

# JUNEAU INTERNATIONAL AIRPORT

## DBE Program Manual

November 2024

Prepared for:



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- Attachment 1: Link to 49 CFR Part 26 (eCFR)
- Attachment 2: Organizational Chart
- Attachment 3: Bidder’s List Collection Form
- Attachment 4: Link to UCP Directory of Certified Firms
- Attachment 5: Overall DBE Three-Year Goal Methodology
- Attachment 6: Demonstration of Good Faith Efforts Forms
- Attachment 7: Link to Certification Application Form and Personal Net Worth Statement
- Attachment 8: State of Alaska’s UCP Agreement
- Attachment 9: Small Business Element Program
- Attachment 10: Monthly Payment Report
- Attachment 11: Subcontractor’s Prompt Payment Certification
- Attachment 12: DBE Participation Summary Form
- Attachment 13: The DBE CUF Monitoring and Verification Reports

## POLICY STATEMENT

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### Section 26.1, 26.23 Objectives/Policy Statement

Juneau International Airport, FAA Airport Identifier (JNU), which is operated by the City and Borough of Juneau, has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. JNU has received Federal financial assistance from the Federal Aviation Administration (FAA), and as a condition of receiving this assistance, JNU has signed an assurance that it will comply with 49 CFR Part 26 (hereafter referred to as "Part 26").

It is the policy of JNU to ensure that DBEs as defined in Part 26, have an equal opportunity to receive and participate in FAA-assisted contracts. It is also the JNU's policy to engage in the following actions on a continuing basis:

1. Ensure nondiscrimination in the award and administration of FAA- assisted contracts;
2. Create a level playing field on which DBEs can compete fairly for FAA-assisted contracts;
3. Ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. Ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. Help remove barriers to the participation of DBEs in FAA assisted contracts;
6. Promote the use of DBEs in all types of federally-assisted contracts and procurement activities;
7. Assist the development of firms that can compete successfully in the market place outside the DBE Program; and
8. Make appropriate use of the flexibility afforded to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

Angelica Lopez-Campos, Airport Business Manager, has been delegated as the DBE Liaison Officer (DBELO). In that capacity, Angelica Lopez-Campos is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by JNU in its financial assistance agreements with the DOT.

JNU has disseminated this policy statement to Aiport Board. This statement has been distributed to DBE and non-DBE business communities that may perform work on JNU FAA-assisted contracts. The distribution was accomplished via publishing to the website, <https://juneau.org/airport>.

  
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Patricia Wahto, Airport Manager  
Juneau International Airport

11/8/2024 Date

# GENERAL REQUIREMENTS

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## **Section 26.1 Objectives**

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

## **Section 26.3 Applicability**

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

## **Section 26.5 Definitions**

JNU will use terms in this program that have their meanings defined in Part 26, § 26.5.

## **Section 26.7 Non-discrimination Requirements**

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

In administering its DBE program, JNU 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 Data Collection and Reporting Requirements**

### **Reporting to FAA**

JNU will provide data about its DBE Program to the Department as directed by FAA and its operating administrations.

DBE participation will be reported to the FAA as follows:

JNU will transmit to FAA annually, by or before December 1, the information required for the “Uniform Report of DBE Awards or Commitments and Payments”, as described in Part 26. JNU will similarly report the required information about participating DBE firms. All reporting for this purpose will be done through the FAA’s designated reporting system.

### **Bidders List**

JNU will collect bidder/offerors list information as described in § 26.11(c)(2) and enter it into the system designated by FAA. The purpose of the bidders list is to compile as accurate data as possible about the universe of DBE and non-DBE contractors and subcontractors who seek to work on federally assisted contracts, for use in helping JNU to set overall goals, and to provide the Department with data for evaluating the extent to which the objectives of § 26.1 are being achieved.

JNU will obtain the following bidder/offerors list information about all DBE and non-DBEs who bid as prime contractors and subcontractors on each federally assisted contracts:

- Firm name
- Firm address including zip code
- Firm's status as a DBE or non-DBE
- Race and gender information for the firm's majority owner
- NAICS code applicable to each scope of work the firm sought to perform in its bid
- Age of the firm
- Annual gross receipts of the firm. The gross receipts can be obtained by asking each firm to indicate into what gross receipts bracket they fit (e.g. less than \$1 million; \$1-3 million; \$3-6 million; \$6-10 million, etc) rather than requesting an exact figure from the firm.

JNU will collect the data from all bidders/offerors for federally assisted contracts by requiring the information in paragraph 26.11 (c)(2) to be submitted with their bids or initial responses to negotiated procurements.

JNU will enter this data in the Department's designated system no later than December 1 following the fiscal year in which the relevant contract was awarded.

In the case of a "design-build" contracting situation where subcontracts will be solicited throughout the contract period as defined in a DBE Performance Plan pursuant to § 26.53(e), JNU will enter the data no later than December 1 following the fiscal year in which the design-build contractor awards the relevant subcontract(s).

JNU will maintain records documenting a firm's compliance with the requirements of this part. These records will be retained in accordance with all applicable record retention requirements of JNU financial assistance agreement. Other certification or compliance related records will be retained for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for the financial assistance agreement, whichever is longer.

## **Section 26.13 Assurances Recipients and Contractors Must Make**

JNU has signed the following assurances, applicable to all FAA-assisted contracts and their administration:

Assurance: - Each financial assistance agreement JNU signs with a FAA operating administration (or a primary Recipient) will include the following assurance:

The Recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any FAA-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of FAA-assisted contracts. The Recipient DBE program, as required by 49 CFR Part 26 and as approved by 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 Recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the

matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

## **Contract Assurance**

JNU will ensure that the following clause is included in each FAA-assisted contract it signs with a contractor (and each subcontract the prime contractor signs with a subcontractor):

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of 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, which may include, but is not limited to:

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

# ADMINISTRATIVE REQUIREMENTS

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## Section 26.21 DBE Program Updates

JNU is required to have a DBE program meeting the requirements of this part as it will receive grants for airport planning or development and will award prime contracts, cumulative total value of which exceeds \$250,000 in FAA funds in a federal fiscal year.

JNU is not eligible to receive FAA financial assistance unless FAA has approved this DBE program and JNU is in compliance with it and Part 26. JNU will continue to carry out this program until all funds from FAA financial assistance have been expended. JNU does not have to submit regular updates of the DBE program document, as long as it remains in compliance. However, significant changes in the program, including those required by regulatory updates, will be submitted to the relevant operating administration for approval.

## Section 26.23 Policy Statement

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

## Section 26.25 DBE Liaison Officer

The following individual has been designated as the DBELO for JNU:

Angelica Lopez-Campos  
Airport Business Manager  
1873 Shell Simmons Drive, Suite 200  
Juneau, AK 99801  
(907) 586-0960  
angelica.lopez-campos@jnuairport.com

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

The DBELO is responsible for developing, implementing, and monitoring the DBE program, in coordination with other appropriate officials. The DBELO will use a consultant engineer to assist in the administration of the program. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by FAA.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
4. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results.
5. Analyzes JNU's progress toward attainment and identifies ways to improve progress.
6. Participates in pre-bid meetings.
7. Determines contractor compliance with good faith efforts.



8. Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.
9. Plans and participates in DBE training seminars.
10. Refers firms to the Alaska Unified Certification Program (AUCP) – Alaska Department of Transportation and Public Facilities (DOT&PF) Civil Rights/DBE Office, in order for these firms to apply for DBE Certification in accordance with criteria set by USDOT and the AUCP; also, acts as the City and Borough liaison to the AUCP.
11. May provide outreach to DBEs and community organizations to advise them of opportunities.
12. Uses the AUCP for the directory of certified DBEs.

## **Section 26.27 DBE Financial Institutions**

It is the policy of JNU 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 FAA-assisted contracts to make use of these institutions. Availability of such institutions will be investigated on an annual basis.

In an effort to identify and use such institutions, using the AUCP DBE online directory, JNU did not find any DBE financial institutions in Alaska. The following NAICS codes were used:

- 52111 – Monetary Authorities-Central Bank
- 52211 – Commercial Bank
- 52212 – Savings Institution
- 52213 – Credit Union

## **Section 26.29 Prompt Payment Mechanisms**

JNU requires that all subcontractors performing work on FAA-assisted contracts shall be promptly paid for work performed pursuant to their agreements, in accordance with all relevant federal, state, and local law. Prompt payment and return of retainage requirements also apply to lower-tier subcontractors.

In accordance with 49 CFR § 26.29, JNU established a contract clause implementing this requirement and requires prime contractors to pay subcontractors for satisfactory performance of their contracts no later than eight (8) days from the prime contractor's receipt of each payment from JNU.

JNU ensures prompt and full payment of retainage from the prime contractor to the subcontractor within thirty (30) days after the subcontractor's work is satisfactorily completed. Pursuant to § 26.29, JNU has selected the following method to comply with this requirement:

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

For every airport construction project funded under Federal grant assistance programs, JNU includes the applicable clause from FAA Advisory Circular 150/5370-10 (Section 90-06) pertaining to the selected retainage method. The applicable clause will be included verbatim. However, if state or local prompt payment laws provide for payment in less than thirty (30) days, any reference to “thirty (30) days” will be revised accordingly.

## **Prompt Payment Monitoring for DBEs and Non-DBEs**

JNU clearly understands and acknowledges that reliance on complaints or notifications from subcontractors about a contractor’s failure to comply with prompt payment and retainage requirements is not a sufficient monitoring and oversight mechanism. Therefore, JNU undertakes proactive monitoring and oversight of prime contractors’ compliance with subcontractor prompt payment and return of retainage requirements of 49 CFR Part 26. Such monitoring activities will be accomplished through the following method(s):

- The Monthly Payment Report found in Attachment 10 is required to be submitted on a monthly basis throughout the entirety of the project. A progress payment will not be processed until the reports are submitted. This report monitors the payments by providing a running tally of actual DBE attainments and compares this to the commitments.
- Each subcontractor, DBE and non-DBE firms, are required to complete the Subcontractor’s Prompt Payment Certification, found in Attachment 11. A completed copy of this form shall be submitted to the Sponsor’s representative and the Prime Contractor at least seven (7) days prior to an application for payment. This form is to be submitted with each payment application. Any delay in submitting the required certification will cause a delay in payments being processed.
- The DBE Participation Summary Form, found in Attachment 12 must be completed and signed by the DBE firm upon completion of the project. A final payment will not be processed without the required form. The intent of this form is to confirm total payments made to DBE firms.
- The DBE CUF Monitoring and Verification Reports, found in Attachment 13 will be used by JNU staff to verify DBEs are performing a commercially useful function on all projects with DBE participation.

JNU requires prime contractors to maintain records and documents of payments to subcontractors, including DBEs, for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for JNU’s financial assistance agreement, whichever is longer. These records will be made available for inspection upon request by any authorized representative of JNU or FAA. This reporting requirement extends to all subcontractors, both DBE and non-DBE.

JNU proactively reviews contract payments to subcontractors including DBEs quarterly or each time a payment request is submitted. Payment reviews will evaluate whether the actual amount paid to DBE subcontractors is equivalent to the amounts reported to JNU by the prime contractor.

## **Prompt Payment Dispute Resolution**

JNU will take the following steps to resolve disputes as to whether timely prompt payment and retainage releases are being made as required by § 26.29.

- When notified that a subcontractor has not been paid for work performed, JNU project representative will contact the prime contractor to determine the reasons.
- If needed, a meeting between prime contractor, subcontractor and JNU project representative will be set up to determine any discrepancies and identify a resolution.
- If the subcontractor still has a complaint with the prompt payment, the subcontractor may contact the DBELO for assistance in a resolution.
- JNU may determine that no further payments will be made to the prime contractor until the subcontractor is paid for work successfully performed.
- If the prime contractor continues to not pay subcontractors, additional legal action for breach of contract may be pursued.

JNU has established, as part of its DBE program, the following mechanism(s) to ensure prompt payment and return of retainage:

- A contract clause providing that the prime contractor will not be reimbursed for work performed by subcontractors unless and until the prime contractor ensures that the subcontractors are promptly paid for the work they have performed.
  - The Monthly Payment Report found in Attachment 10 is required to be submitted on a monthly basis throughout the entirety of the project. A progress payment will not be processed until the reports are submitted. This report monitors the payments by providing a running tally of actual DBE attainments and compares this to the commitments.

### **Prompt Payment Complaints**

Complaints by subcontractors regarding the prompt payment requirements are handled according to the following procedure:

- If the affected subcontractor is not comfortable contacting the prime directly regarding payment or is unable to resolve payment discrepancies with the prime, the subcontractor should contact DBELO to initiate a complaint.
- If filing a prompt payment complaint with the DBELO does not result in timely and meaningful action by JNU to resolve prompt payment disputes, the affected subcontractor may contact the responsible FAA Office of Civil Rights contact.

Pursuant to Sec. 157 of the FAA Reauthorization Act of 2018, all complaints related to prompt payment will be reported in a format acceptable to the FAA, including the nature and origin of the complaint and its resolution.

### **Enforcement Actions for Noncompliance of Participants**

JNU provides appropriate means to enforce the requirements of § 26.29. These means include:

- In accordance with the contract, assessing liquidated damages against the prime contractor for each day beyond the required time period the prime contractor fails to pay the subcontractor.
- Advise subcontractors of the availability of the payment and performance bond to assure payment for labor and materials in the execution of the work provided for in the contract.
- Pay subcontractors directly and deduct this amount from the retainage owed to the prime.
- Issue a stop-work order until payments are released to subcontractors, specifying in the contract that such orders constitute unauthorized delays for the purpose of calculating liquidated damages if milestones are not met.

JNU will actively implement the enforcement actions detailed above.

## **Section 26.31 Directory of Certified Firms**

JNU is a non-certifying member of the Alaska Unified Certification Program (UCP). The UCP maintains a directory identifying all firms eligible to participate as DBEs and/or ACDBEs, and it contains all the elements required by §26.31. The directory lists all firms eligible to participate as a DBE and/or ACDBE in the program. In the listing for each firm, the UCP directory includes the following details about the firm:

- Business address
- Business phone number
- Firm website(s)
- The types of work the firm has been certified to perform as a DBE and/or ACDBE.
- The type of work a DBE and/or ACDBE is eligible to perform is listed by using the most specific NAICS code available to describe each type of work the firm performs. Pursuant to § 26.81(n)(1) and (3), the UCP directory allows for NAICS codes to be supplemented with specific descriptions of the type(s) of work the firm performs.
- The UCP directory may include additional data fields of other items readily verifiable in State or locally maintained databases, such as State licenses held, pre-qualifications, and bonding capacity.
- The UCP directory is an online system that permits the public to search and/or filter for DBEs by:
  1. Physical location
  2. NAICS code(s)
  3. Work descriptions
  4. All additional data fields of readily verifiable optional information described above.

The directory includes a prominently displayed disclaimer that states the information within the directory is not a guarantee of the DBE's capacity and ability to perform work.

## **Section 26.33 Over-concentration**

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

## **Section 26.35 Business Development and Mentor-Protégé Programs**

JNU has not established a Business Development Program or a Mentor-Protégé Program as described by 49 CFR Part 26.

## **Section 26.37 Monitoring Responsibilities**

JNU implements and carries out appropriate mechanisms to ensure compliance with 49 CFR Part 26 program requirements by all program participants, and describes and sets forth these mechanisms in this DBE program.

JNU actively monitors attainment toward overall goals by maintaining a running tally that provides for a frequent comparison of cumulative DBE awards/commitments to FAA-assisted prime contract awards to determine whether implementation of contract goals is projected to be sufficient to meet the annual goal. The running tally for overall goal monitoring will be maintained by creating a “DBE Participation Tracking” spreadsheet. The spreadsheet will be populated by:

- Requiring Prime Contractors to include with the monthly invoice the contract value amount that was completed by a DBE for that month.
  - On a quarterly basis, the information provided by the contractor will be logged into the “DBE Participation Tracking” spreadsheet to keep a running total.
  - If there is underachievement of DBE goals, additional race neutral outreach will be performed, and if required, contract goals will be established to make up for DBE goal underachievement/shortfall.

This mechanism to maintain a running tally of overall goal attainment will be used to inform JNU’s decisions to implement goals on contracts to be advertised, according to the established contract goal-setting process.

JNU actively monitors participation with respect to each DBE commitment by using a running tally that provides for a frequent comparison of payments made to each listed DBE relative to the progress of work, including payments for such work to the prime contractor. The running tally for contract goal monitoring will be maintained using the DBE Participation Tracking spreadsheet described above. These contract-specific running tallies will be used to determine whether the contractor is on track to meet its DBE commitment and whether any projected shortfall exists that requires the prime contractor’s good faith efforts to meet the contract goal pursuant to § 26.53(g).

## **Monitoring Contracts and Work Sites**

JNU reviews contracting records and engages in active monitoring of work sites to ensure that work committed to DBEs at contract award or subsequently (e.g., as the result of modification to the contract) is actually performed by the DBEs to which the work was committed, and such work is counted according to the requirements of § 26.55. Work site monitoring for counting and commercially useful function review is performed by the DBELO or the Resident Project Representative (RPR). Contracting records are reviewed by the DBELO or consultant. JNU will maintain written certification that contracting records have been reviewed and work sites have been monitored to ensure the counting of each DBE's participation is consistent with its function as it relates to the contract.

## **Section 26.39 Fostering Small Business Participation**

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

The SBE is incorporated as Attachment 9 to this DBE Program. The program elements have been implemented to foster small business participation. JNU acknowledges that implementation of the small business element is required to be considered by FAA as implementing the DBE program in good faith.

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

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## Section 26.43 Set-asides or Quotas

JNU does not use quotas or race-conscious set-asides in any way in the administration of this DBE program.

## Section 26.45 Overall Goals

JNU will establish an overall DBE goal covering a three (3) year federal fiscal year period if it anticipates awarding FAA-assisted prime contracts for which the cumulative total value exceeds \$250,000 in FAA funds during any one (1) or more of the reporting fiscal years within the three (3) year goal period. In accordance with §26.45(f), JNU will submit its Overall three (3) year DBE Goal to FAA by August 1<sup>st</sup> of the year in which the goal is due, as required by the schedule established by the FAA.

The DBE goals will be established in accordance with the 2-step process as specified in 49 CFR Part 26.45. If JNU does not anticipate awarding prime contracts for which the cumulative total value exceeds \$250,000 in FAA funds during any of the years within the three (3) year reporting period, an overall goal will not be developed. However, this DBE Program will remain in effect, and JNU will seek to fulfill the objectives outlined in 49 CFR Part 26.1.

**Step 1.** The first step in determining the overall three-year goal is to determine a base figure for the relative availability of DBEs in the market area. JNU will use DBE Directory information and/or Census Bureau Data as a method to determine the base figure. JNU understands that the exclusive use of a list of prequalified contractors or plan holders, or a bidder/offers list that does not comply with the requirements of 49 CFR Part 26.45(c)(2), is not an acceptable alternative means of determining the availability of DBEs.

**Step 2.** The second step in determining the overall three-year goal is to adjust, if necessary, the “base figure” percentage from Step 1 so that it reflects as accurately as possible the DBE participation the Recipient would expect in the absence of discrimination. Adjustments may be made based on past participation, information from a disparity study (to the extent it is not already accounted for in the base goal), and/or information about barriers to entry to past competitiveness of DBEs on contracts. JNU will examine all of the evidence available in its jurisdiction to determine what adjustment, if any, is needed. If the evidence does not suggest an adjustment is necessary, then no adjustment shall be made.

Any methodology selected will be based on demonstrable evidence of local market conditions and be designed to ultimately attain a goal that is rationally related to the relative availability of DBEs in JNU market.

In establishing the overall goal, JNU will provide for consultation and publication. This includes consultation with minority, women’s and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and the efforts by JNU to establish a level playing field for the participation of DBEs. The consultation will include a scheduled, direct, interactive exchange

(e.g., a face-to-face meeting, video conference, teleconference) with as many interested stakeholders as possible focused on obtaining information relevant to the goal setting process, and it will occur before JNU is required to submit the goal methodology to the operating administration for review pursuant to §26.45(f). The goal submission will document the consultation process in which JNU engaged. Notwithstanding paragraph (f)(4) of §26.45, the proposed goal will not be implemented until this requirement is met.

In addition to the consultation described above, JNU will publish a notice announcing the proposed overall goal before submission to the FAA on August 1st. The notice will be posted on JNU's official internet website and may be posted in other sources (e.g., minority-focused media, trade association publications). If the proposed goal changes following review by FAA, the revised goal will be posted on JNU's official internet website.

The public will also be informed that the proposed overall goal and its rationale are available for inspection during normal business hours at JNU's office. This notice will provide that JNU will accept comments on the goals for 30 days from the date of the notice. Notice of the comment period will include the addresses to which comments may be sent (including offices and websites) and the location(s) where the proposed goal may be reviewed. **The public comment period will not extend the August 1<sup>st</sup> deadline.**

The Overall Three (3) Year DBE Goal submission to the FAA will include any information and comments received, who provided the comment, and how JNU considered and responded to any comments and information received before finalizing the goal.

JNU will begin using the overall goal on October 1 of the relevant period, unless other instructions from the FAA have been received.

## **Project Goals**

If permitted or required by the FAA, an overall goal may be expressed as a percentage of funds for a particular grant or project or group of grants and/or projects, including entire projects. Like other overall goals, a project goal may be adjusted to reflect changed circumstances, with the concurrence of the appropriate operating administration. A project goal is an overall goal, and it must meet all the substantive and procedural requirements pertaining to overall goals. A project goal covers the entire length of the project to which it applies. The project goal will include a projection of the DBE participation anticipated to be obtained during each fiscal year covered by the project goal. The funds for the project to which the project goal pertains are separated from the base from which the regular overall goal, applicable to contracts not part of the project covered by a project goal, is calculated.

## **Prior Operating Administration Concurrence**

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



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

## **Section 26.47 Failure to meet overall goals**

JNU cannot be penalized, or treated by the Department as being in noncompliance with Part 26, because DBE participation falls short of an overall goal, unless JNU fails to administer its DBE program in good faith.

JNU understands that to be considered to be in compliance with this part, an approved DBE Program and overall DBE goal, if applicable, must be maintained, and this DBE Program must be administered in good faith.

JNU understands that if the awards and commitments shown on the Uniform Report of Awards or Commitments and Payments at the end of any fiscal year are less than the overall goal applicable to that fiscal year, the following actions must be taken in order to be regarded by the Department as implementing this DBE Program in good faith:

1. Analyze in detail the reasons for the difference between the overall goal and the awards and commitments in that fiscal year;
2. Establish specific steps and milestones to correct the problems identified in the analysis to enable the goal for the new fiscal year to be fully met;
3. JNU will prepare, within ninety (90) days of the end of the federal fiscal year, the analysis and corrective actions developed under paragraph (c)(1) and (2) of this section. JNU will retain copy of analysis and corrective actions in records for a minimum of three (3) years, and will make it available to FAA upon request.

## **Section 26.51 Means Recipients Use to Meet Overall Goals**

### **Breakout of Estimated Race-Neutral & Race-Conscious Participation**

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

Race-neutral participation means include, but are not limited to the following:

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.
2. Providing assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs, and other small businesses, obtain bonding and financing).
3. Providing technical assistance and other services.

4. Carrying out information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on Recipient mailing lists for bidders/offerors; ensuring the dissemination to bidder/offeror on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate).
5. Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses.
6. Providing services to help DBEs, 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.
7. Establishing a program to assist new, start-up firms, particularly in fields in which DBE participation has historically been low.
8. Ensuring distribution of the DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors.
9. Assisting DBEs, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media.

Estimated race-neutral and race-conscious participation can be found in Attachment 5 to this program.

### **Contract Goals**

If the approved projection under paragraph (c) of §26.51 estimates that the entire overall goal for a given year can be met through race-neutral means, contract goals will not be set during that year, unless the use of contract goals becomes necessary in order meet the overall goal.

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

Contract goals will be expressed as a percentage of the total amount of a FAA-assisted contract.

## **Section 26.53 Good Faith Efforts Procedures in Situations where there are Contract Goals**

### **Demonstration of Good Faith Efforts (Pre-Award)**

In cases where a contract goal has been established, the contract in question will only be awarded to a bidder/offeror that has made good faith efforts to meet the contract goal. The bidder/offeror can demonstrate that it has made good faith efforts by either meeting the contract goal or documenting that it has made adequate good faith efforts to do so. Examples of good faith efforts are found in Appendix A to Part 26.

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

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

In all solicitations for FAA-assisted contracts for which a contract goal has been established, the following information will be required of every bidder/offeror:

1. Award of the contract will be conditioned on meeting the requirements of this section.
2. All bidders or offerors will be required to submit the following information to the Recipient, at the time provided in paragraph (3) of this section:
  - a. The names and addresses of DBE firms that will participate in the contract;
  - b. A description of the work that each DBE will perform. To count toward meeting a goal, each DBE firm must be certified in a NAICS code applicable to the kind of work the firm would perform on the contract;
  - c. The dollar amount of the participation of each DBE firm participating;
  - d. Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet a contract goal; and
  - e. Written confirmation from each listed DBE firm that it is participating in the contract in the kind and amount of work provided in the prime contractor's commitment. Each DBE listed to perform work as a regular dealer or distributor must confirm its participation according to the requirements of § 26.53 (c)(1).
  - f. If the contract goal is not met, evidence of good faith efforts (as elaborated in Appendix A of Part 26) must be documented. The documentation of good faith efforts must include copies of each DBE and non-DBE subcontractor quote submitted to the bidder/offeror when a non-DBE subcontractor was selected over a DBE for work on the contract.
3. The bidder/offeror will be required to present the information stipulated in paragraph (2) of this section.
4. Under sealed bid procedures, as a matter of **responsiveness**, or with initial proposals, under contract negotiation procedures.

Provided that, in a negotiated procurement, such as a procurement for professional services, the bidder/offeror may make a contractually binding commitment to meet the goal at the time of bid submission or the presentation of initial proposals but provide the information required by paragraph (b)(2) of this section before the final selection for the contract is made by JNU. Paragraph (b)(3)(ii) does not apply to a design-build procurement, which must follow the provisions in paragraph (e) of 49 CFR § 26.53.

For each DBE listed as a regular dealer or distributor JNU will make a preliminary counting determination to assess its eligibility for sixty (60) or forty (40) percent credit, respectively, of the cost of materials and supplies based on its demonstrated capacity and intent to perform as a regular dealer or distributor, as defined in §§ 26.55(e)(2)(iv)(A), (B), (C), and (3) under the contract at issue. The preliminary determination will be made based on the DBE's written responses to relevant questions and its affirmation that its subsequent performance of a commercially useful function will be consistent with the preliminary counting of such participation. Where the DBE supplier does not affirm that its participation will meet the specific requirements of either a regular dealer or distributor, JNU will make appropriate adjustments in counting such participation toward the bidder/offeror's good faith efforts to meet the contract goal. The bidder/offeror is responsible for verifying that the information provided by the DBE supplier is consistent with the counting of such participation toward the contract goal.

In a design-build contracting situation, in which JNU solicits proposals to design and build a project with minimal project details at time of letting, JNU may set a DBE goal that proposers must meet by submitting a DBE Open-Ended DBE Performance Plan (OEPP) with the proposal. The OEPP replaces the requirement to provide the information required in paragraph (b) of § 26.53(b). To be considered responsive, the OEPP must include a commitment to meet the goal and provide details of the types of subcontracting work or services (with projected dollar amounts) that the proposer will solicit DBEs to perform. The OEPP must include an estimated time frame in which actual DBE subcontracts would be executed. Once the design-build contract is awarded, JNU will provide ongoing monitoring and oversight to evaluate whether the design-builder is using good faith efforts to comply with the OEPP and schedule. JNU and the design-builder may agree to make written revisions of the OEPP throughout the life of the project, e.g., replacing the type of work items the design-builder will solicit DBEs to perform and/or adjusting the proposed schedule, as long as the design-builder continues to use good faith efforts to meet the goal.

JNU will apply the requirements of this section to DBE bidders/offerors for prime contracts. In determining whether a DBE bidder/offeror for a prime contract has met a contract goal, JNU will count the work the DBE has committed to performing with its own forces as well as the work that it has committed to be performed by DBE subcontractors and DBE suppliers.

### **Administrative Reconsideration of Good Faith Efforts Determinations**

Within seven (7) business days of being informed by JNU that it is not responsive because it has not documented adequate good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official:

Paul Khera, Deputy Director  
1873 Shell Simmons Dr. Juneau, AK 99801  
(907) 789-7821  
paul.khera@jnuairport.com

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

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with the

reconsideration official to discuss the issue of whether the goal was met or the bidder/offeror made adequate good faith efforts to do. The bidder/offeror will be sent a written decision on reconsideration, explaining the basis for finding that the bidder/offeror 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 DOT.

### **Good Faith Efforts Procedural Requirements (Post-Solicitation/Award)**

JNU will include in each prime contract the contract clause required by § 26.13(b) stating that failure by the contractor to carry out the requirements of this part is a material breach of the contract and may result in the termination of the contract or such other remedies set forth in that section that JNU deems appropriate if the prime contractor fails to comply with the requirements of this section.

JNU will require the awarded contractor to make available upon request a copy of all DBE subcontracts. The contractor shall ensure that all subcontracts or agreements with DBEs to supply labor or materials include all required contract provisions and mandate that the subcontractor and all lower tier subcontractors perform in accordance with the provisions of Part 26.

JNU will require that a prime contractor not terminate a DBE or any portion of its work listed in response to § 26.53(b)(2) (or an approved substitute DBE firm per § 26.53(g)) without JNU's prior written consent, unless JNU causes the termination or reduction. A termination includes any reduction or underrun in work listed for a DBE not caused by a material change to the prime contract by the Recipient. This requirement applies to instances that include but are not limited to: when a prime contractor seeks to perform work originally designed for a DBE subcontractor with its own forces or those of an affiliate, a non-DBE firm, or with another DBE firm.

JNU will include in each prime contract a provision stating that:

1. The contractor must utilize the specific DBEs listed to perform the work and supply the materials for which each is listed unless the contractor obtains JNU's written consent as provided in § 26.53(f); and
2. Unless JNU's consent is provided under § 26.53(f), the prime contractor must not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE.

JNU may provide such written consent only if it agrees, for reasons stated in the concurrence document, that the prime contractor has good cause to terminate the listed DBE or any portion of its work.

Good cause does not exist if the prime contractor seeks to terminate a DBE or any portion of its work that is relied upon to obtain the contract so that the prime contractor can self-perform the work for which the DBE contractor was engaged, or so that the prime contractor can substitute another DBE or non-DBE contractor after contract award. For purposes of § 26.53(f)(3), good cause includes the following circumstances:

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

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

Before transmitting to JNU the request to terminate a DBE subcontractor or any portion of its work, the prime contractor must give notice in writing to the DBE subcontractor, with a copy to JNU sent concurrently, its intent to request to terminate and the reason for the proposed request.

The prime contractor's written notice must give the DBE subcontractor five (5) days to respond, advising JNU and the prime contractor of the reasons, if any, why it objects to the proposed termination of its subcontract or portion thereof and why JNU should not approve the prime contractor's request. If required in a particular case as a matter of public necessity (e.g., safety), JNU may provide a response period shorter than five (5) days.

In addition to post-award terminations, the provisions of this section apply to pre-award deletions or changes to DBEs or their listed work put forward by offerors in negotiated procurements.

When a DBE subcontractor or a portion of its work is terminated by the prime contractor as provided in § 26.53(f), or if work committed to a DBE is reduced due to overestimations made prior to award, the prime contractor must use good faith efforts to include additional DBE participation to the extent needed to meet the contract goal. The good faith efforts shall be documented by the contractor. If JNU requests documentation under this provision, the contractor shall submit the documentation within seven (7) days, which may be extended for an additional seven (7) days, if necessary, at the request of the contractor. JNU shall provide a

written determination to the contractor stating whether or not good faith efforts have been demonstrated.

## **Section 26.55 Counting DBE Participation**

DBE participation will be counted toward overall and contract goals as provided in § 26.55. The participation of a DBE subcontractor will not be counted 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.

In the case of post-award substitutions or additions, if a firm is not currently certified as a DBE in accordance with the standards of subpart D of this part at the time of the execution of the contract, the firm's participation will not be counted toward any DBE goals, except as provided for in § 26.87(j).

For FAA-funded projects **only**, firms that exceed the business size standard in § 26.65(b) will remain eligible for DBE certification and may be counted for DBE credit toward overall and contract goals on FAA-funded projects as long as they do not exceed the small business size standard, as adjusted by the United States Small Business Administration, for the NAICS code(s) in which they are certified.

## SUBPART D – CERTIFICATION STANDARDS

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### Section 26.61 – 26.73 Certification Process

JNU is a non-certifying member of the Alaska Unified Certification Program (UCP) and relies upon the UCP's determinations of certification eligibility. Alaska UCP will use the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in FAA-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. Certifying Alaska UCP members make all certification decisions based on the facts as a whole.

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

Alaska Department of Transportation & Public Facilities  
Civil Rights Office  
2200 E. 42<sup>nd</sup> Avenue  
Anchorage, AK 99519-6900  
907-269-0851  
<http://ftp.dot.state.ak.us/cvlrts/aucp.shtml>

The Uniform Certification Application form, Personal Net Worth statement, and documentation requirements can be reviewed at <https://www.transportation.gov/civil-rights/disadvantaged-business-enterprise/ready-apply>.



## **SUBPART E – CERTIFICATION PROCEDURES**

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Any procedures included here are highlights only. Detailed certification procedures are enumerated in the full Alaska UCP agreement. The full UCP agreement can be found at: <https://dot.alaska.gov/cvlrts/forms/aucp-agreement.pdf>

### **Section 26.81 Unified Certification Programs**

JNU is a member of the AUCP administered by the State of Alaska DOT&PF. The UCP will meet all certification standards and procedures requirements of Subparts D and E of Part 26.

### **Section 26.91 Actions Following FAA Certification Appeal Decisions**

If JNU is a certifier to which a FAA determination under § 26.89 is applicable, any and all required action(s) pursuant to § 26.91 will be taken.

## SUBPART F – COMPLIANCE AND ENFORCEMENT

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### Section 26.101 Compliance Procedures Applicable to JNU

JNU understands that if it fails to comply with any requirement of this part, JNU may be subject to formal enforcement action under § 26.103 or § 26.105 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 Federal Highway Administration (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), 47111(d), and 47122; and in the case of the Federal Transit Administration (FTA) program, any actions permitted under 49 U.S.C. chapter 53 or applicable FTA program requirements.

JNU understands that, as provided in statute, it will not be subject to compliance actions or sanctions for failing to carry out any requirement of this part because it has been prevented from complying because a Federal court has issued a final order in which the court found that the requirement is unconstitutional.

### Section 26.103 Enforcement Actions Applicable to FHWA and FTA Programs

The provisions of this section apply to enforcement actions under FHWA and FTA programs. **ONLY** paragraph (2) of this section is also applicable in FAA programs.

1. **Noncompliance complaints.** Any person who believes that a Recipient has failed to comply with its obligations under this part may file a written complaint with the concerned operating administration's Office of Civil Rights. A complaint must be filed no later than one hundred and eighty (180) days after the date of the alleged violation or the date on which the complainant learned of a continuing course of conduct in violation of this part. In response to a complainant's written request, the Office of Civil Rights may extend the time for filing in the interest of justice, specifying in writing the reason for so doing. The Office of Civil Rights may protect the confidentiality of a complainant's identity as provided in § 26.109(b). Complaints under this part are limited to allegations of violation of the provisions of this part.
2. **Compliance reviews.** The concerned operating administration may review the Recipient's compliance with this part at any time, including reviews of paperwork and on-site reviews, as appropriate. The Office of Civil Rights may direct the operating administration to initiate a compliance review based on complaints received.
3. **Reasonable cause notice.** If it appears, from the investigation of a complaint or the results of a compliance review, that JNU is in noncompliance with Part 26, the appropriate FAA office will promptly send JNU, return receipt requested, a written notice advising that there is reasonable cause to find JNU in noncompliance. The notice states the reasons for this finding and directs JNU to reply within 30 days concerning whether the Recipient wishes to begin conciliation.
4. **Conciliation.**
  - a. If JNU requests conciliation, the appropriate FAA office shall pursue conciliation for at least thirty (30), but not more than one hundred and twenty (120), days from the date of the request. The appropriate FAA office may extend the

conciliation period for up to thirty (30) days for good cause, consistent with applicable statutes.

- b. If JNU and the appropriate FAA office sign a conciliation agreement, then the matter is regarded as closed and JNU is regarded as complying. The conciliation agreement sets forth the measures JNU has taken or will take to ensure compliance. While a conciliation agreement is in effect, JNU remains eligible for FHWA or FTA financial assistance.
- c. The concerned operating administration shall monitor the implementation of the conciliation agreement and ensure that its terms are complied with. If JNU fail to carry out the terms of a conciliation agreement, JNU is in noncompliance.
- d. If JNU does not request conciliation, or a conciliation agreement is not signed within the time provided earlier in this section, then enforcement proceedings begin.

5. **Enforcement actions.**

- a. Enforcement actions are taken as provided in this subpart.
- b. Applicable findings in enforcement proceedings are binding on all FAA offices.

## **Section 26.105 Enforcement Actions Applicable to FAA Programs**

Compliance with all requirements of this part by airport sponsors and other Recipients of FAA financial assistance is enforced through the procedures of Title 49 of the United States Code, including 49 U.S.C. 47106(d), 47111(d), and 47122, and regulations implementing them.

The provisions of § 26.103(b) and this section 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 FAA Office of Chief Counsel.

## **Section 26.107 Enforcement Actions Applicable to Participating Firms**

If a firm that does not meet the eligibility criteria of subpart D of this part attempts to participate in a 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 the firm under 2 CFR parts 180 and 1200.

If a firm, 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 this part, the Department may initiate suspension or debarment proceedings against you under 2 CFR parts 180 and 1200.

In a suspension or debarment proceeding brought under paragraph (a) or (b) of this section, the concerned operating administration may consider the fact that a purported DBE has been certified by a Recipient. Such certification does not preclude the Department from determining that the purported DBE, or another firm that has used or attempted to use it to meet DBE goals, should be suspended or debarred.

The Department may take enforcement action under 49 CFR Part 31, Program Fraud and Civil Remedies, against any participant in the DBE program whose conduct is subject to such action under 49 CFR part 31.

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 FAA-assisted program or otherwise violates applicable Federal statutes.

## **Section 26.109 Confidentiality, Cooperation, and Intimidation or Retaliation**

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 Acts (5 U.S.C. 552 and 552a). The Department may make available to the public any information concerning the DBE program release of which is not prohibited by Federal law.

Notwithstanding any provision of Federal or state law, information that may reasonably be construed as confidential business information will not be released to any third party without the written consent of the firm that submitted the information, including applications for DBE certification and supporting information. However, this information will be transmitted to the FAA in any certification appeal proceeding under § 26.89 or to any other state to which the individual's firm has applied for certification under § 26.85.

All participants in the Department's DBE program (including, but not limited to, Recipients, DBE firms and applicants for DBE certification, complainants and appellants, and contractors using DBE firms to meet contract goals) are required to cooperate fully and promptly with FAA and recipient compliance reviews, certification reviews, investigations, and other requests for information. Failure to do so shall be a ground for appropriate action against the party involved (e.g., with respect to Recipients, a finding of noncompliance; with respect to DBE firms, denial of certification or removal of eligibility and/or suspension and debarment; with respect to a complainant or appellant, dismissal of the complaint or appeal; with respect to a contractor which uses DBE firms to meet goals, findings of non-responsibility for future contracts and/or suspension and debarment).

JNU, contractor, or any other participant in the program will not intimidate, threaten, coerce, or discriminate against any individual or firm for the purpose of interfering with any right or privilege secured by this part or because the individual or firm has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. JNU understands that it is in noncompliance with Part 26 if it violates this prohibition.

**Attachment 1:**

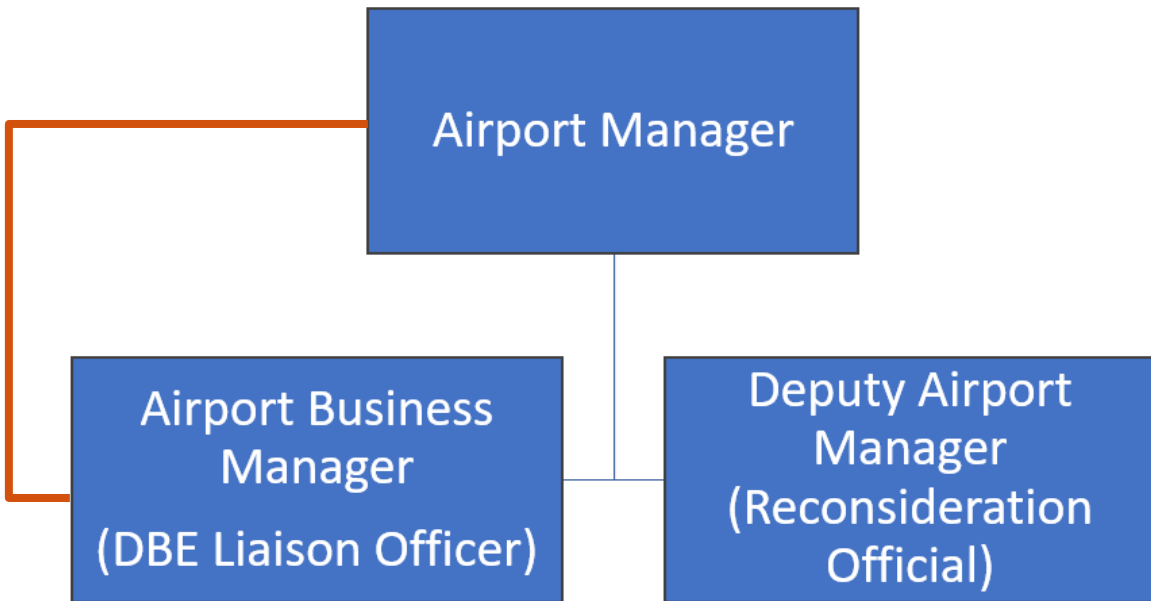
**Link to 49 CFR Part 26 (eCFR)**

DBE program regulations are codified in Title 49 of the Code of Federal Regulations, Part 26. They can be retrieved using the following link to the Electronic Code of Federal Regulations:

<https://www.ecfr.gov/current/title-49/subtitle-A/part-26>

**Attachment 2:  
Organizational Chart**

City and Borough of Juneau  
DBE Organizational Chart



### Attachment 3: Bidder's List Collection Form

**AIP No.** \_\_\_\_\_ **Project Name:** \_\_\_\_\_

*The sponsor is required by CFR Title 49, Subtitle A, Part 26, Subpart A, Section 26.11 to collect the following information from the bidder/offeror for FAA funded construction projects. As such, it is the responsibility of the bidder/offeror to complete the following information as a condition of submitting a proposal for this project and include information about proposed subcontractors. The sponsor will consider incomplete information to be an irregular proposal.*

Firm Name	Firm Address (including ZIP code)	DBE or Non-DBE Status	NAICS Code(s) of Scope(s) Bid	Race/Gender of Majority Owner	Age of Firm	Annual Gross Receipts	Bid/Quote Recieved	DBE Credit Counted in Bid
				<input type="checkbox"/> Black American <input type="checkbox"/> Hispanic American <input type="checkbox"/> Asian-Pacific American <input type="checkbox"/> Subcontinent Asian American <input type="checkbox"/> Native American <input type="checkbox"/> Non-minority Woman <input type="checkbox"/> Other	<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$1 million <input type="checkbox"/> \$1-3 million <input type="checkbox"/> \$3-6 million <input type="checkbox"/> \$6-10 million <input type="checkbox"/> Over \$10 million		
				<input type="checkbox"/> Black American <input type="checkbox"/> Hispanic American <input type="checkbox"/> Asian-Pacific American <input type="checkbox"/> Subcontinent Asian American <input type="checkbox"/> Native American <input type="checkbox"/> Non-minority Woman <input type="checkbox"/> Other	<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$1 million <input type="checkbox"/> \$1-3 million <input type="checkbox"/> \$3-6 million <input type="checkbox"/> \$6-10 million <input type="checkbox"/> Over \$10 million		
				<input type="checkbox"/> Black American <input type="checkbox"/> Hispanic American <input type="checkbox"/> Asian-Pacific American <input type="checkbox"/> Subcontinent Asian American <input type="checkbox"/> Native American <input type="checkbox"/> Non-minority Woman <input type="checkbox"/> Other	<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$1 million <input type="checkbox"/> \$1-3 million <input type="checkbox"/> \$3-6 million <input type="checkbox"/> \$6-10 million <input type="checkbox"/> Over \$10 million		
				<input type="checkbox"/> Black American <input type="checkbox"/> Hispanic American <input type="checkbox"/> Asian-Pacific American <input type="checkbox"/> Subcontinent Asian American <input type="checkbox"/> Native American <input type="checkbox"/> Non-minority Woman <input type="checkbox"/> Other	<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$1 million <input type="checkbox"/> \$1-3 million <input type="checkbox"/> \$3-6 million <input type="checkbox"/> \$6-10 million <input type="checkbox"/> Over \$10 million		
				<input type="checkbox"/> Black American <input type="checkbox"/> Hispanic American <input type="checkbox"/> Asian-Pacific American <input type="checkbox"/> Subcontinent Asian American <input type="checkbox"/> Native American <input type="checkbox"/> Non-minority Woman <input type="checkbox"/> Other	<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$1 million <input type="checkbox"/> \$1-3 million <input type="checkbox"/> \$3-6 million <input type="checkbox"/> \$6-10 million <input type="checkbox"/> Over \$10 million		
				<input type="checkbox"/> Black American <input type="checkbox"/> Hispanic American <input type="checkbox"/> Asian-Pacific American <input type="checkbox"/> Subcontinent Asian American <input type="checkbox"/> Native American <input type="checkbox"/> Non-minority Woman <input type="checkbox"/> Other	<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$1 million <input type="checkbox"/> \$1-3 million <input type="checkbox"/> \$3-6 million <input type="checkbox"/> \$6-10 million <input type="checkbox"/> Over \$10 million		

**Attachment 4:**

**Link to UCP Directory of Certified Firms**

The State of Alaska UCP Directory may be found here:

<http://ftp.dot.state.ak.us/cvlrts/directory.shtml>



**Attachment 5:**

**Overall DBE Three-Year Goal Methodology**

**INCLUDED UNDER SEPARATE COVER**

**Attachment 6:**

**Demonstration of Good Faith Effort Forms**

These forms are provided and used as part of JNU's solicitation process.

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

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner:

- Bidder/offeror has met the DBE contract goal  
The bidder/offeror is committed to a minimum of \_\_\_\_ % DBE utilization on this contract.
  
- Bidder/offeror has not met the DBE contract goal  
The bidder/offeror is committed to a minimum of \_\_\_\_% DBE utilization on this contract and has submitted documentation demonstrating good faith efforts.

Legal name of bidder/offeror's firm: \_\_\_\_\_

Bidder/Offeror Representative:

\_\_\_\_\_  
Name & Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**FORM 2: LETTER OF INTENT**

Note: The authorized representative (AR) named below must be an individual vested with the authority to make contracting decisions on behalf of the firm.

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

Name & title of firm's AR: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

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

Name & title of DBE firm's AR: \_\_\_\_\_

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

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

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Work to be performed by DBE firm:

Description of Work	NAICS	Dollar Amount / %*	Manufacturer/Regular Dealer/Distributor/Broker**

\*Percentage is to be used only in negotiated procurements

\*\*For DBE suppliers only, state how the DBE will perform. For dealer/distributor/broker, Form 3 must be included.

The undersigned bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The total expected dollar value of this work is \$ \_\_\_\_\_. The bidder/offeror understands that if it is awarded the contract/agreement resulting from this procurement, it must enter into a subcontract with the DBE firm identified above that is representative of the type and amount of work listed. Bidder/offeror understands that upon submitting this form with its bid/offer, it may not substitute or terminate the DBE listed above without following the procedures of 49 CFR Part 26, §26.53.

\_\_\_\_\_  
Signature of Bidder/Offeror's Authorized Representative

Date: \_\_\_\_\_

The undersigned DBE affirms that it is ready, willing, and able to perform the amount and type of work as described above, and is properly certified to be counted for DBE participation therefore.

\_\_\_\_\_  
Signature of DBE's Authorized Representative

Date: \_\_\_\_\_

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

**Submit this page for each DBE subcontractor.**

# Form 3: DBE Regular Dealer/Distributor Affirmation Form

OMB Approval Pending 04/17/2024



U.S. Department of  
Transportation

## DBE Regular Dealer/Distributor Affirmation Form

Bidder Name:

Contract Name/Number:

Sections 26.53(c)(1) of Title 49 Code of Federal Regulations requires recipients to make a preliminary counting determination for each DBE listed as a regular dealer or distributor to assess its eligibility for 60 or 40 percent credit, respectively, of the cost of materials and supplies based on its demonstrated capacity and intent to perform as a regular dealer or distributor, as defined in section 26.55(e)(2)(iv)(A),(B),(C), and (3) under the contract at issue. The regulation requires the recipient's preliminary determination to be made based on the DBE's written responses to relevant questions and its affirmation that its subsequent performance of a commercially useful function will be consistent with the preliminary counting of such participation. The U.S. Department of Transportation is providing this form as a tool for recipients, prime contractors, regular dealers, and distributors to use to carry out their respective responsibilities under this regulation. The form may be used by each DBE supplier whose participation is submitted by a bidder for regular dealer or distributor credit on a federally-assisted contract with a DBE participation goal. The form may also be used by prime contractors in connection with DBE regular dealer or distributor participation submitted after a contract has been awarded provided such participation is subject to the recipient's prior evaluation and approval. If this form is used, it should be accompanied by the bidder's commitment, contract, or purchase order showing the materials the DBE regular dealer or distributor is supplying. Use of this tool is not mandatory. If a recipient chooses a different method for complying with Section 26.53(c)(1), it must include that method in its DBE Program Plan. **DISCLAIMER: This form has not yet received OMB/PRA approval and is subject to change. We are making it available for your voluntary use.**

DBE Name:

Total Subcontract/Purchase Order Amount:

Authorized DBE Representative (Name and Title):

NAICS Code(s) Related to the Items to be Sold/Leased:

1. Will **all** items sold or leased be provided from the on-hand inventory at your establishment?  YES  NO

(If "YES," you have indicated that your performance will satisfy the regular dealer requirements and may be counted at 60%. **STOP here. Read and sign the affirmation below. If "NO" Continue.**)

- a) Are you selling bulk items (e.g., petroleum products, steel, concrete, concrete products, sand, gravel, asphalt, etc.) or items not typically stocked due to their unique characteristics (aka specialty items)?  YES  NO (If "YES," Go to Question 2. If "NO" Continue.)
- b) Will at least 51% of the items you are selling be provided from the inventory maintained at your establishment, and will the minor quantities of items delivered from and by other sources be of the general character as those provided from your inventory?  YES  NO\* (If "YES," you have indicated that your performance will satisfy the regular dealer requirements and may be counted at 60%. **STOP here. Read and sign the affirmation below.**)

\*If 1., 1.a), and 1. b) above are "NO," your performance on the whole will not satisfy the regular dealer requirements; therefore, only the value of items to be sold or leased from inventory can be counted at 60%. (Go to Question 3. to determine if the items delivered from and by other sources are eligible for Distributor credit.)

2. Will you deliver all bulk or specialty items using distribution equipment you own (or under a long-term lease) and operate?  YES  NO<sup>1</sup>

(If "YES," you have indicated that your performance will satisfy the requirements for a regular dealer of bulk items and may be counted at 60%. **STOP here. Read and sign the affirmation below.**)

<sup>1</sup> If "NO," your performance will not satisfy the requirements for a regular dealer of bulk items; the value of items to be sold or leased cannot be counted at 60%. (Go to Question 3.)

3. Will the written terms of your purchase order or bill of lading from a third party transfer responsibility, including risk for loss or damage, to your company at the point of origin (e.g. a manufacture's facility)?  YES<sup>2</sup>  NO<sup>3</sup>

- a) Will you be using sources **other than** the manufacturer (or other seller) to deliver or arrange delivery of the items sold or leased?  YES<sup>2</sup>  NO<sup>3</sup>

<sup>2</sup> If your responses to 3 and 3.a) are "YES," you have indicated that your performance will satisfy the requirements of a distributor; therefore, the value of items sold or leased may be counted at 40%.

<sup>3</sup> If you responded "NO" to either 3 or 3.a), counting of your participation is limited to the reasonable cost of fees or commissions charged, including transportation charges for the delivery of materials or supplies; the cost of materials or supplies may not be counted.

I affirm that the information that I provided above is true and correct and that my company's subsequent performance of a commercially useful function will be consistent with the above responses. I further affirm that my company will independently negotiate price, order specified quantities, and pay for the items listed in the bidder's commitment. This includes my company's responsibility for the quality of such items in terms of necessary repairs, exchanges, or processing of any warranty claims for damaged or defective materials.

Printed Name and Signature of DBE Owner/Authorized Representative:

The bidder acknowledges its responsibility for verifying the information provided by the DBE named above and ensuring that the counting of the DBE's participation is accurate. Any shortfall caused by errors in counting are the responsibility of the bidder.

Printed Name and Signature of Bidder's Authorized Representative:

## **Attachment 7:**

### **Link to Certification Application Form and Personal Net Worth Statement**

The DBE Certification Application Form and Personal Net Worth Statement can be found online at this web address:

<https://www.transportation.gov/civil-rights/disadvantaged-business-enterprise/ready-apply>

**Attachment 8:**

**State of Alaska's UCP Agreement**

The Alaska UCP Agreement can be found here:

<https://dot.alaska.gov/cvlrts/forms/aucp-agreement.pdf>

## Attachment 9:

### Small Business Element Program

#### Small Business Element

##### A. Objective (49 CFR Part 26.39)

In accordance with 49 CFR Part 26.39, the Airport has created an element to structure contracting requirements to facilitate competition by small businesses, taking all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors. For clarification purposes, 49 CFR Part 26.5 states, a “small business” means, with respect to firms seeking to participate as DBEs in FAA-assisted contracts, a small business as defined pursuant to section 3 of the Small Business Act and Small Business Administration regulations implementing it (13 CFR part 121) that also does not exceed the cap on average annual gross receipts specified in §26.65(b).”

In compliance with 49 CFR Part 26.39, Fostering Small Business Participation, the Airport will meet its objectives using a combination of the following methods and strategies:

1. On Prime contracts not having DBE contract goals, JNU will require prime contractors to provide subcontracting opportunities that small businesses, including DBEs, can reasonably perform, rather than self-performing all of the work.

The Airport will require that Prime Contractor(s) complete the attached form: Small Business Participation Plan.

##### B. Definitions

1. **Small Business:** A small business is a business that is independently owned and operated, is organized for profit, and is not dominant in its field. Depending on the industry, size standard eligibility is based on the average number of employees for the preceding twelve (12) months or on sales volume averaged over a three (3) year period. Small businesses must meet the definitions specified in Section 3 of the Small Business Act and the Small Business Administration regulations implementing it (13 CFR Part 121).
2. **Disadvantaged Business Enterprise:** A for-profit small business (as defined by the Small Business Administration) — That is at least fifty one (51) percent owned by one (1) or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which fifty one (51) percent of the stock is owned by one (1) or more such individuals;
  - Whose socially and economically disadvantaged owners do not exceed the personal net worth (PNW) cap described in 49 CFR Part 26. The current PNW cap is \$2.047 million.
  - Whose management and daily business operations are controlled by one (1) or more of the socially and economically disadvantaged individuals who own it; and

- Has been certified as a DBE by the State of Alaska DOT&PF in accordance with 49 CFR 26.

For the purposes of the small business element of the Airport's DBE Program, small businesses which are also owned and controlled by socially disadvantaged individuals will be strongly encouraged to seek DBE certification. In addition, minority and women-owned business enterprises which are awarded contracts under the small business enterprise set aside will be strongly encouraged to seek DBE certification in order to be counted towards race-neutral DBE participation. Only DBE certified firms will be counted towards DBE race-neutral participation on FAA-assisted contracts.

#### **C. Certification and Verification Procedures**

The Airport will accept the following certifications for participation in the small business element of the Airport's DBE Program with applicable stipulations:

1. Alaska DBE Certification – DBE Certification by Alaska DOT&PF which stipulates that a firm has been determined to meet all the requirements in accordance with 49 CFR Part 26. All certification determinations are evidenced by a letter of DBE certification issued by Alaska DOT&PF.
2. Alaska Small Business Enterprise (SBE) – Businesses must meet the U.S. Small Business Administration (SBA) size standards and submit a completed application. Firms currently certified as a DBE by Alaska DOT&PF are eligible to participate in the SBE Element and do not need to submit a SBE application.

#### **D. Implementation Schedule**

The Small Business Plan has been implemented since 2012.

#### **E. Assurances**

The Airport makes the following assurances:

1. The DBE Program, including the small business element is not prohibited by law;
2. Certified DBEs that meet the size criteria established under the DBE Program are presumptively eligible to participate in the small business element of the DBE Program;
3. There are no geographic or local preferences or limitations imposed on FAA-assisted contracts and the DBE Program is open to small business regardless of their location;
4. There are no limits on the number of contracts awarded to firms participating in the DBE Program;
5. Reasonable efforts will be made to avoid creating barriers to the use of new, emerging, or untried businesses; and
6. Steps will be taken to encourage those minority and women owned firms participating in the small business element of the DBE Program that are eligible for DBE certification to become certified.



<b>SMALL BUSINESS PARTICIPATION PLAN</b>	
Sponsor's Name:	
Airport Name:	
City, State:	
AIP Number:	
Federal Fiscal Year:	

In accordance with 49 CFR Part 26, §26.39, the following detailed list shall be completed by the Contractor for construction work items and professional services work items to be performed by all subcontractors and suppliers which will be involved in the work that qualify as a Small Business, whether registered as such, or not. The firms listed do not have to be certified DBE firms. This form shall be filled out and submitted to the Sponsor prior to the start of construction.

Small Business Firms to be Utilized (Name, Address, Phone)		Work to be Performed	Total Estimated Cost of Work
Name			
Address			
City, State, Zip			
Telephone			
Is the Firm DBE?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Name			
Address			
City, State, Zip			
Telephone			
Is the Firm DBE?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Name			
Address			
City, State, Zip			
Telephone			
Is the Firm DBE?	<input type="checkbox"/> Yes <input type="checkbox"/> No		

**Small Business Participation Plan (cont'd)**

Name			
Address			
City, State, Zip			
Telephone			
Is the Firm DBE?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Name			
Address			
City, State, Zip			
Telephone			
Is the Firm DBE?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Name			
Address			
City, State, Zip			
Telephone			
Is the Firm DBE?	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Name			
Address			
City, State, Zip			
Telephone			
Is the Firm DBE?	<input type="checkbox"/> Yes <input type="checkbox"/> No		

The Contractor may duplicate this form as necessary if additional space is required.

The undersigned hereby assures that the information included herein is true and correct to the best of his/her knowledge, and that it is your intent to utilize these small business firm(s) listed for the work items noted.

By: \_\_\_\_\_ (Contractor's Signature)      \_\_\_\_\_ (Title)

\_\_\_\_\_ (Contractor's Printed Name)      \_\_\_\_\_ (Date)

**Attachment 10:**  
**Monthly Payment Report**

## MONTHLY DBE REPORT

### MONTHLY PAYMENT REPORT

Name of Contractor's Firm: \_\_\_\_\_

Project Name/Location: \_\_\_\_\_

FAA AIP Project No.: \_\_\_\_\_

Subcontractor/DBE Supplier Name* Description of Services	DBE Y/N	Subcontractor Contract Amount	Pay App #	Payment Period Date (From-To)	Amount Invoiced	Amount Paid	Previous Payment Amount	Previous Payment Date	Total Payment Amount to Date

\*ALL Subcontractors and Suppliers Must Be Listed

Signature of Contractor's Representative

Print Contractor's Representative: \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

**Attachment 11:**

**SUBCONTRACTOR'S PROMPT PAYMENT CERTIFICATION**

NOTE: Each Contractor shall provide a copy of this form to each of their Subcontractors (DBE and non- DBE) that are working on or has worked on this project. This certification applies to all tier Subcontractors. A completed copy of this form shall be submitted to the Sponsor's representative, the Prime Contractor and the Contractor for at least 7 days prior to an application for payment. Any Subcontractor failing to submit a copy of this form shall be cause for the Sponsor's representative to delay the payment of the application. Reference 49 CFR §26.29 with regard to Prompt Payment.

Should a Subcontractor indicate that they have not received payment for work they performed in which their Contractor has received payment, the Sponsor shall withhold the delinquent amount indicated and make payment directly to the subcontractor unless the Contractor received written approval from the Sponsor of the Contractor's written request justifying withholding payment from the Subcontractor.

Project Title:

\_\_\_\_\_

Airport Name:

\_\_\_\_\_

AIP No.:

\_\_\_\_\_

Company Name:

\_\_\_\_\_

Company Address:

\_\_\_\_\_

Contact Phone No.: \_\_\_\_\_

Prime Contractor's Name:

\_\_\_\_\_

1. Has your firm performed work on this project within the last 30 days? Yes \_\_\_\_\_ No \_\_\_\_\_
2. Has the work performed within the last 30 days been completed and accepted by the Engineer/Project Manager? Yes \_\_\_ No \_\_\_ Not sure \_\_\_
3. Has payment been made by the contractor you subcontracted with for the work you performed? Yes \_\_\_ No \_\_\_
4. Estimated value of work performed in which payment was not received: \$ \_\_\_\_\_
5. Is all required contract work complete? Yes \_\_\_ No \_\_\_\_\_

Written Name of Subcontractor's Rep.

\_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Attachment 12:**  
**DBE Participation Summary Form**



## MONTHLY SUMMARY OF DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION

Federal-Aid Contracts

Juneau International Airport • 1873 Shell Simmons Dr. Ste 200 • Juneau, AK 99801

FOR PAYMENTS MADE IN:	
MONTH	YEAR

**Please read instructions before completing this form.**

Submit this form to the DBELO by the 15th of the month following the reporting month. (i.e.: *Work performed in January will be paid in February; the summary report for January must be submitted to the DBELO by March 15*).

<b>1. PROJECT NAME</b>	<b>Project Number</b>	
<b>4. PRIME CONTRACTOR NAME</b>		

The undersigned affirms that the information that they are providing to Juneau International Airport (JNU) is accurate and complete to the best of their knowledge. Further, the undersigned authorizes JNU to verify the accuracy of the information provided. Please note that JNU is required to report to the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take steps (e.g. referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in §26.109. JNU will consider similar action under their own legal authorities, including responsibility determinations in future contracts.

<b>10. NAME OF PERSON PREPARING REPORT</b>	<b>11. TITLE</b>	<b>12. SIGNATURE</b>	<b>13. DATE</b>
--	------------------	----------------------	-----------------

### SUBCONTRACTORS

	14. FIRM (DBE) NAME	15. BID ITEMS PAID (LIST SEPARATELY)	16. AGREED PRICE	17. AMOUNT PAID THIS PERIOD	18. AMOUNT PAID TO DATE	19. % OF WORK COMPLETED TO DATE	20. FINAL PAYMENT	
	YES	NO						
1							<input type="checkbox"/>	<input type="checkbox"/>
2							<input type="checkbox"/>	<input type="checkbox"/>
3							<input type="checkbox"/>	<input type="checkbox"/>
4							<input type="checkbox"/>	<input type="checkbox"/>
5							<input type="checkbox"/>	<input type="checkbox"/>

If more spaces are required, use as many copies of the second page of this form as necessary. The contractor must sign each sheet to certify its content and completion. Are additional pages attached?    YES        NO   

<b>10. NAME OF PERSON PREPARING REPORT</b>	<b>11. TITLE</b>	<b>12. SIGNATURE</b>	<b>13. DATE (mm/dd/yyyy)</b>
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### SUBCONTRACTORS CONTINUED

14. FIRM (DBE) NAME	15. BID ITEMS PAID (LIST SEPARATELY)	16. AGREED PRICE	17. AMOUNT PAID THIS PERIOD	18. AMOUNT PAID TO DATE	19. % OF WORK COMPLETED TO DATE	20. FINAL PAYMENT	
						YES	NO
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>
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						<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>

If more spaces are required, use as many copies of the second page of this form as necessary. The contractor must sign each sheet to certify its content and completion.			
Are additional pages attached? YES <input type="checkbox"/> NO <input type="checkbox"/>			
<b>10. NAME OF PERSON PREPARING REPORT</b>	<b>11. TITLE</b>	<b>12. SIGNATURE</b>	<b>13. DATE (mm/dd/yyyy)</b>



**MANUFACTURERS (100 % DBE Credit)**

21. FIRM (DBE MANUFACTURER) NAME		22. PRODUCT MANUFACTURED	23. AMOUNT PAID THIS PERIOD	24. AMOUNT PAID TO DATE	20. FINAL PAYMENT	
					YES	NO
1					<input type="checkbox"/>	<input type="checkbox"/>
2					<input type="checkbox"/>	<input type="checkbox"/>
3					<input type="checkbox"/>	<input type="checkbox"/>
4					<input type="checkbox"/>	<input type="checkbox"/>
5					<input type="checkbox"/>	<input type="checkbox"/>
6					<input type="checkbox"/>	<input type="checkbox"/>
7					<input type="checkbox"/>	<input type="checkbox"/>

**BROKERS (5% DBE Credit for brokerage fee)**

25. FIRM (DBE BROKER) NAME		26. PRODUCT/ SERVICE	27. DBE BROKERAGE FEE	28. AMOUNT PAID THIS PERIOD	29. AMOUNT PAID TO DATE	20. FINAL PAYMENT	
						YES	NO
1				\$ -		<input type="checkbox"/>	<input type="checkbox"/>
2				\$ -		<input type="checkbox"/>	<input type="checkbox"/>
3				\$ -		<input type="checkbox"/>	<input type="checkbox"/>
4				\$ -		<input type="checkbox"/>	<input type="checkbox"/>
5				\$ -		<input type="checkbox"/>	<input type="checkbox"/>
6				\$ -		<input type="checkbox"/>	<input type="checkbox"/>

**REGULAR DEALERS (60% DBE Credit)**

30. FIRM (DBE REGULAR DEALER) NAME		31. MATERIALS SUPPLIED	32. AMOUNT PAID THIS PERIOD	33. AMOUNT PAID THIS PERIOD (60%)	34. AMOUNT PAID TO DATE	20. FINAL PAYMENT	
						YES	NO
1				\$ -		<input type="checkbox"/>	<input type="checkbox"/>
2				\$ -		<input type="checkbox"/>	<input type="checkbox"/>
3				\$ -		<input type="checkbox"/>	<input type="checkbox"/>
4				\$ -		<input type="checkbox"/>	<input type="checkbox"/>
5				\$ -		<input type="checkbox"/>	<input type="checkbox"/>
6				\$ -		<input type="checkbox"/>	<input type="checkbox"/>

If more spaces are required, use as many copies of the second page of this form as necessary. The contractor must sign each sheet to certify its content and completion. Are additional pages attached?  YES  NO

**Attachment 13:**  
**The DBE CUF Monitoring and Verification Reports**



**Juneau International Airport**

# DBE CUF Verification Report

Commercially Useful Function (CUF): Per 49 CFR 26.55, "A DBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved... A DBE does not perform a CUF 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..."

This form is to be completed by project field staff to perform CUF reviews on DBE prime contractors, DBE subcontractors, and DBE joint ventures. The verification review should be conducted when the DBE is substantially finished with their portion of the project work. The CUF verification should consider the prior monitoring (inspections) performed by Construction Administration staff throughout the course of the project. Send a copy of this form to the DBE Liaison Officer (DBELO) for acceptance.

Attach additional documentation supporting DBE's CUF. Additional documentation may include but is not limited to: photos of DBE performing work photos of DBE's equipment or trucks with DBE firm name and certification number; lease agreement, copies of invoice, and copies of subcontracts.

<b>Reviewer Name:</b>		<b>Contact:</b>	
<b>Project Name:</b>			
<b>Federal Project ID No.:</b>			
<b>DBE Firm Name:</b>			
<b>Contractor</b> <input type="checkbox"/>	<b>Trucking Firm</b> <input type="checkbox"/>	<b>Material Supplier / Regular Dealer</b> <input type="checkbox"/>	<b>Professional Service</b> <input type="checkbox"/> <b>Manufacturer</b> <input type="checkbox"/>
<b>Performing as:</b>	<b>Prime</b> <input type="checkbox"/>	<b>Subcontractor</b> <input type="checkbox"/>	<b>Joint Venture</b> <input type="checkbox"/> <b>N/A</b> <input type="checkbox"/>
<b>DBE Start Date:</b>		<b>CUF Review Date:</b>	
<b>DBE Representative Interviewed:</b>			
Describe the DBE's scope of work: (Review DBE Commitment, subcontract, trucking worksheet and/or purchase order(s), truck ticket(s), etc., to assist in determining CUF compliance.)			
<b><u>MANAGEMENT</u></b>			
Was there a written legal document executed by the DBE to perform a distinct element of work?			YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
<b><u>SUPERVISION</u></b>			
Did the DBE have a superintendent or foreman supervising the project?			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Name of supervising employee:			
Was the on-site superintendent or foreman exclusively employed by and working directly for the DBE firm?			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Were purchase orders, subcontracts and/or bills of lading, etc. on file in the project office?			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b><u>EMPLOYEES (Reviewer should speak to additional employees on the project)</u></b>			
How many employees did the DBE firm have on this project? Working today?			Employees ____ Today
Did the individual(s) interviewed appear on the DBE firm's payroll? List the additional employees interviewed below.			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Name(s):			
Did DBE employees appear on any other contractor's certified payroll? If yes, provide details below.			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Did the DBE's workforce know the name of their employer's company?			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

<b>PHOTOS – Attach photos of the DBE firm performing work if</b>	<b>Photos</b>	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>
<b>PERFORMANCE</b>		<b>YES</b>	<b>NO</b>
Did any other contractor perform any of the DBE's work?		<input type="checkbox"/>	<input type="checkbox"/>
If <b>YES</b> : Who, and which work items were performed?			

<b>TRUCKING</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
Was at least one DBE-owned and operated truck used in the hauling operations observed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Did load tickets indicate that hauling is being done by the DBE (must check for off-site trucking)? If no, explain.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
How many hours of trucking did the DBE perform to date?			

<b>SUPPLIES/MATERIALS (All DBEs including regular dealers, bulk suppliers, manufacturers)</b>			
Did the DBE purchase all materials and supplies for the DBEs' work as indicated in the subcontract or purchase order?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was the DBE on-site to receive delivery of its materials? (Provide supporting documentation - invoices, proof of payment)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Did the DBE firm own / lease the supply distribution or manufacturing facility?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was the DBE's primary business function to manufacture construction products?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was the quality, quantity, and manufacturing of the materials controlled by the DBE?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Where did the DBE purchase the raw materials used in its manufacturing process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>EQUIPMENT</b>			
Did the DBE own or lease equipment? (Provide documentation of ownership, lease agreement, or insurance documents)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Did the DBE use the prime contractor's equipment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Did equipment have the DBE's markings or logo? (attach photos)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>CUF</b>			
Does it appear that the DBE firm is performing a CUF? (See project Closure CUF checks; attached) Comments below.	<input type="checkbox"/>	<input type="checkbox"/>	---
<b>Comments (use additional pages if necessary):</b>			

*The signature below is verification that the project staff observed the DBE performing its Commercially Useful Function. Any CUF issues or concerns were documented (IDR, report, etc.), addressed, and reported to the CRO.*

<b>Reviewer Signature / Print Name:</b>	
_____ (sign) / _____ (print)	<b>Date:</b> _____
<b>DBE / On Site Representative Signature / Print Name:</b>	
_____ (sign) / _____ (print)	<b>Date:</b> _____

<b>Date submitted to DBELO</b> _____	<b>Date received by DBELO</b> _____
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<b>DBE Liaison Officer Review/Accept</b>	
DBELO Print Name _____	Date: _____
DBELO Signature: _____	



Juneau International Airport

# DBE CUF Monitoring Report

Commercially Useful Function (CUF): Per 49 CFR 26.55, "A DBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved... A DBE does not perform a CUF 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..."

This form is to be completed by project field staff to perform CUF reviews on DBE prime contractors, DBE subcontractors, and DBE joint ventures. Perform a minimum of one review for each DBE on a federally-assisted project each construction season. The review should be conducted when the DBE first begins work, and when the DBE first begins work on subsequent construction seasons. Project staff monitor performance through the course of the project. Send a copy of this form to the DBE Liaison Officer (DBELO) for acceptance.

Attach additional documentation supporting DBE's CUF. Additional documentation may include, but is not limited to, photos of DBE performing work; photos of DBE's equipment or trucks with DBE firm name and certification number; lease agreement, copies of invoice, and copies of subcontracts.

<b>Reviewer Name:</b>		<b>Contact:</b>	
<b>Project Name:</b>			
<b>Federal Project ID No.:</b>			
<b>DBE Firm Name:</b>			
<b>Contractor</b> <input type="checkbox"/>	<b>Trucking Firm</b> <input type="checkbox"/>	<b>Material Supplier / Regular Dealer</b> <input type="checkbox"/>	<b>Professional Service</b> <input type="checkbox"/> <b>Manufacturer</b> <input type="checkbox"/>
<b>Performing as:</b>	<b>Prime</b> <input type="checkbox"/>	<b>Subcontractor</b> <input type="checkbox"/>	<b>Joint Venture</b> <input type="checkbox"/> <b>N/A</b> <input type="checkbox"/>
<b>DBE Start Date:</b>	<b>CUF Review Date:</b>		
<b>DBE Representative Interviewed:</b>			
Describe the DBE's scope of work observed:			
<b>MANAGEMENT</b>			
Is there a written legal document executed by the DBE to perform a distinct element of work?			YES <input type="checkbox"/> NO <input type="checkbox"/> N/A <input type="checkbox"/>
<b>SUPERVISION</b>			
Does the DBE have a superintendent or foreman supervising the project?			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Name of supervising employee:			
Is the on-site superintendent or foreman exclusively employed by and working directly for the DBE firm?			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Are purchase orders, subcontracts and/or bills of lading, etc. on file in the project office?			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>EMPLOYEES (Reviewer should speak to additional employees on the project)</b>			
How many employees does the DBE firm have on this project? Working today?			Employees _____ Today
Does the individual(s) interviewed appear on the DBE firm's payroll? List the additional employees interviewed below.			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Name(s):			
Do they appear on any other contractor's certified payroll? If yes, provide details below.			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Does the DBE's workforce know the name of their employer's company?			<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

<b><u>PHOTOS – Attach photos of the DBE firm performing work if available:</u></b>	<b>Photos attached</b>	<b>YES</b> <input type="checkbox"/>	<b>NO</b> <input type="checkbox"/>
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<b><u>PERFORMANCE</u></b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
Has any other contractor performed any of the DBE’s work?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If <b>YES</b> : Who, and which work items were performed?			

<b><u>TRUCKING</u></b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
Was at least one DBE-owned and operated truck used in the hauling operations observed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Do load tickets indicate that hauling is being done by the DBE (must check for off-site trucking)? If no, explain.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
How many hours of trucking has the DBE performed to date?			

<b><u>SUPPLIES/MATERIALS (All DBEs including regular dealers, bulk suppliers, manufacturers)</u></b>			
Did the DBE purchase all materials and supplies for the DBEs’ work as indicated in the subcontract or purchase order?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was the DBE on-site to receive delivery of its materials? (Provide supporting documentation - invoices, proof of payment)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does the DBE firm own / lease the supply distribution or manufacturing facility?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the DBE’s primary business function to manufacture construction products?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the quality, quantity, and manufacturing of the materials controlled by the DBE?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Where does the DBE purchase the raw materials used in its manufacturing process?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b><u>EQUIPMENT</u></b>			
Does the DBE own or lease equipment? (Provide documentation of ownership, lease agreement, or insurance documents)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does the DBE use the prime contractor’s equipment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does equipment have the DBE’s markings or logo? (attach photos)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please provide comments on additional sheets if any aspect of the DBE’s work appears NOT to be consistent with a CUF. Consult the attached CUF Monitoring Report Additional Guidance.

<b><u>Reviewer Signature/Print Name:</u></b>	
_____ (sign) / _____ (print)	<b><u>Date:</u></b> _____
<b><u>DBE / On Site Representative Signature/Print Name:</u></b>	
_____ (sign) / _____ (print)	<b><u>Date:</u></b> _____

<b><u>Date submitted to DBELO</u></b>	<b><u>Date received by DBELO</u></b>
_____	_____

<b>DBE Liaison Officer Review/Accept</b>	
DBELO Print Name _____	<b>Date:</b> _____
DBELO Signature: _____	