAA, but are not administratively appealable to the US DOT.

(a)(c) When a DBE subcontracts part of its contract work to another firm, the value of the subcontracted work may be counted toward DBE goals only if the DBE's subcontractor is itself a DBE. Work that a DBE subcontracts to a non-DBE firm **does not** count toward DBE goals.

(3)(h) We will not count the participation of a DBE subcontract toward a contractor's final compliance with its DBE obligations on a contract until the amount being counted has actually been paid to the DBE.

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 Certification Process

The Port's Small Business Program is designed to develop mutually advantageous professional relationships with small businesses. Under this umbrella, the Office of Social Responsibility manages several programs including the Disadvantaged Business Enterprise (DBE).

- (a) The Port of Seattle does not certify firms to participate as DBEs. Instead, the Port is a participating member of a Unified Certification Program (UCP), administered by the State of Washington Office of Minority and Women Business Enterprise (OMWBE) <http://www.omwbe.gov>.

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

The POS is a participating member of a Unified Certification Program (UCP) administered by Washington Office of Minority and Women Business Enterprise (OMWBE)

<http://www.omwbe.gov>

The Washington State Legislature created the Office of Minority and Women Business Enterprises (OMWBE) by RCW 39.19.030 in 1983 (<http://www.omwbe.wa.gov/>). The purpose of the state program is to increase the opportunities for minority and women-owned small business to provide goods and services to state agencies and schools. Since Washington State voters passed Initiative 200, goals set for public contracting with M/WBEs are no longer mandatory. However, the Governor has recognized the importance of continuing to include M/WBEs in public contracting. Voluntary goals continue to be set and OMWBE continues its work to furthering the use of M/WBEs in public and private contracting.

Interested firms should apply for certification through OMWBE (which complies with the certification standards and certification procedures of Subpart D and Subpart E of Part 26).

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

OMWBE Olympia (Main) Office
210 11th Avenue SW, Suite 401
Olympia, WA 98501
(866) 208-1064 Toll Free
(360) 586-7079 Fax

Procedures for Certification Decisions

Section 26.83 Procedures for Certification Decisions

1. Washington State Office of Minority and Women-owned Business Enterprise (OMWBE)

In order to be a Disadvantaged Business Enterprise (DBE), a firm must be a small business concern as defined by the Small Business Administration (SBA) in 13 CFR 121.

Firms seeking to participate in the Disadvantaged Business Enterprise Program must comply with the regulations in accordance with 49 CFR Part 26. The requirements apply to all DBEs.

The Port of Seattle uses OMWBE to determine the eligibility of firms to participate as DBEs in DOT/FAA-assisted contracts. To be certified as a DBE, a firm must meet all OMWBE certification eligibility standards.

2. Business Size Standards

SBA business size standards found in 13 CFR 121 appropriate to the types of work, as defined by the 2002 North American Industry Classification System (NAICS) codes, are utilized for OMWBE certification.

OMWBE reviews certified firms every three years to determine continued eligibility.

3. OMWBE Certification

Individuals seeking to participate in the DBE Program must become certified. The certification process requires that applicants provide information concerning social and economic status, gender, ownership, independence and control of their firms. Applications for DBE certification can be obtained from the Office of Minority and Women Business Enterprise (OMWBE) <http://www.omwbe.gov>

4. OMWBE Federal DBE Certification Program

By contract with the Washington State Department of Transportation (WSDOT), OMWBE processes applications for certification in the U.S. Department of Transportation's (USDOT) Disadvantaged Business Enterprise (DBE) Program. The purpose of the DBE program is to increase the opportunities for minority and women-owned small businesses to participate in federally funded projects. Unlike the voluntary goals now set in the State program, DBE goals are mandatory.

The electronic links to the OMWBE UCP Application and Personal Financial Statement for Appendix Section, Attachment 7 can be found at:

- Uniform Certification Application Form: <http://omwbe.wa.gov/wp-content/uploads/2014/09/New-DBE-Certification-Application-11-18-2014-OMWBE-S.pdf>
- Personal Financial Statement: <http://omwbe.wa.gov/wp-content/uploads/2014/11/DBE-PNW-Statement-11-3-2014-OMWBE-S.pdf>

5. Re-certifications (49 CFR 26.83(a)(c))

OMWBE DBE certifications are valid for a period of three (3) years. During the time of certification, the DBE is obligated to notify OMWBE of any and all changes in ownership or financial the portion of the firm that would impact its eligibility under the regulations. The DBE firm is required to submit annually a No Change Affidavit. It is the responsibility of the DBE to keep their certification current.

Since the Port does not certify DBE firms, recertification of eligible firms will be provided by OMWBE. The OMWBE requests Personal Net Worth Statements, Statements of Social Disadvantage, and updated specialty codes from each DBE currently certified. When the OMWBE receives all of the requested information and determines a DBE satisfies the eligibility criteria set forth in 49 CFR Part 26, the OMWBE will grant a three-year certification to the DBE. This three-year certification will run from the expiration date currently listed for the DBE in the OMWBE's Directory (<http://www.omwbe.gov>). If a firm fails to submit the requested information or if it submits information which reflects the firm is

no longer eligible to participate in the DBE program, the OMWBE will commence decertification procedures.

For firms that are found eligible under Part 26, OMWBE will periodically review their eligibility approximately every three (3) years. DBEs will be notified before the certification anniversary date in the third year. In order to have their certification reviewed and renewed, firms must complete requested documentation with updated documentation concerning ownership, size standards, gross receipts, and social and economic disadvantage status. An on-site review of these firms will be conducted on a case-by-case basis as determined by the OMWBE DBE.

6. “No Change” Affidavit and Notices of Change (49 CFR 26.83(j))

OMWBE requires all DBEs to inform them, in a written affidavit, of any change in its circumstances affecting its ability to meet size, disadvantaged status, ownership or control criteria of 49 CFR Part 26 or of any material changes in the information provided with OMWBE application for certification. Likewise, if a firm's owner knows or should know that he or she, or the firm, fails to meet Part 26 eligibility requirements (e.g. personal net worth), the obligation to submit a notice of change applies.

OMWBE also requires all owners of all DBEs they have certified to submit, on the anniversary date of their certification, a “no change” affidavit meeting the requirements of 26.83(j). OMWBE requires DBEs to submit with this affidavit documentation of the firm's size and gross receipts.

In addition, a DBE should also notify both the Port DBELO and OMWBE Representative of any change in circumstances affecting the DBEs ability to meet size, disadvantaged status, ownership or control including change in address, telephone number, contact person for the firm, change in the firm's officers, or change of firm's name in a timely manner. This will allow both the OMWBE and the Port to properly update this information in their DBE Directory and Bidders List respectfully. (Section 26.83(i)).

7. Personal Net Worth (26.67(b))

OMWBE requires all disadvantaged owners of applicant firms and currently certified DBEs who are eligible under Part 26 to submit a statement of Personal Net Worth (PNW) as well as requiring new applicants.

Denials of Initial Requests for Certification (49 CFR 26.85)

OMWBE is responsible for denying a DBE's request for certification.

Removal of a DBE's Eligibility (49 CFR 26.87)

OMWBE is responsible for removal of a DBE's eligibility.

Certification Appeals (Section 26.89(a)(3))

Any firm or complainant may appeal OMWBE's decision in a certification matter to DOT/FAA. Such appeals may be sent to:

U.S. Department of Transportation
Department Office of Civil Rights
External Civil Rights Program Division (S-3)
1200 New Jersey Ave., SE
Washington, D.C. 20590
Phone: (202) 366-4648
TTY: (202) 366-9696
Fax: (202) 366-7717

OMWBE will promptly implement any DOT/FAA certification appeal decisions affecting the eligibility of DBEs for Port DOT/FAA-assisted contracting (e.g., certify a firm if DOT/FAA has determined that OMWBE's denial of its application was erroneous).

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.101 Procedures

The Port acknowledges that if it fails to comply with any requirement of this part, the Port may be subject to formal enforcement action under Section 26.103 or Section 26.1056 or appropriate program sanctions by the concerned operating administration, 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, in the case of the FHWA program, actions provided for under 23 CFR 1.36; in the case of the FAA program, actions consistent with 49 U.S.C 47106(d), and 47122; and in the case of the FTA program, any actions permitted under 49 U.S.C. chapter 53 or applicable FTA program requirements.

Section 26.105 FAA Compliance

The provisions of Section 26.103(b) and (c) apply to enforcement actions in FAA programs. Any person who knows of a violation of this part by a recipient of FAA funds may file a complaint under 14 CFR Part 16 with the Federal Aviation Administration Office of Chief Counsel.

Section 26. 107 Participating Firms in DBE Program

If you are a firm that does not meet the eligibility criteria of Subpart D of this part and that attempts to participate in a DOT/FAA-assisted program as a DBE on the basis of false, fraudulent, or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty, the Department may initiate suspension or debarment proceedings against you under 49 CFR part 29.

If you are a firm that, in order to meet DBE contract goals or other DBE program requirements, uses or attempts to use, on the basis of false, fraudulent or deceitful statements or representations or under circumstances indicating a serious lack of business integrity or honesty, another firm that does not meet the eligibility criteria of subpart D of 49 CFR, the Department may initiate suspension or debarment proceedings against you under 49 CFR Part 29.

The Department may refer to the Department of Justice, for prosecution under 18 U.S.C. 1001 or other applicable provisions of law, any person who makes a false or fraudulent statement in connection with participation of a DBE in any DOT/FAA-assisted program or otherwise violates applicable Federal statutes.

Section 26.109 Information, Confidentiality, and Cooperation

In responding to requests for information concerning any aspect of the DBE program, the Department complies with provisions of the Federal Freedom of Information and Privacy Act (5 U.S.C. Section 552). The Department may make available to the public any information concerning the DBE program release of which is not prohibited by Federal law.

In addition, notwithstanding any contrary provisions of state or local law, the DBELO or Port representatives will not release personal financial information submitted in response to the personal net worth requirements to a third party (other than DOT/FAA) without the written consent of the submitter.

The Port, its 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 49 CFR 26.109. If the Port violates this prohibition, it is in noncompliance with this part.

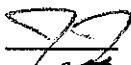
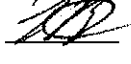


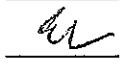
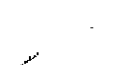
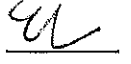

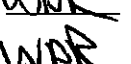
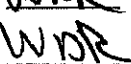

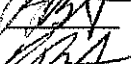
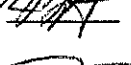
APPENDIX SECTION

- Attachment 1 Port Signed Assurance as to 49 CFR Part 26
- Attachment 2A Disadvantaged Business Enterprise Proposal Form
- Attachment 2B Subcontractor Bidding Report
- Attachment 3 Organizational Chart
- Attachment 4 Overall Goal Calculation
- Attachment 5 List of Persons and Groups Consulted
- Attachment 6 Documentation of Good Faith Efforts
- Attachment 7 [Uniform Certification Application Form](http://omwbe.wa.gov/wp-content/uploads/2014/09/New-DBE-Certification-Application-11-18-2014-OMWBE-S.pdf)
<http://omwbe.wa.gov/wp-content/uploads/2014/09/New-DBE-Certification-Application-11-18-2014-OMWBE-S.pdf>
- Attachment 7B [Personal Financial Statement](http://omwbe.wa.gov/wp-content/uploads/2014/11/DBE-PNW-Statement-11-3-2014-OMWBE-S.pdf)
<http://omwbe.wa.gov/wp-content/uploads/2014/11/DBE-PNW-Statement-11-3-2014-OMWBE-S.pdf>

U.S. Department of Transportation
Federal Aviation Administration
AIRPORT GRANT ASSURANCE COMPLIANCE CERTIFICATION

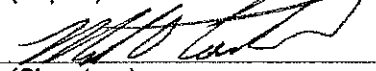
I hereby certify that the below named airport is in compliance with all the terms and conditions of existing Federal Aviation Administration Grants and other assumed federal obligations with regard to:

(Please initial each)

	James Jennings	Exclusive Rights Prohibition
	Mark Coates	Safe operation, control, and maintenance of airport facilities
	Mark Coates	Protection of approaches
	Elizabeth Leavitt	Compatible land use
	Elizabeth Leavitt	Availability of facility to all types, kinds and classes of aeronautical activity on fair and reasonable terms without unjust discrimination.
	Elizabeth Leavitt	An approved ALP/Exhibit "A" is on file with the FAA which reflects the current land use of the airport.
	Al Royal	Utilization of Surplus Property is proper.
	Al Royal	Utilization of Section 16/23/516 lands is proper.
	Al Royal	Sale or disposal of property acquired under FAAP/ADAP/AIP.
	Borgan Anderson	Utilization and accounting of airport revenues is proper.
	Borgan Anderson	Fee and rental rate structures which are maintained will make the airport as self-sustaining as possible.
	James Jennings	Sponsor rights and powers are preserved.
	James Jennings	To the best of my knowledge, the lease log reflects all major leases on the airport or airport property.

SEA
(Airport)

5 Oct 11
(Date)


(Signature)

Mark O. Coates
(Typed or printed name)

Sr. Manager, Airport Operations
(Title or Position)

Note: Please return this form to the appropriate Airports District Office:

Denver ADO
Federal Aviation Admin
26805 E. 68th Ave, Ste 224
Denver, CO 80249-6361

Helena ADO
FAA Bldg, Ste 2
2725 Skyway Dr
Helena, MT 59601

Seattle ADO
Federal Aviation Admin
1601 Lind Ave SW, Ste 250
Renton, WA 98055-4055



FAA
Airports

Grant Assurances Airport Sponsors

A. General.

1. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.
2. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of Title 49, U.S.C., subtitle VII, as amended. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
3. Upon acceptance of this grant offer by the sponsor, these assurances are incorporated in and become part of this grant agreement.

B. Duration and Applicability.

1. **Airport development or Noise Compatibility Program Projects Undertaken by a Public Agency Sponsor.** The terms, conditions and assurances of this grant agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired for an airport development or noise compatibility program project, or throughout the useful life of the project items installed within a facility under a noise compatibility program project, but in any event not to exceed twenty (20) years from the date of acceptance of a grant offer of Federal funds for the project. However, there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport. There shall be no limit on the duration of the terms, conditions, and assurances with respect to real property acquired with federal funds. Furthermore, the duration of the Civil Rights assurance shall be specified in the assurances.
2. **Airport Development or Noise Compatibility Projects Undertaken by a Private Sponsor.** The preceding paragraph 1 also applies to a private sponsor except that the useful life of project items installed within a facility or the useful life of the facilities developed or equipment acquired under an airport development or noise compatibility program project shall be no less than ten (10) years from the date of acceptance of Federal aid for the project.

have access to the airport; however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.

37. **Disadvantaged Business Enterprises.** The recipient 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 non discrimination 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 recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801).
38. **Hangar Construction.** If the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.
39. **Competitive Access.**
- a. If the airport owner or operator of a medium or large hub airport (as defined in section 47102 of title 49, U.S.C.) has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to allow the air carrier to provide service to the airport or to expand service at the airport, the airport owner or operator shall transmit a report to the Secretary that-
 - 1) Describes the requests;
 - 2) Provides an explanation as to why the requests could not be accommodated; and
 - 3) Provides a time frame within which, if any, the airport will be able to accommodate the requests.
 - b. Such report shall be due on either February 1 or August 1 of each year if the airport has been unable to accommodate the request(s) in the six month period prior to the applicable due date.

DISADVANTAGED BUSINESS ENTERPRISE PROPOSAL FORM

Reference: Instructions to Bidders, paragraph IB-02.03

Project Name: _____

Bidder's Name, Address & Phone Number:

Work Project: _____

Completion of this form is a part of the DBE requirement. List Certified DBE (s) firm(s) only. For **Joint Ventures or Partnerships**, list certified DBE(s) venture partner(s) only and the dollar value of the work to be performed by the certified DBE(s) partner(s) only. Please complete fully.

BUSINESSES PROPOSED TO FULFILL THE DISADVANTAGED BUSINESS ENTERPRISE REQUIREMENT

NAME/ADDRESS	SUBCONTRACTOR, SUPPLIER OR MANUFACTURER	CONTACT PERSON	PHONE NO.	TYPE OF WORK	\$ VALUE

Total DBE: _____

Bidder Signature

Date

**FOR POS USE
ONLY**

BID AMOUNT:

\$ _____

DBE % OF BID: _____%

SUBMITTAL IS
APPROVED:

DISAPPROVED:

SIGNATURE

DATE

SUBCONTRACTOR BIDDING REPORT

Project Name: _____

Project Number: _____

Prime Contractor: _____ WA State UBI: _____

Prime Contractor Address: _____ Phone #: () _____ - _____

Form Completed By: _____

SUBCONTRACTOR SOLICITATION (NAME)	SUBCONTRACTOR'S ADDRESS	TYPE OF WORK	WA STATE UBI	DBE Y / N	MBE Y / N	WBE Y / N	DATE FIRM ESTABLISHED	ANNUAL GROSS RECEIPTS RANGE(1)

Signature certifies as to the accuracy of the foregoing information: _____
Signature
Date

All information gathered on the background and financial status of firms will remain with the Port's DBELO and will not be shared as public information unless its disclosure is required under the Washington State Public Disclosure Act.

(1) Please enter the code associated with the range of annual gross receipts as follows: (a) less than \$500,000; (b) \$500,000-\$1 million; (c)\$1-2 million; (d) \$2-5 million; (e) \$5-7 million (f) \$7-10 million, (g) over \$10 million.

2015 Port of Seattle DBELO Organizational Chart



Section 26:45 Overall Goal Calculations

Name of Recipient: Port of Seattle

Goal Period: FY 2016 – 2018 (October 1, 2015 through September 30, 2018)

Market Area: State of Washington

Determination of Market Area:

- a. Substantial majority (at least 60% of the contractors and subcontractors come from King County, Pierce County and Snohomish County), and
- b. Substantial majority (at least 100% of the contracting dollars will be spent in King County, Pierce County and Snohomish County)

Analysis:

Step one (26.45c) In accordance with the 2005 Ninth Circuit Court Appeals decision, and the 2006 USDOT's guidance in regards to establishing race-conscious and race neutral DBE Program, the Port of Seattle conducted a Disparity Study in 2014 to ascertain if there was disparity in the Port contracting. Disparity study results indeed determine there was disparity in contracting. Therefore the Port of Seattle will move from a race-neutral to race-conscious goal.

* We identified the availability of DBE and non-DBE firms who are ready, willing and able to compete for federally funded contracts that will be solicited by the Port of Seattle. The Port spends the majority of construction dollars with firms located in King County, Pierce County and Snohomish County. We have determined our market area to be the State of Washington. The data sources were narrowly tailored to include the State of Washington Office of Minority and Women's Business Enterprise and the United States Census Bureau Data 2013 Business Patterns of King, Pierce and Snohomish County in Washington.

** After calculating a base figure of the relative availability of DBEs, we average the based figure for FY 2016-2018 to arrive at an overall goal of 4.76%

Step 2 (26.45d)

We did not consider the median of our past participation of DBEs on projects which was **0%** since our efforts for historical participation were race neutral.

DBE Goal Calculation

<u>Year</u>	<u>NAICS</u>	<u>Type of Work</u>	<u>Total DBE's</u>	<u>Total All Firms</u>	<u>DOT Assisted Contract Amount</u>	<u>*DBE ÷ Total # of firms Base Figure</u>	<u>Adjusted Overall Goal</u>
<u>2016</u>	Types: a) Highline School Insulation						
a)	238310	Drywall and Insulation	7	311	\$782,000.00	1.58%	1.58%
	238320	Painting and Wall Covering	10	708			
	238350	Window Installation	7	502			
	238130	Framing Contractor	5	247			
	Total		28	1768			
<u>2017</u>	Types: a) Highline School Insulation b) Airfield Ramp Pavement program						
a)	238310	Drywall and Insulation	7	311	\$7,011,000.00	1.58%	1.58%
	238320	Painting and Wall Covering	10	708			
	238350	Window Installation	7	502			
	238130	Framing Contractor	5	247			
	Total		28	1768			
b)	237310	Highway, Street and Bridge Construction	32	116	\$1,235,359.00	4.77%	4.77%
	238910	Site preparation Contractors	29	424			
	238210	Electrical Contractors	12	991			
	Total		73	1531			

2018	Types: a) Highline School Insulation b) Airfield Ramp Pavement Program						
a)	238310	Drywall and Insulation	7	311	\$804,000.00	1.58%	1.58%
	238320	Painting and Wall Covering	10	708			
	238350	Window Installation	6	502			
	238130	Framing Contractor	5	247			
	Total		28	1768			
b)	237310	Highway, Street and Bridge Construction	32	116	\$1,259,720.00	4.77%	4.77%
	238910	Site preparation Contractors	29	424			
	238210	Electrical Contractors	12	991			
	Total		73	1531			

TOTAL FY 2016-2018 \$11,092,079.00

4.76%

Past Participation

The recipient examined the historic overall DBE goals accomplishments at the airport in recent years, i.e., 3-4 years, specifically, the annual Uniform Report of DBE Awards or Commitments and Payments supplemented by contractual closeout information, and summarized below:

Recipients Historic DBE Accomplishments for DOT-Assisted Contracts
(3-4 years analysis of similar or the same type of work)

<u>Fiscal Year</u>	<u>Goal</u>	<u>Accomplishments</u>	<u>Type of Work</u>
2013	5.09%	0%	Construction
2014	5.62%	0%	Construction
2015	5.62%	0.19%	Construction

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

26.51(b)(1-9)

The recipient will meet the maximum feasible portion of its overall goal by using RN means of facilitating DBE participation, including but not limited to:

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitates DBE, and other small businesses, participation;
2. Providing resources for technical assistance and other services;
3. Carrying out information and communications programs on contracting procedures and specific contract opportunities;
4. Providing resources to help DBE's and other small businesses improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency;
5. Supporting programs to assist new, start-up firms, particularly in fields in which DBE participation has historically been low;
6. Ensuring distribution of DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors;

The recipient estimates that in meeting its overall goal 4.76%, it will obtain 0% from RN participation and 4.76% through RC measures.

Anticipated overall FY 2016-2018 DBE goal is 4.76%

FY 2016 Anticipated DBE goal is 1.58%

FY 2017 Anticipated DBE goal is 6.35%

FY 2018 Anticipated DBE goal is 6.35%

Sum of FY 2016-2018 anticipated DBE goal is 14.28%

14.28% divided by 3 = 4.76%

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

Public Participation

Consultation: Section 26.45(g) (1).

The Sea-Tac International Airport submits its overall 3-year goal to DOT/FAA on August 1 as required. Sea-Tac International Airport will consult with OMWBE a valuable resource to reach DBE contractors.

- Sea-Tac International Airport will consult with its statewide DBE Advisory Committee that is comprised of minority and women contractors, business owners and organizations, as well as non-DBE contractors and business owners. These discussions include the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the efforts to establish a level playing field.
- Sea-Tac International Airport has identified the following barriers affecting opportunities for DBEs:
 - DBEs not being aware of projects;
 - Inability of DBE companies to secure bonding; and
 - Companies which qualify for the DBE program are not certified unaware of the DBE program and benefits of DBE certification.

Future goals will attempt to identify minority, women's & general contractor groups to solicit information regarding barriers affecting opportunities for DBEs.

- We will use OMWBE assistance to contact DBEs through advertising in their DBE Newsletter.
- Training - Long-term development assistance to increase opportunities to participate in more varied and significant work, and to achieve eventual self-sufficiency;
- Programs on contracting procedures and specific contract opportunities;
- Assistance in obtaining bonding or financing;
- "Meet and Greet" networking sessions with primes and DBEs.

Published Notice: Section 26.45 (g)(2).

Public Notice

The Port of Seattle's Sea-Tac International Airport hereby announces its fiscal years 2016-2018 goal of 4.76% for Disadvantaged Business Enterprise (DBE) airport construction projects. The proposed goals and rationale is available for inspection between 8:00 a.m. and 5:00 p.m., Monday through Friday at Port of Seattle's address below for 30 days from the date of this publication.

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

Office of Social Responsibility
Port of Seattle
2711 Alaskan Way
Seattle, WA 98121
Telephone: (206) 787-5775
Fax Number: (206) 787-3089
Email: osr@portseattle.org
Web Site: <http://www.portseattle.org/About/Organization/Pages/OSR.aspx>

or

Federal Aviation Administration
Office of Civil Rights
PO Box 92007
Los Angeles, CA 90009

Contract Goals

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

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

The recipient will express its contract goals as a percentage of *(total amount of DBE-assisted contract)*
or
(the Federal share of a DOT-assisted contract).

Port of Seattle List of Persons and Groups Consulted

Organization

African Chamber of Commerce of the Pacific Northwest
 Alliance NW
 DBE Advisory Committee - WA-DOT
 El Centro de LaRaza
 Greater Seattle Business Association
 Greater Seattle Chinese Chamber of Commerce
 King County Hispanic Chamber of Commerce
 National Association of Minority Contractors
 Native PTAC - WA
 Northwest Minority Business Council (NMBC)
 NW Asian Weekly
 Office of Minority and Women's Business Enterprises (OMWBE)
 OMWBE AdHoc Advisory Committee
 SBA - Small Business Administration
 Seattle Daily Journal of Commerce
 Seattle Medium dba: Tiloben Publishing Co Inc.
 Sound Transit
 Tabor 100
 The Urban Forum Northwest Radio - KWJZ-1150 dba: A Ryco, LLC
 Tu Decides Media Inc.
 University of Washington Consulting and Business Development Center
 US Mexico Chamber of Commerce Northwest Chapter
 Washington State Department of Transportation (WSDOT)

Contact

Peter Gishiru
 Marnie Tyson
 Brenda Nnambi
 Estela Ortega
 Louise Chernin
 Millie Su
 Mike Sotelo
 Bob Armstead
 Kylene Binder-Peters
 Fernando Martinez
 Assunta Ng
 Alexis Oliver
 Alexis Oliver

 Chris Bennett
 Leslie Jones
 Ollie Garrett
 Eddie Rye
 Alex Torres
 Michael Verchot
 Jorge Madrazo
 Jackie Bayne



Documentation of Good Faith Efforts

[To be submitted when the Bidder is unable to meet project DBE Goals. Failure to submit with the bid when unable to meet the goals will deem the bid non-responsive.]

Project Information

Work Project Number and Description: _____

BIDDER INFORMATION

Company Name: _____

Address: _____ City, State, Zip Code: _____

Contact Person: _____

Phone Number: _____ FAX Number: _____

Is Bidder certified as a Disadvantaged Business Enterprise (DBE)? ☐ Yes ☐ No

If so, please attach a copy of the certification.

GOOD FAITH EFFORT CRITERIA QUESTIONS

1. Did you attend pre-bid meetings scheduled by the Port of Seattle? ☐ Yes ☐ No

1a. Did you contact contractors/suppliers/truckers who attended the pre-bid to solicit their interest? ☐ Yes ☐ No

Describe your efforts made:

2. Did you advertise in general circulation, trade association, minority-focus media and/or other media to solicit the interest of all contractors/suppliers/truckers who have the capability to perform the work of the contract in sufficient time for all contractors/suppliers/truckers to respond to the solicitation? ☐ Yes ☐ No
 If yes, please identify all publications and attach the proof of each advertisement listed.

	Publication:	Date:
	Publication:	Date:
	Publication:	Date:

3. Did you provide written notices to solicit the interest of all contractors/suppliers/truckers who have the capability to perform the work of the contract in sufficient time to allow the contractors/suppliers/truckers to respond to the solicitation? ☐ Yes ☐ No
 Identify each contact on the Attachment A form provided.

4.	Did you follow up initial solicitations with a second contact to determine with certainty whether the contractors/suppliers/truckers were interested?	<input type="checkbox"/> Yes <input type="checkbox"/> No Identify each follow-up contact on the Attachment A form provided.
----	---	--

5.	Did you select portions of the work to be performed by subcontractors in order to increase the likelihood that the DBE goal will be achieved? This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate subcontractor participation.	<input type="checkbox"/> Yes <input type="checkbox"/> No Please identify those items of work selected. This listing should correspond to the information shown on Attachment A.
----	--	--

Item No:	Estimated:

6.	Did you provide interested contractors/suppliers/trucker with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation?	<input type="checkbox"/> Yes <input type="checkbox"/> No
----	---	--

Describe your efforts made:

7.	Did you negotiate in good faith with interested subcontractors?	<input type="checkbox"/> Yes <input type="checkbox"/> No
----	---	--

Describe your efforts made:

8.	Did you reject subcontractors as being unqualified with sound reasons based on a thorough investigation of their capabilities?	<input type="checkbox"/> Yes <input type="checkbox"/> No
----	--	--

9.	Did you make efforts to assist interested contractors in obtaining bonding, lines of credit, or insurance as required by the recipient or contractor?	<input type="checkbox"/> Yes <input type="checkbox"/> No
----	---	--

Describe your efforts made:

10.	Did you make efforts to assist interested contractors in obtaining necessary equipment, supplies, materials, or related assistance or services?	<input type="checkbox"/> Yes <input type="checkbox"/> No
-----	---	--

Describe your efforts made:

11. Did you effectively use the services of available community organizations; contractors' groups; local, state, and Federal business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of contractors? ☐ Yes ☐ No

Describe your efforts made:

Resource:	Date Contacted:
Resource:	Date Contacted:
Resource:	Date Contacted:
Resource:	Date Contacted:

12. Please identify any additional good faith efforts which have not been discussed in the previous responses.

Describe additional efforts made:

BIDDER DECLARATION

I certify that the information given in this submittal is correct and true to the best of my knowledge.

Printed Name of Company Official

Signature of Company Official

Date

ATTACHMENT A

This form must be used when answering questions 3, 4, and 5. Photo copy if additional sheets are needed.

EXAMPLE

BID ITEM NUMBER: 31	DESCRIPTION OF WORK, SERVICE, OR MATERIAL	NAME, ADDRESS, PHONE OF CERTIFIED DBE	DATES/METHOD OF CONTACT	RESULT OF CONTACT	BID AMOUNTS
Value of Contract:	Electrical	Name: Amaya Electric	1st Date: 01/03/98 Type: Letter	1st: No reply	Amount of BID: \$133,333
\$ 113,333		Address/City/State/Zip: P.O. Box 98686 Lakewood, WA 98498 Phone: (253) 582-8566	2nd Date: 01/10/98 Type: Phone Call	2nd: Will bid	Amount of Bid Used: \$110,030
% 13		Contact: Redi Kilowatt	3rd Date: None Type:	3rd: None	
Reason for Non-Selection: Bid submitted was higher than project manager's estimate. Bid also \$23,303 higher than lower bid received from contractor listed in bid submittal.					

WORK ITEM NUMBER:	DESCRIPTION OF WORK, SERVICE, OR MATERIAL	NAME, ADDRESS, PHONE OF CERTIFIED DBE	DATES/METHOD OF CONTACT	RESULT OF CONTACT	BID AMOUNTS
Value of Contract:		Name:	1st Date:	1st:	Amount of BID:
\$		Address/City/State/Zip:	Type:		Amount of Bid Used:
		Phone:	2nd Date:	2nd:	
%		Contact:	Type:	3rd:	

ATTACHMENT A

WORK ITEM NUMBER:	DESCRIPTION OF WORK, SERVICE, OR MATERIAL	NAME, ADDRESS, PHONE OF CERTIFIED DBE	DATES/METHOD OF CONTACT	RESULT OF CONTACT	BID AMOUNTS
Value of Contract: \$ %		Name:	1st Date:	1st:	Amount of BID:
		Address/City/State/Zip:	Type:		
		2nd Date:	2nd:	Amount of Bid Used:	
		Phone:	Type:		
		Contact:	3rd Date:	3rd:	
			Type:		
Reason for Non-Selection:					

WORK ITEM NUMBER:	DESCRIPTION OF WORK, SERVICE, OR MATERIAL	NAME, ADDRESS, PHONE OF CERTIFIED DBE	DATES/METHOD OF CONTACT	RESULT OF CONTACT	BID AMOUNTS
Value of Contract: \$ %		Name:	1st Date:	1st:	Amount of BID:
		Address/City/State/Zip:	Type:		
		2nd Date:	2nd:	Amount of Bid Used:	
		Phone:	Type:		
		Contact:	3rd Date:	3rd:	
			Type:		
Reason for Non-Selection:					

ATTACHMENT A

WORK ITEM NUMBER:	DESCRIPTION OF WORK, SERVICE, OR MATERIAL	NAME, ADDRESS, PHONE OF CERTIFIED DBE	DATES/METHOD OF CONTACT	RESULT OF CONTACT	BID AMOUNTS
Value of Contract: \$ %		Name:	1st Date:	1st:	Amount of BID:
		Address/City/State/Zip:	Type:		
		2nd Date:	2nd:		
		Phone:	Type:		Amount of Bid Used:
		Contact:	3rd Date:	3rd:	
			Type:		
Reason for Non-Selection:					
Work Item Number:	Description of Work, Service, or Material	Name, Address, Phone of Certified DBE	Dates/Method of Contact	Result of Contact	Bid Amounts
Value of Contract: \$ %		Name:	1st Date:	1st:	Amount of BID:
		Address/City/State/Zip:	Type:		
		2nd Date:	2nd:		
		Phone:	Type:		Amount of Bid Used:
		Contact:	3rd Date:	3rd:	
			Type:		
Reason for Non-Selection:					

ATTACHMENT A

WORK ITEM NUMBER:	DESCRIPTION OF WORK, SERVICE, OR MATERIAL	NAME, ADDRESS, PHONE OF CERTIFIED DBE	DATES/METHOD OF CONTACT	RESULT OF CONTACT	BID AMOUNTS
Value of Contract: \$ %		Name:	1st Date:	1st:	Amount of BID:
		Address/City/State/Zip:	Type:		
		2nd Date:	2nd:		
		Phone:	Type:		Amount of Bid Used:
		Contact:	3rd Date:	3rd:	
			Type:		
Reason for Non-Selection:					

WORK ITEM NUMBER:	DESCRIPTION OF WORK, SERVICE, OR MATERIAL	NAME, ADDRESS, PHONE OF CERTIFIED DBE	DATES/METHOD OF CONTACT	RESULT OF CONTACT	BID AMOUNTS
Value of Contract: \$ %		Name:	1st Date:	1st:	Amount of BID:
		Address/City/State/Zip:	Type:		
		2nd Date:	2nd:		
		Phone:	Type:		Amount of Bid Used:
		Contact:	3rd Date:	3rd:	
			Type:		
Reason for Non-Selection:					

ATTACHMENT A

WORK ITEM NUMBER:	DESCRIPTION OF WORK, SERVICE, OR MATERIAL	NAME, ADDRESS, PHONE OF CERTIFIED DBE	DATES/METHOD OF CONTACT	RESULT OF CONTACT	BID AMOUNTS
Value of Contract: \$ %		Name: Address/City/State/Zip: Phone: Contact:	1st Date: Type: 2nd Date: Type: 3rd Date: Type:	1st: 2nd: 3rd:	Amount of BID:
					Amount of Bid Used:
Reason for Non-Selection:					

WORK ITEM NUMBER:	DESCRIPTION OF WORK, SERVICE, OR MATERIAL	NAME, ADDRESS, PHONE OF CERTIFIED DBE	DATES/METHOD OF CONTACT	RESULT OF CONTACT	BID AMOUNTS
Value of Contract: \$ %		Name: Address/City/State/Zip: Phone: Contact:	1st Date: Type: 2nd Date: Type: 3rd Date: Type:	1st: 2nd: 3rd:	Amount of BID:
					Amount of Bid Used:
Reason for Non-Selection:					



U.S. Department of
Transportation

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

As of _____

OMB APPROVAL NO:

EXPIRATION DATE:

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

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

Section 2. Notes Payable to Banks and Others

Name of Noteholder(s)	Original Balance	Current Balance	Payment Amount	Frequency (monthly, etc.)	How Secured or Endorsed Type of Collateral

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

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



General Instructions for Completing the Personal Net Worth Statement for DBE/ACDBE Program Eligibility

Please do not make adjustments to your figures pursuant to U.S. DOT regulations 49 C.F.R. Parts 23 and 26. The agency that you apply to will use the information provided on your completed Personal Net Worth (PNW) Statement to determine whether you meet the economic disadvantage requirements of 49 C.F.R. Parts 23 and 26. If there are discrepancies or questions regarding your form, it may be returned to you to correct and complete again.

An individual's personal net worth according to 49 C.F.R. Parts 23 and 26 includes only his or her own share of assets held separately, jointly, or as community property with the individual's spouse and excludes the following:

- Individual's ownership interest in the applicant firm;
- Individual's equity in his or her primary residence;
- Tax and interest penalties that would accrue if retirement savings or investments (e.g., pension plans, Individual Retirement Accounts, 401(k) accounts, etc.) were distributed at the present time.

Indicate on the form, if any items are jointly owned. If the personal net worth of the majority owner(s) of the firm exceeds \$1.32 million, as defined by 49 C.F.R. Parts 23 and 26, the firm is not eligible for DBE or ACDBE certification. If the personal net worth of the majority owner(s) exceeds the \$1.32 million cap at any time after your firm is certified, the firm is no longer eligible for certification. Should that occur, it is your responsibility to contact your certifying agency in writing to advise that your firm no longer qualifies as a DBE or ACDBE. You must fill out all line items on the Personal Net Worth Statement.

If necessary, use additional sheets of paper to report all information and details. If you have any questions about completing this form, please contact one of the UCP certifying agencies.

Assets

All assets must be reported at their current fair market values as of the date of your statement. ***Assessor's assessed value for real estate, for example, is not acceptable.*** Assets held in a trust should be included.

Cash and Cash Equivalents: On page 1, enter the total amount of cash or cash equivalents in bank accounts, including checking, savings, money market, certificates of deposit held domestic or foreign. Provide copies of the bank statement.

Retirement Accounts, IRA, 401Ks, 403Bs, Pensions: On page 1, enter the full value minus tax and interest penalties that would apply if assets were distributed as of the date of the form. Describe the number of shares, name of securities, cost market value, date of quotation, and total value in section 3 on page 2.

Brokerage and Custodial Accounts, Stocks, Bonds, Retirement Accounts: Report total value on page 1, and on page 2, section 3, enter the name of the security, brokerage account, retirement account, etc.; the cost; market value of the asset; the date of quotation; and total value as of the date of the PNW statement.

Assets Held in Trust: Enter the total value of the assets held in trust on page 1, and provide the names of beneficiaries and trustees, and other information in Section 6 on page 3.

Loans to Shareholders and Other Receivables not listed: Enter amounts loaned to you from your firm, from any other business entity in which you hold an ownership interest, and other receivables not listed above. Complete Section 6 on page 3.

Real Estate: The total value of real estate excluding your primary residence should be listed on page 1. In section 4 on page 2, please list your primary residence in column 1, including the address, method of acquisition, date of acquired, names of deed, purchase price, present fair market value, source of market valuation, names of all mortgage holders, mortgage account number and balance, equity line of credit balance, and amount of payment. List this information for all real estate held. Please ensure that this section contains all real estate owned, including rental properties, vacation properties, commercial properties, personal property leased or rented for business purposes, farm properties and any other income producing properties, etc. Attach additional sheets if needed.

Life Insurance: On page 1, enter the cash surrender value of this asset. In section 5 on page 2, enter the name of the insurance company, the face value of the policy, cash surrender value, beneficiary names, and loans on the policy.

Other Personal Property and Assets: Enter the total value of personal property and assets you own on page 1. Personal property includes motor vehicles, boats, trailers, jewelry, furniture, household goods, collectibles, clothing, and personally owned vehicles that are leased or rented to businesses or other individuals. In section 6 on page 3, list these assets and enter the present value, the balance of any liabilities, whether the asset is insured, and lien or note information and terms of payments. For accounts and notes receivable, enter the total value of all monies owed to you personally, if any. This should include shareholder loans to the applicant firm, if those exist. If the asset is insured, you may be asked to provide a copy of the policy. You may also be asked to provide a copy of any liens or notes on the property.

Other Business Interests Other than Applicant Firm: On page 1, enter the total value of your other business investments (excluding the applicant firm). In section 7 on page 3, enter information concerning the businesses you

hold an ownership interest in, such as sole proprietorships, partnerships, joint ventures, corporations, or limited liability corporations (other than the applicant firm). Do not reduce the value of these entries by any loans from the outside firm to the DBE/ACDBE applicant business.

Liabilities

Mortgages on Real Estate: Enter the total balance on all mortgages payable on real estate on page 1.

Loans on Life Insurance: Enter the total value of all loans due on life insurance policies on page 1, and complete section 5 on page 2.

Notes & Accounts Payable to Bank and Others: On page 1, section 2, enter details concerning any liability, including name of noteholders, original and current balances, payment terms, and security/collateral information. The entries should include automobile installment accounts. This should not, however, include any mortgage balances as this information is captured in section 4. Do not include loans for your business or mortgages for your properties in this section. You may be asked to submit copy of note/security agreement, and the most recent account statement.

Other Liabilities: On page 1, enter the total value due on all other liabilities not listed in the previous entries. In section 8, page 3, report the name of the individual obligated, names of co-signers, description of the liability, the name of the entity owed, the date of the obligation, payment amounts and terms. Note: Do not include contingent liabilities in this section. Contingent liabilities are liabilities that belong to you only if an event(s) should occur. For example, if you

have co-signed on a relative's loan, but you are not responsible for the debt until your relative defaults, that is a contingent liability. Contingent liabilities do not count toward your net worth until they become actual liabilities.

Unpaid Taxes: Enter the total amount of all taxes that are currently due, but are unpaid on page 1, and complete section 8 on page 3. Contingent tax liabilities or anticipated taxes for current year should not be included. Describe in detail the name of the individual obligated, names of co-signers, the type of unpaid tax, to whom the tax is payable, due date, amount, and to what property, if any, the tax lien attaches. If none, state "NONE." You must include documentation, such as tax liens, to support the amounts.

Transfers of Assets:

Transfers of Assets: If you checked the box indicating yes on page 3 in this category, provide details on all asset transfers (within 2 years of the date of this personal net worth statement) to a spouse, domestic partner, relative, or entity in which you have an ownership or beneficial interest including a trust. Include a description of the asset; names of individuals on the deed, title, note or other instrument indicating ownership rights; the names of individuals receiving the assets and their relation to the transferor; the date of the transfer; and the value or consideration received. Submit documentation requested on the form related to the transfer.

Affidavit

Be sure to sign and date the statement. The Personal Net Worth Statement must be notarized