

AGENDA ITEM SUMMARY

I. EXECUTIVE BRIEF

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

JB
Recommended By:  12/10/11
Department Director Date
Approved By:  1/5/12
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2012	2013	2014	2015	2016
Capital Expenditures					
Operating Costs					
Operating Revenues					
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT	~ 0 ~ ^{* see below}				
# ADDITIONAL FTE					
POSITIONS (Cumulative)					

Is Item Included in Current Budget? Yes _____ No _____
Budget Account No: Fund _____ Department _____ Unit _____ RSRC _____
Reporting Category _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

* No fiscal impact.

C. Departmental Fiscal Review: CM Sumner

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

N. Shantz 12/21/11
OFMB
12/20/11
12/20/11

Barbara Wheeler 12-22-11
for: Contract Dev. and Control

B. Legal Sufficiency:

Anne Delgado 12/28/11
Assistant County Attorney

This item complies with current
County policies.

C. Other Department Review:

Department Director

RESOLUTION NO. R-2012-

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, ADOPTING A REVISED DISADVANTAGED BUSINESS ENTERPRISE PROGRAM FOR THE PALM BEACH COUNTY DEPARTMENT OF AIRPORTS; AUTHORIZING THE COUNTY ADMINISTRATOR OR HIS DESIGNEE TO EXECUTE THE DBE PROGRAM POLICY STATEMENT, TO TRANSMIT THE REVISED DBE PROGRAM TO THE FEDERAL AVIATION ADMINISTRATION FOR APPROVAL, AND TO MAKE CERTAIN ADJUSTMENTS TO THE DISADVANTAGED BUSINESS ENTERPRISE PROGRAM; PROVIDING FOR SEVERABILITY; REPEALING RESOLUTION NO. 99-1501; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Palm Beach County ("County"), through its Department of Airports ("Department"), owns and operates the Palm Beach International Airport, Palm Beach County Park Airport, Palm Beach County Glades Airport, and the North County General Aviation Airport (hereinafter collectively referred to as the "Airports"); and

WHEREAS, the County has accepted financial assistance from the United States Department of Transportation for the development and improvement of the Airports, and as a condition of receiving this assistance, the County has signed assurances that it will comply with 49 CFR Part 26; and

WHEREAS, the County is required to adopt a Disadvantaged Business Enterprise ("DBE") Program pursuant to 49 CFR §26.21(a)(3); and

WHEREAS, on August 24, 1999, the County adopted Resolution No. 99-1501 adopting a Disadvantaged Business Enterprise Program for the Department; and

WHEREAS, recent regulatory changes and modifications to Departmental policies and procedures necessitate the adoption of a revised DBE Program.

WHEREAS, this Resolution repeals Resolution No. 99-1501 and replaces it with a revised DBE Program (as hereinafter defined).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. DBE Program.

The Board of County Commissioners ("Board") hereby adopts the revised DBE Program for the Department attached hereto as Attachment "1" ("DBE Program") and authorizes the County Administrator or his designee to execute the Policy Statement set forth in the DBE Program and to transmit the DBE Program to the Federal Aviation Administration for approval. The Director of the Department of Airports shall be considered a designee of the County Administrator for purposes of this Resolution.

Section 2. Administration of DBE Program.

Except as otherwise directed by the County Administrator, the Department of Airports shall be responsible for the administration and implementation the DBE Program on behalf of the County, which shall include submission of required reports and goals to the Federal Aviation Administration.

The County Administrator or his designee shall be authorized to make adjustments to the DBE Program from time to time to ensure compliance with 49 CFR Part 26; document changes in County or Departmental procedures or policies; or as otherwise required or recommended by the Federal Aviation Administration, the Unified Certification Program for the State of Florida, or applicable federal regulations, policies, guidance documents, or orders. Any changes to the DBE Program shall be filed in the Minutes of the Clerk of the Board and be subject to approval by the Federal Aviation Administration as provided in 49 CFR Part 26.

Section 4. Severability.

If any section, paragraph, sentence clause or word of this Resolution is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Resolution.

Section 5. Repeal of Resolution 99-1501.

Resolution 99-1501 is hereby repealed in its entirety.

Section 6. Effective Date.

This Resolution shall be effective upon adoption.

(Remainder of page intentionally left blank.)

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

Commissioner Shelley Vana, Chair	-
Commissioner Steven L. Abrams, Vice Chairman	-
Commissioner Karen T. Marcus	-
Commissioner Paulette Burdick	-
Commissioner Burt Aaronson	-
Commissioner Jess R. Santamaria	-
Commissioner Priscilla A. Taylor	-

The Chairman thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2012.

**PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS**

SHARON R. BOCK, CLERK & COMPTROLLER

By: _____
Deputy Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

By: _____
Assistant County Attorney

**ATTACHMENT “1”
DBE PROGRAM**



PALM BEACH COUNTY DEPARTMENT OF AIRPORTS

Palm Beach International Airport

Disadvantaged Business Enterprise Program

Revision Date: January 2012

**Airports Business Affairs Division
846 Palm Beach International Airport
West Palm Beach, FL 33406-1470
Phone: (561) 471-7403/Fax (561) 471-7427**

POLICY STATEMENT

Palm Beach County (the "County"), a political subdivision of the State of Florida, owns and operates the Palm Beach International Airport ("PBIA"), North County General Aviation Airport ("F45"), Palm Beach County Park Airport ("LNA") and Palm Beach County Glades Airport ("PHK"). The County, by and through its Department of Airports (the "Department"), has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26 (this "Program" or "DBE Program"). The Department has received Federal financial assistance from the Department of Transportation, and as a condition of receiving this assistance, the Department has signed an assurance that it will comply with 49 CFR Part 26.

It is the policy of the Department to ensure that DBEs, as defined in 49 CFR Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

1. To ensure nondiscrimination in the award and administration of DOT-assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in DOT-assisted contracts; and
6. To assist in the development of firms that can compete successfully in the market place outside the DBE Program.

The Deputy Director of the Department's Airports Business Affairs Division serves as the DBE Liaison Officer for the Department and will be responsible for implementing all aspects of the DBE Program. Implementation of the DBE Program is accorded the same priority as compliance with all other legal obligations incurred by the County in its financial assistance agreements with the Department of Transportation.

The Department has disseminated this policy statement to the Palm Beach County Board of County Commissioners and all of the components of the organization. The Department will make this statement available to DBE and non-DBE businesses that perform work for the Department on DOT-assisted contracts.

Director, Department of Airports

Date

SUBPART A – GENERAL REQUIREMENTS

Section 26.1, 26.23 Objectives/Policy Statement

The objectives are found in the Policy Statement on the first page of this Program.

Section 26.3 Applicability

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

Section 26.5 Definitions

The Department has adopted the definitions contained in Section 26.5 for this Program. Unless context indicates otherwise, the term "Section" shall refer to sections of 49 CFR Part 26, and the term "Part" shall refer to 49 CFR Part 26. For purposes of this Program, the "Department" shall have the meaning set forth in the Policy Statement and "DOT" shall refer to the United States Department of Transportation.

Section 26.7 Non-discrimination Requirements

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

In administering its DBE Program, the Department will not, directly or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE Program with respect to individuals of a particular race, color, sex, or national origin.

Section 26.11 Record Keeping Requirements

Reporting to DOT (Section 26.11(a))

The Department will transmit the Uniform Report of DBE Awards and Commitments and Payments found in Appendix B of 49 CFR Part 26 to DOT on or before December 1st of each year for the prior fiscal year (October 1st through September 30th).

Bidders List (Section 26.11(c))

The Department will create and maintain a bidders list, consisting of information about all DBE and non-DBE firms that bid or submit offers on DOT-assisted contracts. The purpose of this requirement is to allow use of the bidder's list approach to calculate the overall goals. The bidder list will include the name, address, DBE or non-DBE status, age, and annual gross receipts of the firms.

The Department will adopt policies and procedures for the collection of this information consistent with the requirements of Section 26.11(c). The Department's current policy can be found in Exhibit "A", as may be amended from time to time by the Department.

Section 26.13 Federal Financial Assistance Agreement

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

Grant Assurance (Section 26.13(a))

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

This language will appear in financial assistance agreements with sub-recipients, if any.

Contract Assurance (Section 26.13(b))

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

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

SUBPART B - ADMINISTRATIVE REQUIREMENTS

Section 26.21 DBE Program Updates

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

Section 26.23 Policy Statement

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

Section 26.25 DBE Liaison Officer (DBELO)

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

Laura Beebe, Deputy Director
Airports Business Affairs Division
846 Palm Beach International Airport
West Palm Beach, FL 33406-1470
Phone: (561) 471-7403/Fax (561) 471-7427
E-mail: laura.beebe@pbia.org

In that capacity, the DBELO is responsible for implementing all aspects of the DBE Program managed by the Department and ensuring that the Department complies with all provisions of 49 CFR Part 26. The DBELO has direct, independent access to the County Administrator concerning DBE Program matters. The current organizational chart displaying the DBELO's position in the organization is found in Exhibit "B" to this Program.

The DBELO is responsible for developing, implementing and monitoring the DBE Program, in coordination with other appropriate officials. The DBELO has an adequate staff to assist in the administration of this Program. The duties and responsibilities include the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this Program.
3. Sets overall and contract goals in accordance with 49 CFR Part 26.
4. Ensures that bid notices and requests for proposals are available to DBEs.
5. Identifies contracts and procurements so that DBE goals are included in solicitations.
6. Analyzes the Department's progress toward attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the Department Director on DBE matters and achievement.
9. Provides DBEs with information and assistance as requested.
10. Participates in DBE training seminars.
11. Certifies DBEs according to the criteria set by DOT and acts as liaison to the Uniform Certification Program for the State of Florida.
12. Provides announcements to community organizations.

Section 26.27 DBE Financial Institutions

It is the policy of the Department to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions. Currently, the Florida Unified Certification Program does not have any certified DBE financial institutions. The following are other financial institutions identified by the Florida Department of Transportation as being owned and controlled by socially and economically disadvantaged individuals:

Continental National Bank of Miami

1801 Southwest First Street
Miami, FL 33135
Phone: (305) 643-8254

Great Eastern Bank of Florida

4601 Northwest 72nd Avenue
Miami, FL 33166
Phone: (305) 716-9000

Interamerican Bank

9190 Coral Way
Miami, FL 33165
Phone: (305) 223-0865

Section 26.29 Prompt Payment Mechanisms

The Department will include the prompt payment clause in each DOT-assisted contract that satisfies the requirements of Section 26.29. The prompt payment clause currently utilized by the Department is set forth in Exhibit "C" to this Program.

Section 26.31 Directory

The Florida Department of Transportation maintains a directory identifying all firms eligible to participate as DBEs as part of the Florida Unified Certification Program (the "DBE Directory"). The DBE Directory lists the firm's name, address, telephone number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE.

The DBE Directory is updated by the certifying members of the Florida Unified Certification Program and is available on the internet at: <https://www3.dot.state.fl.us/EqualOpportunityOffice/biznet/mainmenu.asp>.

Certifying members are required to update the DBE Directory regularly and list each type of work for which a firm is eligible to be certified by using the most specific NAICS code(s) available to describe each type of work.

The DBE Directory can be sorted by NAICS code, work location and physical location. Interested parties may contact the Equal Opportunity Office at 605 Suwannee Street, MS 65, Tallahassee, Florida 32399, (850) 414-4747 to obtain a current copy of the DBE Directory.

Section 26.33 Overconcentration

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

Section 26.35 Business Development Programs

The Department has not established a business development program.

Section 26.37 Monitoring and Enforcement Mechanisms

The Department will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR Part 26.

1. The Department will bring to the attention of DOT any false, fraudulent, or dishonest conduct in connection with this Program, so that DOT can take the appropriate 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).
2. The Department will apply legal and contract remedies available under federal, state and local law.
3. The Department will adopt policies and procedures to ensure that work committed to DBEs at contract award or subsequently as a result of a contract modification is actually performed by the DBEs to which the work was committed, which will include monitoring of work sites by construction staff and reviewing contract records. Such policies and procedures shall include written certification(s) that the Department staff has reviewed and monitored work sites for this purpose. The current policy can be found in Exhibit "A", as may be amended from time to time by the Department.
4. The Department will keep a running tally of actual DBE attainments (e.g., payments actually made to DBE firms), including a means of comparing the attainments to commitments.

Section 26.39 Fostering Small Business Participation

1. In order to facilitate competition by small business concerns (as defined in 49 CFR §26.5), the Department will take all reasonable steps to eliminate obstacles to their participation, which may include the following:
 - a. In multi-year design-build contracts or other large contracts, the Department may require bidders on the prime contracts to specify elements of the contract or specific subcontracts that are of a size that small businesses, including DBEs, can reasonably perform.
 - b. On prime contracts not having DBE contract goals, the Department may require prime contractors to provide subcontracting opportunities of a size that small businesses, including DBEs can reasonably perform, rather than self-performing all work involved.
 - c. The Department will ensure that a reasonable number of prime contracts are of a size that small businesses, including DBEs, can reasonably perform.
2. The Department shall adopt policies and procedures implementing the requirements of this section on or before September 30, 2012, including procedures for verification of the small business status of participating firms.
3. The Department may rely on the certification/verification processes utilized by OSBA for the Small Business Enterprise Program adopted pursuant to Chapter 2, Article III, Division 2, Part C, Section 2-80.21 of the Palm Beach County Code and other governmental entities to the extent the certification/verification the processes are consistent with small business criteria set forth in 49 CFR Part 26. The above-referenced code provisions are available at the following website: <http://www.municode.com>.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

The Department does not use quotas in any way in the administration of this DBE Program.

Section 26.45 Overall Goals

In accordance with Section 26.45(f), the Department will submit its overall goal to DOT on August 1 at three-year intervals based on the schedule adopted by the FAA. As of the date of this Program, the Department's next overall goal will be due on or before August 1, 2013. Any adjustments to the overall goals will be submitted to the FAA for review and approval in accordance with Section 26.45. Overall goals will be established in accordance with Section 26.45, as may be amended.

Section 26.47 Failure to Meet Overall Goals

If the awards and commitments shown on the Department's Uniform Report of Awards and Commitments and Payments at the end of the fiscal year are less than the overall goal applicable to that fiscal year, the Department will do the following in order to be regarded as implementing the DBE Program in good faith:

1. Analyze in detail the reasons for the difference between the overall goal and the Department's awards and commitments in that fiscal year.

2. Establish specific steps and milestones to correct the problems the Department has identified in its analysis.

The Department will submit its analysis and corrective actions to the FAA in a timely manner as required by Section 26.47.

Section 26.51 Contract Goals

The Department will meet the maximum feasible portion of the overall goal by using race-neutral means of facilitating DBE participation, including arranging solicitations, times for the presentation of bids, quantities, specifications and delivery schedules in ways that facilitate participation by DBEs and other small businesses, by means such as those provided in Section 26.39.

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

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

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

Section 26.53 Good Faith Efforts Procedures

Demonstration of Good Faith Efforts (Section 26.53(a) & (c))

The Department acknowledges that it is the obligation of bidders/offerors on DOT-assisted contracts to make good faith efforts to achieve DBE contract goals. Bidders/offerors can demonstrate that they have done so by meeting the contract goal or documenting their good faith efforts to do so. Examples of good faith efforts are found in Appendix A to Part 26.

The Airports Business Affairs Division staff will be responsible for determining whether a bidder/offeror, who has not met the contract goal, has documented sufficient good faith efforts to be regarded as responsive.

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

Solicitation Documents (Section 26.53(b))

The Department treats a bidder/offeror's compliance with good faith effort requirements as a matter of responsiveness, with the exception of construction management at-risk contracts since the guaranteed maximum price ("GMP") cannot be determined until submission of the GMP proposal. The Department will require the bidder/offeror on a construction management at-risk contract to demonstrate good faith efforts to achieve the DBE contract goal with the GMP proposal.

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

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

Administrative Reconsideration (Section 26.53(d))

Within five (5) days of being informed by the Department that a bidder/offeror is not responsive because it has not documented sufficient good faith efforts, the bidder/offeror may request administrative reconsideration in writing to the following: Palm Beach County Office of Small Business Assistance, 50 South Military Trail Ste. 209, West Palm Beach, FL 33415. The Office of Small Business Assistance ("OSBA") will designate a staff member knowledgeable of Part 26 to be the reconsideration official.

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 it met the goal or made adequate good faith efforts to do. OSBA will send the bidder/offeror 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.

Replacement of DBE Firms (Section 26.53(f))

Prime contractors will not be permitted to terminate a DBE subcontractor that was included in the prime contractor's bid/offer (or an approved substitute DBE firm) without the Department's prior written consent. This includes, but is not limited to, instances in which the prime contractor seeks to perform work originally designated for a DBE subcontractor with its own forces or those of an affiliate, a non-DBE firm or another DBE firm. The Department will only provide written consent if it agrees that the prime contractor has good cause to terminate the DBE firm as provided in Section 26.53(f).

Before transmitting the request to terminate and/or substitute a DBE subcontractor, the prime contractor will be required to give notice in writing to the DBE subcontractor, with a copy to the Department, of its intent to request to terminate and/or substitute, and the reason for the request.

The prime contractor will be required to give the DBE five (5) days to respond to the prime contractor's notice and advise the Department and prime contractor of the reasons, if any, why it objects to the proposed termination of its subcontract and why the Department should not approve the prime contractor's action. If required in a particular case as a matter of necessity, such as safety, the Department may provide a response period of less than five (5) days.

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

Failure to comply with these requirements shall be considered a material default of the contract, entitling the County to exercise all legal remedies available under the contract and at law.

Section 26.55 Counting DBE Participation

The Department will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55. With regard to trucking, the Department will only count the value of the transportation services provided by a DBE trucking firm itself, using its own trucks which are owned, insured and operated by the DBE trucking firm. The DBE trucking firm may count the participation of the other trucks leased from another certified DBE firm. If the DBE firm leases trucks from a non-DBE firm, it will only be permitted to count fees or commissions it receives for arranging the participation of the non-DBE firm.

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

The Department will use the certification standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBEs in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. The Department will make certification decisions based on the facts as a whole. The Department will charge reasonable application fees for processing certification and continuing eligibility applications in accordance with the resolution attached hereto as Exhibit "D", as may be amended from time to time.

For information about the certification process or to apply for certification, firms should contact the DBELO identified in this Program.

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

The County is a member of the Unified Certification Program (UCP) administered by the Florida Department of Transportation. The Florida Unified Certification Program Agreement was approved by DOT on March 25, 2004. The Agreement and subsequent Procedure Memoranda are maintained by the Florida Department of Transportation.

Section 26.83 Affidavits of Continuing Eligibility

The Department will require all DBEs to inform the Department, in a written affidavit, of any change in its circumstances affecting its ability to meet size, disadvantaged status, ownership or control criteria of 49 CFR Part 26 or of any material changes in the information provided with the DBE's application for certification.

The Department will also require all owners of all DBEs certified by the Department to submit, on the anniversary date of their certification, an Affidavit of Continuing Eligibility (the "Affidavit") with supporting documentation, which is consistent with the form utilized by the Florida Department of Transportation. A copy of the current Affidavit is included as Exhibit "E", as may be amended from time to time by the Department.

The Department will require DBEs to submit the Affidavit with documentation of the firm's size and gross receipts and an updated Personal Net Worth Statement for each of the firm's disadvantaged owners.

The Department will notify all currently certified DBE firms of these obligations thirty (30) days prior to the anniversary date of the firm's certification. This notification will inform DBEs that to submit the Affidavit, their owners must swear or affirm that they meet all regulatory requirements of 49 CFR Part 26, including personal net worth. Likewise, if a firm's owner knows or should know that he or she, or the firm, fails to meet a Part 49 CFR 26 eligibility requirement, the obligation to submit a notice of change applies.

Section 26.85 Denials of Initial Requests for Certification

If the Department denies a firm's application for certification or removes a firm's eligibility to participate in the DBE Program, the firm may not reapply until twelve (12) months have passed from the Department's action.

Section 26.87 Removal of a DBE's Eligibility

In the event the Department proposes to remove a DBE's certification, the Department will follow procedures consistent with the requirements of Section 26.87. The current removal process can be found in Exhibit "F", as may be amended from time to time by the Department.

Section 26.89 Certification Appeals

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

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

The Department will promptly implement any DOT certification appeal decision affecting the eligibility of DBEs to participate in a DOT-assisted contract (e.g., certify a firm if DOT has determined that the Department's denial of the firm's application was erroneous).

SUBPART F – COMPLIANCE AND ENFORCEMENT

Section 26.109 Confidentiality

The Department will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with federal, state, and local law. Notwithstanding any contrary provisions of state or local law, the Department will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submitter.

Section 26.37 Monitoring Payments to DBEs

The Department will require prime contractors to maintain records and documents of payments to DBEs for three (3) years following the performance of the contract. These records will be made

available for inspection upon request by any authorized representative of the Department or DOT. This requirement will also extend to any certified DBE subcontractor.

The Department will adopt policies and procedures to require prime contractors and consultants to report all payments to DBEs when submitting a request for payment under the prime contract. The current policy can be found in Exhibit "A", as may be amended from time to time by the Department.

EXHIBITS

Exhibit "A"	DOA PPM # AF-F-031
Exhibit "B"	Organizational Chart
Exhibit "C"	Prompt Payment Clause
Exhibit "D"	Fee Resolution
Exhibit "E"	Affidavit of Continuing Eligibility
Exhibit "F"	DOA PPM # AF-F-028

Exhibit "A" to DBE Program
DOA PPM #AF-F-031

**INTEROFFICE MEMORANDUM
PALM BEACH COUNTY
DEPARTMENT OF AIRPORTS**

TO: Airports Business Affairs Division/Planning & Development Division, Department of Airports

FROM: Laura Beebe, Deputy Director, Airports Business Affairs/DBE Liaison Officer
Department of Airports

SUBJECT: Disadvantaged Business Enterprise Program
Policies and Procedures Manual for DBE Compliance & Monitoring

DOA PPM #: AF-F-031

DATE: November 14, 2011

PURPOSE:

The purpose of this Memorandum is to clarify procedures for Disadvantaged Business Enterprise (DBE) compliance and monitoring as required by 49 CFR Part 26 and the DBE Program for the Palm Beach County Department of Airports.

AUTHORITY:

49 CFR Part 26
DOA DBE Program, Revision date 12/2011
FAA Airport Sponsor Assurances

POLICY:

It is the policy of the Palm Beach County Department of Airports ("Department") that DBEs shall have the opportunity to participate in the performance of Department contracts in a nondiscriminatory environment. This policy shall be applicable to all US DOT-assisted contracts.

PROCEDURES:

A. Contract Goals (49 CFR §26.51)

1. The Department will establish contract goals to meet any portion of the overall 3-year DBE goals approved by the Federal Aviation Administration ("FAA"), which it does not project being able to meet using race and gender neutral means.
2. The purpose of establishing DBE goals is so that, over the period to which the goal applies, the goals will cumulatively result in meeting any portion of the overall goal that is not projected to be met through race and gender neutral means.
3. The Department will establish DBE contract goals only on those contracts that have subcontracting opportunities. The Department need not establish a contract goal on every such contract, and the size of the contract goals will be adapted to the circumstances of each such contract. Factors that will be taken into consideration are the type and location of work, availability of DBEs to perform that particular type of work and subcontracting opportunities on the contract. The Department will express the contract goal as a percentage of the total amount of the contract.

4. DBE contract goals will be established in accordance with the requirements of 49 CFR Part 26.

B. Documentation of Good Faith Efforts/DBE Commitments (49 CFR §26.53; 49 CFR §26.37)

1. When a DBE contract goal has been established, the Department will only recommend the award of contracts to a bidder/offeror that makes a good faith effort to meet the goal. The Department will make the determination that a bidder/offeror has made a good faith effort if the bidder/offer either: (i) documents that it has obtained enough DBE participation to meet the goal; or (ii) documents that it made adequate good faith efforts to meet the goal, even though it did not succeed in obtaining enough DBE participation to do so.

2. If the bidder/offeror does document adequate good faith efforts to achieve a DBE contract goal, the Department will not recommend the denial of the award of the contract on the basis that the bidder/offeror failed to meet the goal. The Department will use Appendix A to 49 CFR Part 26 as guidance in determining whether or not a bidder/offeror has demonstrated adequate good faith efforts.

3. In solicitations for DOT-assisted construction contracts for which a DBE contract goal has been established, bidders/offerors will be required to submit the following documents (attached hereto as Attachment "A") as a matter of responsiveness with the exception of construction management at-risk contracts:

- (a) Schedule 1 - List of Proposed DBE Firms (49 CFR §26.53(b)(2)(i-iv)). Schedule 1 shall contain the names of all proposed DBE firms participating in the contract (including DBE firms acting as the prime contractor, subcontractors, manufacturers and suppliers); a description of the work that each DBE will perform; the dollar amount of the participation; and a commitment by the bidder/offeror to use the DBE firms whose participation it submits to meet the contract goal.
- (b) Schedule 2 - Letter of Intent to Perform as a Disadvantaged Business Enterprise (49 CFR §26.53(b)(2)(v)). A Schedule 2, indicating the DBE firm's agreement to participate in the contract, must be submitted for each DBE firm listed on Schedule 1. Schedule 2 must be completely filled out and signed by the proposed DBE firm.
- (c) Schedule 3 - Demonstration of Good Faith Efforts to Achieve DBE Goal (49 CFR §26.53(b)(2)(vi)). Bidders/offerors shall indicate how they intend to satisfy the requirements of the solicitation related to DBE participation on Schedule 3. If the DBE contract goal is not achieved, bidders/offerors shall submit written evidence of good faith efforts by showing that they took all necessary and reasonable steps to achieve the DBE contract goal even if they were not fully successful. Examples of good faith efforts can be found in Appendix A to 49 CFR Part 26.
- (d) Schedule 6 - Bidder and Subcontractors' Information (49 CFR §26.11(c)(2)). Schedule 6 must include information regarding DBE and non-DBE contractors and subcontractors, including the firm name, address, status as a DBE or non-DBE, age of the firm and range annual gross receipts of the firm.

For construction management at-risk contracts, the DBE contract goal will apply to the guaranteed maximum price ("GMP"), which cannot be determined at the time of selection. The above-referenced forms will be required to be submitted with the GMP proposal. Failure to submit the required forms or to demonstrate good faith efforts to achieve the DBE contract goal with the GMP proposal shall entitle the County to reject the GMP, resulting in termination of the contract.

4. In solicitations for DOT-assisted professional services/consulting contracts for which a DBE contract goal has been established, bidders/offerors will be required to submit the following documents (attached hereto as Attachment "B") as a matter of responsiveness:

- (a) Schedule 1(A) - List of Proposed DBE Firms (49 CFR §26.53(b)(2)(i-iv)). Schedule 1(A) shall contain the names of all proposed DBE firms participating in the contract (including DBE firms acting as the prime contractor, subcontractors, manufacturers and suppliers); a description of the work that each DBE will perform; the percentage of DBE participation; and a commitment by the bidder/offeror to use the DBE firms whose participation it submits to meet the contract goal.
- (b) Schedule 2(B) - Letter of Intent to Perform as a Disadvantaged Business Enterprise (49 CFR §26.53(2)(b)(v)). A Schedule 2(A), indicating the DBE firm's agreement to participate in the contract, must be submitted for each DBE firm listed on Schedule 1(A). Schedule 2(A) must be completely filled out and signed by the proposed DBE firm.
- (c) Schedule 3(A) - Demonstration of Good Faith Efforts to Achieve DBE Goal (49 CFR §26.53(b)(2)(vi)). Bidders/offerors shall indicate how they intend to satisfy the requirements of the solicitation related to DBE participation on Schedule 3(A). If the DBE contract goal is not achieved, bidders/offerors shall submit written evidence of good faith efforts by showing that they took all necessary and reasonable steps to achieve the DBE contract goal even if they were not fully successful. Examples of good faith efforts can be found in Appendix A to 49 CFR Part 26.
- (d) Schedule 6(A) - Respondent and Subcontractors' Information (49 CFR §26.11(c)(2)). Schedule 6(A) must include information regarding DBE and non-DBE contractors and subcontractors, including the firm name, address, status as a DBE or non-DBE, age of the firm and range annual gross receipts of the firm.

5. The Department's Airports Business Affairs Division will make the initial determination whether or not a prime contractor has demonstrated good faith efforts to achieve a DBE contract goal. Within five (5) days of being informed by the Department that a bidder/offeror has not documented sufficient good faith efforts to achieve a DBE contract goal, a bidder/offeror may request administrative reconsideration in writing to the following: Palm Beach County Office of Small Business Assistance, 50 South Military Trail Ste. 209, West Palm Beach, FL 33415. The Office of Small Business Assistance ("OSBA") will designate a staff member knowledgeable of Part 26 to be the reconsideration official. 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 it met the goal or made adequate good faith efforts to do so. OSBA will send the bidder/offeror 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.

C. DBE Attainments (49 CFR §26.37)

1. Prime contractors shall be required to submit regular progress reports on the following forms (attached hereto as Attachment "C"):

- (a) Schedule 4 – Construction - DBE Activity Form. Schedule 4 must be submitted by the prime contractor with each payment request to the Department. Schedule 4 shall document payments made to DBE firms during the course of the contract.
- (b) Schedule 4(A) – Professional Services Activity Report. Schedule 4(A) must be submitted by the prime contractor providing professional/consulting services with each payment request to the Department. Schedule 4 shall document payments made to DBE firms during the course of the contract.
- (c) Schedule 5 – Construction DBE Payment Certification. Schedule 5 must be submitted by the prime contractor with each payment request to the Department to certify payments actually received by any DBE firm listed on Schedule 4. Schedule 5 must be signed and notarized as required by the DBE firm.
- (d) Schedule 5(A) – Professional Services DBE Payment Certification. Schedule 5(A) must be submitted by the prime contractor providing professional/consulting services with each payment request to the Department to certify payments actually received by any DBE firm listed on Schedule 4(A). Schedule 5(A) must be signed and notarized as required by the DBE firm.

2. The Department may delay or disapprove payment of an invoice until the required DBE schedules have been submitted, as required. Failure to submit the required DBE schedules shall be considered a material default of the contract, entitling the County to all available legal remedies, including, but not limited to, termination of the contract.

D. Counting DBE Participation.

- 1. DBE certification does not guarantee that a DBE firm's work will be counted towards the contract goal. The Department will count DBE participation toward the goal in accordance with the requirements of 49 CFR §26.55.
- 2. Prime contractors may report utilization of DBE firms that have become newly certified during the term of the contract. Prime contractors may report utilization of DBE firms that have graduated from the DBE program during the term of a contract. On subsequent projects, the graduated DBE firm's participation may not be counted toward satisfaction of a DBE contract goal. Work performed by DBE firms removed from the DBE program during the term of a contract in accordance with 49 CFR §26.87 may not be counted toward satisfaction of a DBE contract goal after the date of removal.
- 3. When a DBE subcontracts part of its work to another firm, the value of the subcontracted work is counted only if the work is subcontracted to another DBE firm. Work that a DBE subcontracts to a non-DBE firm will not count toward achievement of the DBE contract goal.
- 4. If materials or supplies are purchased from a DBE regular dealer, sixty percent (60%) of the cost of the materials or supplies will be counted toward achievement of the DBE contract goal.

E. Termination or Substitution of DBE Firms (49 CFR §26.53)

- 1. A prime contractor shall not be permitted to terminate a DBE subcontractor listed in Schedule 1 or 1(A) without the Department's prior written consent. This includes, but is not limited to, instances in which the prime contractor seeks to perform work originally designated for a DBE subcontractor with its own forces or those of an affiliate, a non-DBE firm or with another DBE firm.
- 2. Before transmitting a request to terminate and/or substitute a DBE subcontractor, the prime contractor must give notice in writing to the DBE subcontractor, with a copy to the Department, of its intent to request to terminate and/or substitute, and the reason for the request. The prime contractor must give the DBE subcontractor five (5) days to: (i) respond to the prime contractor's notice; and (ii)

advise the Department and the prime contractor of the reasons, if any, why it objects to the proposed termination of its subcontract and why the Department should not approve the prime contractor's action.

3. In addition to post-award terminations, the provisions of this section apply to pre-award deletions or substitutions of DBE firms listed in Schedule 1 or 1(A).

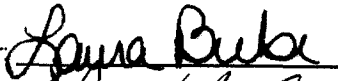
F. Contracting Records & Job Site Reviews (49 CFR §26.37)

1. The Department will monitor the progress of DBE participation on all DOT-assisted contracts. In addition to monitoring payments to DBEs, the Department will conduct job site reviews. This effort will be accomplished in conjunction with the Department's Planning and Development Division, which has daily contact with the prime contractors and subcontractors.

2. In order to ensure that a prime contractor is utilizing the DBE firms listed in Schedule 1 and that the DBE firm is performing a commercially useful function, the DBE Monitoring Report (attached hereto as Attachment "D") should be completed on a monthly basis for each active construction contract.

APPROVALS:

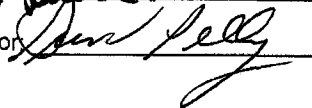
Division Director:



Date:

11/14/11

Department Director:



Date:

11/14/11

ATTACHMENTS:

Attachment "A" – DBE Schedules for Construction Solicitations

Attachment "B" – DBE Schedules for Professional/Consulting Services Solicitations

Attachment "C" – DBE Reporting Schedules

Attachment "D" – DBE Monitoring Report

ATTACHMENT "A"
CONSTRUCTION CONTRACT
DBE SOLICITATION SCHEDULES

SCHEDULE 1
LIST OF PROPOSED DBE FIRMS
(Attachment ____ to Bid Form)

Project/Bid Name: _____ Project/Bid No: _____

Name of Prime Bidder: _____ Change Order/Task/Amendment No. (if applicable): _____

Contact Person: _____ Bid Opening Date: _____

Address: _____ Department: _____

Phone No.: _____ Fax No: _____ E-mail Address: _____

Name, Address & Phone No. of DBE Firm	Description of Type of Work	Classification (Check applicable box)	Dollar Amount			
			Black	Hispanic	Women	Other (Please Specify)
		<input type="checkbox"/> Prime Contractor <input type="checkbox"/> Subcontractor <input type="checkbox"/> Supplier <input type="checkbox"/> Manufacturer	\$	\$	\$	\$
		<input type="checkbox"/> Prime Contractor <input type="checkbox"/> Subcontractor <input type="checkbox"/> Supplier <input type="checkbox"/> Manufacturer	\$	\$	\$	\$
		<input type="checkbox"/> Prime Contractor <input type="checkbox"/> Subcontractor <input type="checkbox"/> Supplier <input type="checkbox"/> Manufacturer	\$	\$	\$	\$
		<input type="checkbox"/> Prime Contractor <input type="checkbox"/> Subcontractor <input type="checkbox"/> Supplier <input type="checkbox"/> Manufacturer	\$	\$	\$	\$

Total _____ **Price: \$** _____ **Total Value of DBE Participation: \$** _____
(Insert: Base Bid/Bid + Alternate, etc.)

- Notes:**
- The amounts listed on this form for each DBE Firm must be supported by the price included on Schedule 2, "Letter of Intent to Perform as a Disadvantaged Business Enterprise", in order to be counted toward attainment of the DBE goal.
 - Firms identified on this form must be certified as a DBE by the State of Florida's Unified Certification Program.
 - If materials or supplies are proposed to be purchased from a DBE regular dealer, sixty percent (60%) of the proposed expenditure is counted toward attainment of the DBE goal. Reduce dollar amount to 60% of supplier's quote for purposes of determining value of DBE participation. Amounts listed on Schedule "2" should reflect the full expenditure (i.e., do not reduce supplier's quote).

By signing this form the undersigned Prime Bidder is committing to utilize the above referenced DBE Firms on the Project and that the Prime Bidder will monitor the DBE Firms to ensure that the work is actually performed by the the DBE Firms.

By: _____
Signature

Print Name/Title of Person Executing on Behalf of the Prime

Date: _____

SCHEDULE 2
(Attachment __ to the Bid Form)

LETTER OF INTENT TO PERFORM AS A DISADVANTAGED BUSINESS ENTERPRISE

Project/Bid No.: _____ Project/Bid Name: _____

Change Order/Task/Amendment No. (if applicable): _____

Name of Prime Bidder: _____

Name of DBE Firm: _____

The undersigned is certified as a Disadvantaged Business Enterprise by the State of Florida's Unified Certification Program. Check one or more classifications as applicable:

- ☐ Black
- ☐ Hispanic
- ☐ Women
- ☐ Other (Please Specify) _____
- ☐ Prime Contractor
- ☐ Subcontractor
- ☐ Manufacturer
- ☐ Supplier

The undersigned is prepared to perform the following described work in connection with the above-referenced project (specify in detail the particular work and/or parts thereof to be performed):

Additional Sheets may be used as necessary.

Line Item/Lot No.	Item Description	Qty/Units	Unit Price	Total Price
			\$	\$
			\$	\$
			\$	\$

at the following price¹: \$ _____
(Subcontractor/Supplier's Quote)

and will enter into a formal agreement for work with you conditioned upon your execution of a contract with Palm Beach County.

If the undersigned intends to subcontract any portion of the work described above to another subcontractor, please complete the following:

_____ \$ _____

(Name of Subcontractor)

(Amount of Subcontract)

_____ \$ _____

(Name of Subcontractor)

(Amount of Subcontract)

☐ DBE Certified

☐ Non-DBE

☐ DBE Certified

☐ Non-DBE

The undersigned affirms that it has the resources necessary to perform the work described above without subcontracting the work to another subcontractor, except as noted above. The undersigned subcontractor/supplier understands that the provision of this form to the Prime Bidder does not prevent the subcontractor from providing quotations to other bidders.

Printed Name of DBE Subcontractor

By: _____
Signature

Date: _____

¹ Do not reduce supplier's quote on this Schedule. Adjustments for purposes of determining the value of a supplier's participation should be reflected on Schedule 1 only. See "Note 3" on Schedule 1.

Schedule 2 (v.11-08-11)

SCHEDULE 3
(Attachment No. ____ to Bid Form)

DEMONSTRATION OF GOOD FAITH EFFORTS TO ACHIEVE DBE GOAL

Project/Bid No.: _____ Date: _____

Project Name: _____

Bidder Name: _____

The undersigned Bidder intends to satisfy the requirements of the Bid related to Disadvantaged Business Enterprise (DBE) utilization in the following manner:

_____ The Bidder has committed to a minimum of _____ %¹ DBE utilization on this Project. *Complete blank – if the percentage will equal or exceed the DBE goal.*

_____ If unable to meet the DBE goal of _____ %, the Bidder has committed to a minimum of _____ %¹ DBE utilization on this Project and will demonstrate its good faith efforts to achieve the DBE goal. *(Complete blank – if percentage is less than the DBE goal.)*

By: _____

Signature

Print Name/Title: _____

¹ The percentages committed to on this form must be supported by the percentages listed on Schedules 1(A) and 2(A).

THE REMAINDER OF THIS FORM MUST BE COMPLETED IF THE BIDDER HAS BEEN UNABLE TO ACHIEVE THE DBE GOAL.

The Bidder must demonstrate that it has made good faith efforts to achieve participation with DBE firms. This requires that the Bidder show that it took all necessary and reasonable steps to secure participation by certified DBE firms. Mere pro forma efforts will not be considered as a good faith effort. In addition, the ability or desire of the Bidder to perform the work with its own organization does not relieve the Bidder of the responsibility to make good faith efforts. Actions constituting evidence of good faith efforts are described in Appendix A to 49 CFR Part 26. Such actions may include, but are not limited to, the actions identified in this form. The following list is not intended to be exclusive or exhaustive; however, failure to provide the requested information, at a minimum, shall result in the Bid being determined nonresponsive to the DBE requirements.

1. Attendance at Pre-Bid Conference, if held:

_____ Yes _____ No _____ Not held

2. Indicate Methods Utilized to Solicit DBE Firms (Check where applicable):

_____ Advertising*

Name of Publication	Publication Date(s)

*Attach copies of all advertisements.

_____ Contacting known DBE firms

List names of all DBE Firms contacted	Telephone No. of DBE Firm	Date Contacted	Indicate how the DBE firm was solicited (i.e., via correspondence, fax, e-mail, telephone, etc....)

*Include copies of solicitation letter(s). DBE firms should be provided a sufficient period of time to allow them to respond to the solicitation.

Information that may be included in solicitation letters, includes, but is not limited to:

- Project specific information
- Your wiliness to assist with supply purchases
- Bonding requirements of your company
- Any assistance your company provides to satisfy bonding requirements, lines of credit and insurance
- Availability of specifications and plans through your office
- The best time to reach you by telephone
- Bid opening date and addendum information
- Your requirements, time frames, and payment schedules
- Identification of specific subcontracting opportunities

_____ Utilizing services of available minority/women community organizations; minority/women contractor's groups; local, state and federal minority/women business assistance offices; and other organizations that provide assistance in the recruitment and placement of minority/women business enterprises.

Organizations Contacted	Name of Person Contacted	Date Contacted	Phone Number of Person Contacted

3. Selecting portions of the work to be performed by DBE firms can increase the likelihood that the DBE goal will be achieved. This includes, where appropriate, breaking portions of the work into economically feasible units to facilitate DBE participation. Detail specific subcontracting categories made available to DBE firms for this Project and a list of the DBE firms made aware of the opportunities.

Subcontracting Category	Name of DBE Firm

4. List all DBE firms who provided a quote for this Project and the amount quoted. Identify the successful subcontractor (if not the DBE firm providing the quote) and the successful subcontractor's quote.

Name of DBE Firm	DBE Firm's Quote	Name of non-DBE Subcontractor Selected	Non-DBE Subcontractor's Quote
	\$		\$
	\$		\$
	\$		\$
	\$		\$

Provided a detailed statement why the DBE firm's quote was not accepted. It should be noted that the fact that there may be additional costs involved in finding and using DBE firms is not in itself a sufficient reason for the Bidder's failure to meet the DBE goal, as long as the costs are reasonable.

5. List all DBE firms that the Bidder provided assistance to in reviewing contract plans and specifications.

Name of DBE Firm	Nature of Assistance

6. List all interested DBE firms that the Bidder offered to assist in obtaining required bonds, lines of credit or insurance, if such assistance was necessary.

Name of DBE Firm	Nature of Assistance

7. Detail the efforts the Bidder took to follow up with DBE firms following initial solicitation.

Name of DBE Firm	Description of Efforts

8. Provide a list of DBE subcontractors that the Bidder deemed unqualified and an explanation for the conclusion reached.

Name of DBE Firm	Explanation

9. For those DBE subcontractors contacted but determined to be unavailable, provide either:

- a) A signed letter from the DBE firm stating that they are unavailable;
- or
- b) A statement from the Bidder that the DBE firm refused to submit a letter after reasonable requests.

10. List any Palm Beach County projects the Bidder has performed within the last six (6) months, the DBE subcontractors utilized and the dollar value of the DBE firm's subcontract.

List of Projects	DBE Firms Utilized	Dollar Value

11. Provide a detailed statement why the DBE goal could not be achieved.

12. Describe in detail any additional efforts or circumstances that may assist the County in determining good faith efforts.

*Additional sheets may be added as necessary.

SCHEDULE 6
BIDDER AND SUBCONTRACTOR'S INFORMATION
(Attachment No. ____ to Bid Form)

Project/Bid No.: _____

Date: _____

Project Name: _____

In accordance with 49 CFR Part 26.11(c), the Prime Bidder shall complete and submit this form with the Bid. The form shall include the information requested for the Prime Bidder and for all subcontractors quoting on the Project.

Name of Bidder or Subcontractor	Address	DBE Status (Check Applicable Box)	Age of Firm	Type(s) of Work	Annual Gross Receipts (Check Applicable Box)
		<input type="checkbox"/> DBE <input type="checkbox"/> Non DBE			<input type="checkbox"/> Less than \$500,000 <input type="checkbox"/> \$500,000-\$1 Million <input type="checkbox"/> \$1 Million - \$2 Million <input type="checkbox"/> \$2 Million - \$5 Million <input type="checkbox"/> \$5 Million and above
		<input type="checkbox"/> DBE <input type="checkbox"/> Non DBE			<input type="checkbox"/> Less than \$500,000 <input type="checkbox"/> \$500,000-\$1 Million <input type="checkbox"/> \$1 Million - \$2 Million <input type="checkbox"/> \$2 Million - \$5 Million <input type="checkbox"/> \$5 Million and above
		<input type="checkbox"/> DBE <input type="checkbox"/> Non DBE			<input type="checkbox"/> Less than \$500,000 <input type="checkbox"/> \$500,000-\$1 Million <input type="checkbox"/> \$1 Million - \$2 Million <input type="checkbox"/> \$2 Million - \$5 Million <input type="checkbox"/> \$5 Million and above
		<input type="checkbox"/> DBE <input type="checkbox"/> Non DBE			<input type="checkbox"/> Less than \$500,000 <input type="checkbox"/> \$500,000-\$1 Million <input type="checkbox"/> \$1 Million - \$2 Million <input type="checkbox"/> \$2 Million - \$5 Million <input type="checkbox"/> \$5 Million and above
		<input type="checkbox"/> DBE <input type="checkbox"/> Non DBE			<input type="checkbox"/> Less than \$500,000 <input type="checkbox"/> \$500,000-\$1 Million <input type="checkbox"/> \$1 Million - \$2 Million <input type="checkbox"/> \$2 Million - \$5 Million <input type="checkbox"/> \$5 Million and above

*Attach additional sheets as necessary.

ATTACHMENT "B"
PROFESSIONAL SERVICES/CONSULTING CONTRACT
DBE SOLICITATION SCHEDULES

SCHEDULE 1(A)
LIST OF PROPOSED DBE FIRMS
(Professional Services)

LOI/SOQ Project Description: _____

Name of Respondent: _____ Change Order/Task/Amendment No. (if applicable): _____

Contact Person: _____ E-mail Address: _____

Address: _____ Phone No.: _____ Fax No: _____

Name, Address & Phone No. of DBE Firm	Description of Type of Work	Classification (Check applicable box)	Percentage of DBE Participation			
			Black	Hispanic	Women	Other (Please Specify)
		<input type="checkbox"/> Prime Consultant <input type="checkbox"/> Subcontractor <input type="checkbox"/> Supplier <input type="checkbox"/> Manufacturer	_____ %	_____ %	_____ %	_____ %
		<input type="checkbox"/> Prime Consultant <input type="checkbox"/> Subcontractor <input type="checkbox"/> Supplier <input type="checkbox"/> Manufacturer	_____ %	_____ %	_____ %	_____ %
		<input type="checkbox"/> Prime Consultant <input type="checkbox"/> Subcontractor <input type="checkbox"/> Supplier <input type="checkbox"/> Manufacturer	_____ %	_____ %	_____ %	_____ %
		<input type="checkbox"/> Prime Consultant <input type="checkbox"/> Subcontractor <input type="checkbox"/> Supplier <input type="checkbox"/> Manufacturer	_____ %	_____ %	_____ %	_____ %

Total Percentage of DBE Participation: _____ %

Notes:

1. The percentages listed on this form for each DBE Firm must be supported by the percentages included on Schedule 2(A), "Letter of Intent to Perform as a Disadvantaged Business Enterprise", in order to be counted toward attainment of the DBE goal.
2. Firms identified on this form must be certified as a DBE by the State of Florida's Unified Certification Program. Certification status can be verified on the Florida Department of Transportation's Biznet website at <https://www3.dot.state.fl.us/EqualOpportunityOffice/biznet/mainmenu.asp>.
3. If materials or supplies are proposed to be purchased from a DBE regular dealer, the undersigned acknowledges that only sixty percent (60%) of the proposed expenditure will be counted toward attainment of the DBE goal.

By signing this form the undersigned Respondent is committing to utilize the above referenced DBE Firms on the Project and that the Respondent will monitor the DBE Firms to ensure that the work is actually performed by the by the DBE Firms.

By: _____
Signature

Date: _____

Print Name/Title of Person Executing on Behalf of the Respondent

SCHEDULE 2(A)
LETTER OF INTENT TO PERFORM AS A DISADVANTAGED BUSINESS ENTERPRISE
(Professional Services)

LOI/SOQ Project Description: _____

Change Order/Task /Amendment No. (if applicable): _____

Name of Prime Respondent: _____

Name of DBE Firm: _____

The undersigned is certified as a Disadvantaged Business Enterprise by the State of Florida's Unified Certification Program. Check one or more classifications as applicable:

- ☐ Black ☐ Hispanic ☐ Women ☐ Other (Please Specify) _____
- ☐ Prime Consultant ☐ Subcontractor ☐ Manufacturer ☐ Supplier

The undersigned is prepared to perform the following described work in connection with the above-referenced project (specify in detail the particular work and/or parts thereof to be performed):

(Additional Sheets may be used as necessary.)

Total Percentage of Participation by DBE Firm for this Project: _____ %

and will enter into a formal agreement for work with you conditioned upon your execution of a contract with Palm Beach County.

If the undersigned intends to subcontract any portion of the work described above to another subcontractor, please complete the following:

	%	<input type="checkbox"/> DBE Certified
(Name of Subcontractor)	(Percentage of work to be subcontracted)	<input type="checkbox"/> Non-DBE

The undersigned affirms that it has the resources necessary to perform the work described above without subcontracting the work to another subcontractor, except as noted above.

Printed Name of DBE Subcontractor

By: _____
Signature

Date: _____

SCHEDULE 3(A)
DEMONSTRATION OF GOOD FAITH EFFORTS TO ACHIEVE DBE GOAL
(Professional Services)

LOI/SOQ Project Description: _____ Date: _____

Respondent's Name: _____

The undersigned Respondent intends to satisfy the requirements of the Professional Services Contract related to Disadvantaged Business Enterprise (DBE) utilization in the following manner (Check blank below):

_____ The Respondent will has committed to a minimum of _____%¹ DBE utilization on this Project. (Complete blank – if the percentage will equal or exceed the DBE goal.)

_____ If unable to meet the DBE goal of _____%, the Respondent has committed to a minimum of _____%¹ DBE utilization on this Project and will demonstrate its good faith efforts to achieve the DBE goal. (Complete blank – if percentage is less than the DBE goal.)

By: _____
Signature

Print Name/Title: _____

¹ The percentages committed to on this form must be supported by the percentages listed on Schedules 1(A) and 2(A).

THE REMAINDER OF THIS FORM MUST BE COMPLETED IF THE RESPONDENT HAS BEEN UNABLE TO ACHIEVE THE DBE GOAL.

The Respondent must demonstrate that it has made good faith efforts to achieve participation with DBE firms. This requires that the Respondent show that it took all necessary and reasonable steps to secure participation by certified DBE firms. Mere pro forma efforts will not be considered as a good faith effort. In addition, the ability or desire of the Respondent to perform the work with its own organization does not relieve the Respondent of the responsibility to make good faith efforts. Actions constituting evidence of good faith efforts are described in Appendix A to 49 CFR Part 26. Such actions may include, but are not limited to, the actions identified in this form. The following list is not intended to be exclusive or exhaustive; however, failure to provide the requested information, at a minimum, shall result in your reponse being determined nonresponsive to the DBE requirements.

1. Attendance at Pre-solicitation Conference, if held:

_____ Yes _____ No _____ Not held

2. Indicate Methods Utilized to Solicit DBE Firms (Check where applicable):

_____ Advertising*

Name of Publication	Publication Date(s)

*Attach copies of all advertisements.

_____ Contacting known DBE firms

List names of all DBE Firms contacted	Telephone No. of DBE Firm	Date Contacted	Indicate how the DBE firm was solicited (i.e., via correspondence, fax, e-mail, telephone, etc....)

*Include copies of solicitation letter(s). DBE firms should be provided a sufficient period of time to allow them to respond to the solicitation.

Information that may be included in solicitation letters, includes, but is not limited to:

- Project specific information
- Your wiliness to assist with supply purchases
- Bonding requirements of your company
- Any assistance your company provides to satisfy bonding requirements, lines of credit and insurance
- Availability of specifications and plans through your office
- The best time to reach you by telephone
- LOI/SOQ information
- Your requirements, time frames, and payment schedules
- Identification of specific subcontracting opportunities

_____ Utilizing services of available minority/women community organizations; minority/women contractor's groups; local, state and federal minority/women business assistance offices; and other organizations that provide assistance in the recruitment and placement of minority/women business enterprises.

Organizations Contacted	Name of Person Contacted	Date Contacted	Phone Number of Person Contacted

3. **Selecting portions of the work to be performed by DBE firms can increase the likelihood that the DBE goal will be achieved. This includes, where appropriate, breaking portions of the work into economically feasible units to facilitate DBE participation. Detail specific subcontracting categories made available to DBE firms for this Project and a list of the DBE firms made aware of the opportunities.**

Subcontracting Category	Name of DBE Firm

4. **List all DBE firms who provided a quote for this Project and the percentage quoted. Identify the successful subcontractor (if not the DBE firm providing the quote) and the successful subcontractor's quote.**

Name of DBE Firm	DBE Firm's Quote	Name of non-DBE Subcontractor Selected	Non-DBE Subcontractor's Quote

Provided a detailed statement why the DBE firm's quote was not accepted. It should be noted that the fact that there may be additional costs involved in finding and using DBE firms is not in itself a sufficient reason for the Respondent's failure to meet the DBE goal, as long as the costs are reasonable.

5. List all DBE firms that the Respondent provided assistance to in reviewing the Project Requirements.

Name of DBE Firm	Nature of Assistance

6. List all interested DBE firms that the Respondent offered to assist in obtaining required bonds, lines of credit or insurance, if such assistance was necessary.

Name of DBE Firm	Nature of Assistance

7. Detail the efforts the Respondent took to follow up with DBE firms following initial solicitation.

Name of DBE Firm	Description of Efforts

8. Provide a list of DBE subcontractors that the Respondent deemed unqualified and an explanation for the conclusion reached.

Name of DBE Firm	Explanation

9. For those DBE subcontractors contacted but determined to be unavailable, provide either:

a) A signed letter from the DBE firm stating that they are unavailable;

or

b) A statement from the Respondent that the DBE firm refused to submit a letter after reasonable requests.

10. List any Palm Beach County projects the Respondent has performed within the last six (6) months, the DBE subcontractors utilized and the dollar value of the DBE firm's subcontract.

List of Projects	DBE Firms Utilized	Dollar Value

11. Provide a detailed statement why the DBE goal could not be achieved.

12. Describe in detail any additional efforts or circumstances that may assist the County in determining good faith efforts.

*Additional sheets may be added as necessary.

SCHEDULE 6(A)
RESPONDENT AND SUBCONTRACTOR'S INFORMATION
(Professional Services)

LOI/SOQ Project Description: _____ Date: _____

Respondent' Name: _____

In accordance with 49 CFR Part 26.11(c), the Respondent shall complete and submit this form with the LOI/SOQ response. The form shall include the information requested for the Respondent and for all subcontractors anticipated to participate in the Project.

Name of Respondent or Subcontractor	Address	DBE Status (Check Applicable Box)	Age of Firm	Type(s) of Work	Annual Gross Receipts (Check Applicable Box)
		<input type="checkbox"/> DBE <input type="checkbox"/> Non DBE			<input type="checkbox"/> Less than \$500,000 <input type="checkbox"/> \$500,000-\$1 Million <input type="checkbox"/> \$1 Million - \$2 Million <input type="checkbox"/> \$2 Million - \$5 Million <input type="checkbox"/> \$5 Million and above
		<input type="checkbox"/> DBE <input type="checkbox"/> Non DBE			<input type="checkbox"/> Less than \$500,000 <input type="checkbox"/> \$500,000-\$1 Million <input type="checkbox"/> \$1 Million - \$2 Million <input type="checkbox"/> \$2 Million - \$5 Million <input type="checkbox"/> \$5 Million and above
		<input type="checkbox"/> DBE <input type="checkbox"/> Non DBE			<input type="checkbox"/> Less than \$500,000 <input type="checkbox"/> \$500,000-\$1 Million <input type="checkbox"/> \$1 Million - \$2 Million <input type="checkbox"/> \$2 Million - \$5 Million <input type="checkbox"/> \$5 Million and above
		<input type="checkbox"/> DBE <input type="checkbox"/> Non DBE			<input type="checkbox"/> Less than \$500,000 <input type="checkbox"/> \$500,000-\$1 Million <input type="checkbox"/> \$1 Million - \$2 Million <input type="checkbox"/> \$2 Million - \$5 Million <input type="checkbox"/> \$5 Million and above
		<input type="checkbox"/> DBE <input type="checkbox"/> Non DBE			<input type="checkbox"/> Less than \$500,000 <input type="checkbox"/> \$500,000-\$1 Million <input type="checkbox"/> \$1 Million - \$2 Million <input type="checkbox"/> \$2 Million - \$5 Million <input type="checkbox"/> \$5 Million and above

*Attach additional sheets as necessary.

ATTACHMENT "C"
DBE PARTICIPATION
ACTIVITY REPORTS/PAYMENT CERTIFICATIONS

**SCHEDULE 4
DBE ACTIVITY FORM**

DBE ACTIVITY FOR THE MONTH ENDING: _____

PROJECT NAME/NUMBER: _____ / _____

PRIME CONTRACTOR NAME: _____

PROJECT SUPERVISOR: _____

Schedule 4 is used to show the payment activity for each DBE firm¹ on the Project. This form must be submitted by the Prime with each monthly payment request to Palm Beach County.

Name of DBE Firm	DBE Original Contract Amount	Total DBE Contract Amount, including Change Orders	Amount Drawn for DBE this Period	Amount Drawn for DBE to Date	Amount Paid to Date to DBE Firm	Actual Start Date	DBE Category	Classification
	\$	\$	\$	\$	\$		<input type="checkbox"/> Prime <input type="checkbox"/> Subcontractor <input type="checkbox"/> Supplier <input type="checkbox"/> Manufacturer	<input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Women <input type="checkbox"/> Other
	\$	\$	\$	\$	\$		<input type="checkbox"/> Prime <input type="checkbox"/> Subcontractor <input type="checkbox"/> Supplier <input type="checkbox"/> Manufacturer	<input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Women <input type="checkbox"/> Other
	\$	\$	\$	\$	\$		<input type="checkbox"/> Prime <input type="checkbox"/> Subcontractor <input type="checkbox"/> Supplier <input type="checkbox"/> Manufacturer	<input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Women <input type="checkbox"/> Other
	\$	\$	\$	\$	\$		<input type="checkbox"/> Prime <input type="checkbox"/> Subcontractor <input type="checkbox"/> Supplier <input type="checkbox"/> Manufacturer	<input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Women <input type="checkbox"/> Other

I hereby certify that the above information is true and correct to the best of my knowledge and that the payment(s) made to the above-referenced DBE firm(s) was for work actually performed by the DBE firm(s):

By: _____
(Signature)

(Print Name and Title)

¹ Additional sheets may be used as necessary. This form must be completed for payments to all DBE firms, including the prime, subcontractors, material suppliers & manufacturers.

**SCHEDULE 4(A)
PROFESSIONAL SERVICES ACTIVITY REPORT**

Application #:	Reporting Period:	Date of Report:
PRIME CONSULTANT INFORMATION		
Name		
Address		
City/State/Zip		
Contact Name		
Telephone/Fax #		
E-Mail Address		
CONTRACT INFORMATION		
Contract Name		
Contract Term		
Original Contract Amount		
Total Contract Amount including all Change Orders, Tasks & Amendments		
Total Percentage Performed by Prime		
Is the Prime a DBE Firm?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Total Percentage Performed by Subs		
Total Number of Subs		
Total Number of DBE Subs		
Service Type	<input type="checkbox"/> Architectural <input type="checkbox"/> Engineering <input type="checkbox"/> Planning <input type="checkbox"/> Other _____ <small>(Please Specify)</small>	
Have Subcontractors completed work for this application?	<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please complete the form below.	
DBE SUBCONTRACTOR INFORMATION		
DBE Firm Name		
Address/Telephone		
Estimated Start Time		
Percentage/Hours Completed		
Scope of Work		
Contract Amount		
Amount Paid to Date		
DBE Firm Name		
Address/Telephone		
Estimated Start Time		
Percentage/Hours Completed		
Scope of Work		
Contract Amount		
Amount Paid to Date		
DBE Firm Name		
Address/Telephone		
Estimated Start Time		
Percentage/Hours Completed		
Scope of Work		
Contract Amount		
Amount Paid to Date		

I certify that the information in this report is true and correct to the best of my knowledge that the payment(s) made to the above-referenced DBE firm(s) was for work actually performed by the DBE firm(s):

Signature

Print Name/Title

*Additional sheets may be attached as necessary.

**SCHEDULE 5
DBE PAYMENT CERTIFICATION**

The Prime Contractor/Consultant ("Prime") shall submit Schedule 5 with its payment request to Palm Beach County reflecting the actual payments made to the DBE Firm.¹ The Prime shall not request signature from a DBE Firm unless it has made payment to the DBE Firm. The DBE Firm shall not complete and sign this form unless it has received payment from the Prime for work actually performed by the DBE Firm.

This is to certify that _____ received
DBE Firm's Name

payment of \$ _____ from _____ on _____
Amount Prime Contractor/Consultant Name Date

For labor and/or materials used on _____ / _____
Project Name Work Order (if applicable)

Dept.: _____ Project No.: _____

If the DBE Firm intends to disburse any funds associated with this payment to any subcontractor for labor on this project, please provide the following information:

Subcontractor Name: _____ Amount to be paid: \$ _____ ☐ Non-DBE
☐ DBE Certified

By: _____
Signature

Print Name/Title of person executing
on behalf of DBE Firm

State of Florida
County of _____

Sworn and subscribed before me this _____ day of _____, 20____

By: _____

Notary Public, State of Florida

Print, Type or Stamp Commissioned Name of Notary

☐ Personally Known OR ☐ Produced Identification Type of Identification _____

¹ This form must be completed for all payments to DBE Firms, including the Prime, material suppliers and manufacturers.

Invoice/Payment Application No. _____

**SCHEDULE 5(A)
DBE PAYMENT CERTIFICATION**

The Prime Contractor/Consultant ("Prime") shall submit Schedule 5 with its payment request to Palm Beach County reflecting the actual payments made to the DBE Firm.¹ The Prime shall not request signature from a DBE Firm unless it has made payment to the DBE Firm. The DBE Firm shall not complete and sign this form unless it has received payment from the Prime for work actually performed by the DBE Firm.

This is to certify that _____ received
DBE Firm's Name

payment of \$ _____ from _____ on _____
Amount Prime Contractor/Consultant Name Date

For labor and/or materials used on _____ / _____
Project Name Work Order (if applicable)

Dept.: _____ Project No.: _____

If the DBE Firm intends to disburse any funds associated with this payment to any subcontractor for labor on this project, please provide the following information:

Subcontractor Name: _____ Amount to be paid: \$ _____ ☐ Non-DBE
☐ DBE Certified

By: _____
Signature

Print Name/Title of person executing
on behalf of DBE Firm

State of Florida
County of _____

Sworn and subscribed before me this _____ day of _____, 20____

By: _____

Notary Public, State of Florida

Print, Type or Stamp Commissioned Name of Notary

☐ Personally Known OR ☐ Produced Identification Type of Identification _____

¹ This form must be completed for all payments to DBE Firms, including the Prime, material suppliers and manufacturers.

ATTACHMENT "D"
DBE MONITORING REPORT

AF-F-031

**PALM BEACH COUNTY DEPARTMENT OF AIRPORTS
DBE MONITORING REPORT**

Section 1. Project Identification			
1. Project No./Name			
2. Prime Contractor Name			
Section 2. DBE Identification			
3. DBE Firm Name			
DBE Function		<input type="checkbox"/> Prime Contractor <input type="checkbox"/> Subcontractor <input type="checkbox"/> Supplier <input type="checkbox"/> Trucking Co.	
NAICS Codes			
Section 3. Observation of DBE's Work, Workforce & Equipment			
6. DBE Firm Name		Date Observed	
Description of work being performed by DBE Firm			
Number & Type of Workers			
7. Workforce of the DBE Firm		8. Equipment of the DBE Firm	
<input type="checkbox"/> No <input type="checkbox"/> Yes	Uniforms have DBE Firm's Name <input type="checkbox"/> No Uniform	<input type="checkbox"/> No <input type="checkbox"/> Yes	Name is painted or a permanent decal <input type="checkbox"/> No name on any <input type="checkbox"/> No name on some
<input type="checkbox"/> No <input type="checkbox"/> Yes	Workers of other subs/prime not involved in the work	<input type="checkbox"/> No <input type="checkbox"/> Yes	Name on equipment is the DBE Firm's Name (box 6)
<input type="checkbox"/> No <input type="checkbox"/> Yes	DBE appears to be performing work with own workers	<input type="checkbox"/> No <input type="checkbox"/> Yes	Using/renting own equipment and tools
<input type="checkbox"/> No <input type="checkbox"/> Yes	DBE appears to control/supervise own workers	<input type="checkbox"/> No <input type="checkbox"/> Yes	Using tools of prime contractor or other subcontractor
<input type="checkbox"/> No <input type="checkbox"/> Yes	DBE appears to employ their own workers		
Observer's Comments			
Observer's Name			
Section 4. DBE Administrative Review			
9. DBE Subcontract			
Reviewed & on file		<input type="checkbox"/> Yes, reviewed on ____/____/____ <input type="checkbox"/> No <input type="checkbox"/> Copy requested on ____/____/____	
Reviewer's Name			
Reviewer's Comments			

Notes: Sections 1, 2 & 4 to be completed by Airport's Business Affairs Division staff
Section 3 to be completed by on-site inspector

Exhibit "B" to DBE Program
Organizational Chart

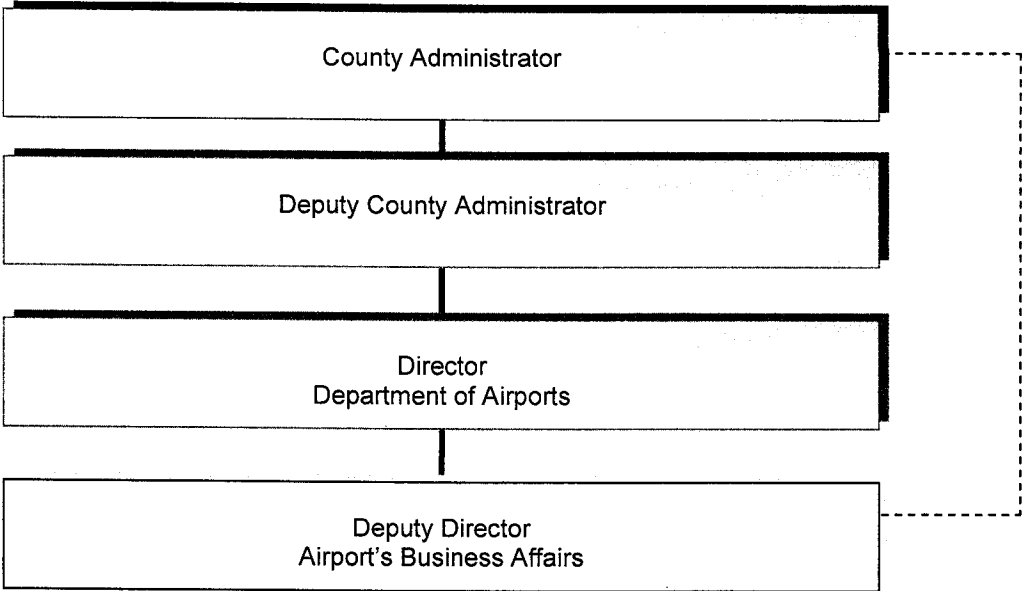


Exhibit "C" to DBE Program
Prompt Payment Clause

GENERAL PROVISIONS

SECTION 90-06 - SECTION 90-09

90-06 PARTIAL PAYMENTS Partial payments will be made at least once each month as the work progresses. Said payments will be based upon estimates prepared by the ~~Engineer~~ **Owner** of the value of the work performed and materials complete in place in accordance with the contract, *drawings* (plans), and specifications. Such partial payments may also include the delivered actual cost of those materials stockpiled and stored in accordance with the subsection titled PAYMENT FOR MATERIALS ON HAND of this section.

No partial payment will be made when the amount due the contractor since the last estimate amounts to less than five hundred dollars (\$500.00).

~~From the total of the amount determined to be payable on a partial payment, 10 percent of such total amount will be deducted and retained by the Owner until the final payment is made, except as may be provided (at the Contractor's option) in the subsection titled PAYMENT OF WITHHELD FUNDS of this section. The balance (90 percent) of the amount payable, less all previous payments, shall be certified for payment. Should the Contractor exercise his/her option, as provided in the subsection titled PAYMENT OF WITHHELD FUNDS of this section, no such 10 percent retainage shall be deducted.~~

Contractor shall prepare and submit to Owner an invoice in accordance with the Owner's estimate. Owner will pay Contractor, in accordance with Local Government Prompt Payment Act (FS 218.70). Retainage, in the amount of 10%, will be withheld on the calculated value of any work, with the exception of stored materials which may be paid at the supplier's invoiced cost. At Contractor's request, after 50% completion of the work has been achieved, the Owner will implement a reduction in retainage to 5% of all future pay requests. When retainage is reduced, Contractor may only withhold more than 5% retainage from subcontractors or suppliers when done in accordance with the provisions of the Local Government Prompt Payment Act, may not request such withheld funds from the County, and will be required to certify compliance with F.S. 218.70 et seq on each subsequent pay application. Notwithstanding the foregoing, in no instance can the amount retained be less than the value of Owner's good faith claims plus the value of the work the Owner determines remains to be put in place or required to be performed as remedial activities. For the purposes of this section, 50% completion shall be that point in time when the Owner, or its designated representative, determines that half of the Work required by the Contract has been completed. In no event shall the Work be determined to be 50% complete before the County has paid 50% of the Contract amount and 50% of the Contract time has expired.

In the event any dispute with respect to any payment or pay request cannot be resolved between the Contractor and Owner's project staff, Contractor may, in accordance with the alternative dispute resolution requirements of Florida Statute section 218.72, et seq, demand in writing a meeting with and review by the department (agency) director. In the absence of the department director, a deputy director may conduct the meeting and review. Such meeting and review shall occur within ten (10) business days of receipt by Owner of Contractor's written demand. The department (agency) director, or deputy director, shall issue a written decision on the dispute within ten (10) business days of such meeting. This decision shall be deemed the Owner's final decision for the purposes of the Local Government Prompt Payment Act.

The Contractor is required to pay all subcontractors for satisfactory performance of their contracts no later than 30 days after the Contractor has received a partial payment. The **Contractor must make** and the Owner must ensure prompt and full payment of retainage from the prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed. A subcontractor's work is satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by the Owner. When the Owner has

made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.

When not less than 95 percent of the work has been completed, the ~~Engineer~~ **Owner** may, at the Owner's discretion and with the consent of the surety, prepare an estimate from which will be retained an amount ***not more than one and one-half times less than twice*** the contract value or estimated cost, whichever is greater, of the work remaining to be done. The remainder, less all previous payments and deductions, will then be certified for payment to the Contractor.

It is understood and agreed that the Contractor shall not be entitled to demand or receive partial payment based on quantities of work in excess of those provided in the proposal or covered by approved change orders or supplemental agreements, except when such excess quantities have been determined by the Engineer to be a part of the final quantity for the item of work in question.

No partial payment shall bind the Owner to the acceptance of any materials or work in place as to quality or quantity. All partial payments are subject to correction at the time of final payment as provided in the subsection titled ACCEPTANCE AND FINAL PAYMENT of this section.

The Contractor shall deliver to the Owner a complete release of all claims for labor and material arising out of this contract before the final retained percentage or final payment is made. If any subcontractor or supplier fails to furnish such a release in full, the Contractor may furnish a bond or other collateral satisfactory to the Owner to indemnify the Owner against any potential lien or other such claim. The bond or collateral shall include all costs, expenses, and attorney fees the Owner may be compelled to pay in discharging any such lien or claim.

90-07 PAYMENT FOR MATERIALS ON HAND. Partial payments may be made to the extent of the delivered cost of ***non-perishable*** materials to be incorporated in the work, provided that such materials meet the requirements of the contract, ***drawings*** (plans), and specifications and are delivered to acceptable sites on the airport property or at other sites in the vicinity that are acceptable to the Owner. Such delivered costs of stored or stockpiled materials may be included in the next partial payment after the following conditions are met:

- a. The material has been stored or stockpiled in a manner acceptable to the Engineer at or on an approved site.
- b. The contractor has furnished the Engineer with acceptable evidence of the quantity and quality of such stored or stockpiled materials.
- c. The contractor has furnished the Engineer with satisfactory evidence that the material and transportation costs have been paid.
- d. The contractor has furnished the Owner legal title (free of liens or encumbrances of any kind) to the material so stored or stockpiled.
- e. The contractor has furnished the Owner evidence that the material so stored or stockpiled is insured against loss by damage to or disappearance of such materials at any time prior to use in the work.
- f. The value of the delivered material to be used in one item of work exceeds three thousand (\$3,000.00) and is not scheduled to be incorporated into the work within sixty (60) days after delivery.***

It is understood and agreed that the transfer of title and the Owner's payment for such stored or stockpiled materials shall in no way relieve the contractor of his/her responsibility for furnishing and placing such materials in accordance with the requirements of the Contract, ***drawings*** (plans), and specifications.

In no case will the amount of partial payments for materials on hand exceed the Contract price for such materials or the Contract price for the Contract item in which the material is intended to be used.

No partial payment will be made for stored or stockpiled living or perishable plant materials.

The contractor shall bear all costs associated with the partial payment of stored or stockpiled materials in accordance with the provisions of this subsection.

90-08 PAYMENT OF WITHHELD FUNDS. ~~At the contractor's option, he/she may request that the Owner accept (in lieu of the ten (10%) percent retainage on partial payments described in the subsection titled PARTIAL PAYMENTS of this section) the contractor's deposits in escrow under the following conditions.~~

- ~~a. The contractor shall bear all expenses of establishing and maintaining an escrow account and escrow agreement acceptable to the Owner.~~
- ~~b. The contractor shall deposit to and maintain in such escrow only those securities or bank certificates of deposit as are acceptable to the Owner and having a value not less than the 10 percent retainage that would otherwise be withheld from partial payment.~~
- ~~c. The contractor shall enter into an escrow agreement satisfactory to the Owner.~~
- ~~d. The contractor shall obtain the written consent of the surety to such agreement.~~

90-09 ACCEPTANCE AND FINAL PAYMENT. When the contract work has been accepted in accordance with the requirements of the subsection titled FINAL ACCEPTANCE of Section 50, the ~~Engineer~~ **Owner** will prepare the final estimate of the items of work actually performed. The Contractor shall approve the ~~Engineer~~ **Owner** 's final estimate or advise the ~~Engineer~~ **Owner** of his/her objections to the final estimate which are based on disputes in measurements or computations of the final quantities to be paid under the contract as amended by change order or supplemental agreement. The Contractor and the ~~Engineer~~ **Owner** shall resolve all disputes (if any) in the measurement and computation of final quantities to be paid within 30 calendar days of the Contractor's receipt of the ~~Engineer~~ **Owner** 's final estimate. If, after such 30-day period, a dispute still exists, the Contractor may approve the ~~Engineer~~ **Owner** 's estimate under protest of the quantities in dispute, and such disputed quantities shall be considered by the Owner as a claim in accordance with the subsection titled CLAIMS FOR ADJUSTMENT AND DISPUTES of Section 50.

~~After the Contractor has approved, or approved under protest, the Engineer's final estimate, final payment will be processed based on the entire sum, or the undisputed sum in case of approval under protest, determined to be due the Contractor less all previous payments and all amounts to be deducted under the provisions of the contract. All prior partial estimates and payments shall be subject to correction in the final estimate and payment.~~

~~If the Contractor has filed a claim for additional compensation under the provisions of the subsection titled CLAIMS FOR ADJUSTMENTS AND DISPUTES of Section 50 or under the provisions of this subsection, such claims will be considered by the Owner in accordance with local laws or ordinances. Upon final adjudication of such claims, any additional payment determined to be due the Contractor will be paid pursuant to a supplemental final estimate. **Owner will make final payment to the Contractor of the Amount remaining after deducting all prior payments and all amounts to be kept or retained under the provisions of the Contract Documents, including the following items, for which a Change Order will be issued:**~~

- ~~1. Liquidated Damages, as applicable.~~
- ~~2. At the discretion of the Owner, one and one-half times the value of outstanding items, corrective Work, and incomplete punch list. All such Work shall be completed or corrected to the satisfaction of the~~

Owner within the time stated on the punch list; otherwise the Contractor does hereby waive any and all claims to all monies withheld by the Owner to cover the value of all such uncompleted or uncorrected items.

Neither final acceptance of the Work, nor payment therefore, nor any provision of the Contract Documents shall relieve the Contractor of responsibility for defective or deficient materials or work.

If the contractor has filed a claim for additional compensation under the provisions of the subsection titled CLAIMS FOR ADJUSTMENTS AND DISPUTES of Section 50 or under the provisions of this subsection, such claims will be considered by the Owner in accordance with local laws or ordinances.

Upon final adjudication of such claims, any additional payment determined to be due the contractor will be paid pursuant to a supplemental final estimate.

Prior to final payment, the Contractor shall submit to the Owner a sworn affidavit in the form included herein, that all bills for labor, materials, equipment, service, subcontractors and incidentals have been paid and that there are no suits or claims pending in connection with the work done or labor and materials furnished under the Contract.

END OF SECTION 90

Exhibit "D" to DBE Program
Fee Resolution

RESOLUTION NO. R-2010-0371

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA; ADOPTING AN ADMINISTRATIVE FEE SCHEDULE FOR THE DISADVANTAGED BUSINESS ENTERPRISE PROGRAM; PROVIDING FOR ADJUSTMENT OF THE FEE SCHEDULE; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Palm Beach County (the "County"), by and through its Department of Airports (the "Department"), owns and operates the Palm Beach International Airport, Palm Beach County Park Airport, Palm Beach County Glades Airport and North County General Aviation Airport (the "Airports"); and

WHEREAS, the County is required to implement a Disadvantaged Business Enterprise ("DBE") Program pursuant to Title 49, Parts 23 and 26 of the Code of Federal Regulations as a recipient of federal grant funding; and

WHEREAS, the County is a certifying member of the Florida Unified Certification Program and is permitted to charge reasonable fees for the processing of certification applications pursuant to that certain the Florida Unified Certification Agreement approved by the Board of County Commissioners (the "Board") on March 1, 2005 (R-2005-0452); and

WHEREAS, the Department administers the DBE Program on behalf of the County and incurs certain administrative costs associated with the processing of DBE certification and recertification applications, including administrative labor costs associated with the review of the applications and mandatory site visits, costs of supplies and other similar costs; and

WHEREAS, the Board approved the establishment of fees for the processing of certification, modification and recertification applications for the Office of Small Business Assistance on November 18, 2008; and

WHEREAS, the Board desires to establish reasonable fees for the processing of DBE certification and recertification applications to recover a portion of the costs incurred by the Department to administer the DBE Program on behalf of the County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. Recitals.

The foregoing recitals are true and correct and are expressly incorporated herein by reference and made a part hereof.

Section 2. Fee Schedule. The Board hereby approves the following fees for the administration of the DBE Program:

- A. New certification application - \$150.00
- B. Recertification application - \$50.00

Notwithstanding the foregoing, the Department may waive the fees for applicants that demonstrate to

the reasonable satisfaction of the Department that they are unable to pay the fees established by this Resolution.

Section 3. Adjustment of Fee Schedule.

The County Administrator or his designee, the Director of the Department of Airports, may annually increase the fees established by this Resolution by an amount not to exceed five percent (5%) per year without further action of the Board. The new fee schedule approved pursuant to this Resolution shall be received and filed with the Clerk of the Board within ninety (90) days of approval.

Section 4. Severability.

If any section, paragraph, sentence clause or word of this Resolution is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Resolution.

Section 5. Effective Date.

This Resolution shall be effective upon adoption.

The foregoing Resolution was offered by Commissioner Marcus, who moved its adoption. The motion was seconded by Commissioner Abrams, and upon being put to a vote, the vote was as follows:

The Chairman thereupon declared the Resolution duly passed and adopted this 23rd day of March, 2010.

Commissioner Burt Aaronson, Chair	- Aye
Commissioner Karen T. Marcus, Vice Chair	- Aye
Commissioner Jeff Koons	- Aye
Commissioner Shelley Vana	- Aye
Commissioner Steven L. Abrams	- Aye
Commissioner Jess R. Santamaria	- Aye
Commissioner Priscilla A. Taylor	-

**PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS**

SHARON R. BOCK, CLERK & COMPTROLLER

By: Marcy Powell
Deputy Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY**

By: [Signature]
Assistant County Attorney

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk & Comptroller, do hereby
certify this to be a true and correct copy of the original
filed in my office on MAR 23 2010
dated at West Palm Beach, FL on 3-24-10

By: Marcy Powell
Deputy Clerk

Exhibit "E" to DBE Program
Affidavit of Continuing Eligibility

FLORIDA UNIFIED CERTIFICATION PROGRAM



PALM BEACH COUNTY DEPARTMENT OF AIRPORTS

Airports Business Affairs Division,
846 Palm Beach International Airport
West Palm Beach, FL 33406-1470
Phone: (561) 471-7403/Fax (561) 471-7427

Disadvantaged Business Enterprise (DBE) Program
AFFIDAVIT FOR CONTINUING ELIGIBILITY

DECLARATION

This declaration executed under penalty of perjury of the laws of the United States and State of Florida.

[Print All Items]

BUSINESS NAME: _____

CONTACT PERSON: _____

ADDRESS: _____

(Include City, State and Zip Code)

MAILING: (If different): _____

(Include City, State & Zip Code)

PHONE: (____) _____ FAX: (____) _____

E-MAIL ADDRESS: _____

You **must** include the following with this affidavit:

1. **COMPLETE** BUSINESS TAX RETURN FOR THE CURRENT YEAR; This must be a Form 1120, 1120S, 1065 or a Schedule C, together with all related schedules and statements. (*You must include the gross receipts of any and all affiliate businesses together with their respective tax returns, as well*).
2. UP-TO-DATE STATEMENT OF PERSONAL NET WORTH [PNW] (copy enclosed); A separate PNW is required for every owner claiming disadvantaged status. (Do not include the value of a primary residence or the DBE firm).
3. **COMPLETE** CURRENT YEAR PERSONAL TAX RETURN; A separate Form 1040 is required for every owner claiming disadvantaged status. (Must include all related schedules and statements).
4. CURRENT BUSINESS, OCCUPATIONAL, PROFESSIONAL LICENSE, AND REQUIRED CERTIFICATIONS: (renewed since last affidavit or DBE application).
5. SUPPORT DOCUMENTATION FOR ANY AFFIRMATIVE ("YES") RESPONSE TO ITEMS "B" OR "C" FOUND ON THE OTHER SIDE OF THIS AFFIDAVIT.

FAILURE TO SUBMIT THIS AFFIDAVIT, BY THE ANNIVERSARY DATE, AND/OR FAILING TO PROVIDE ALL REQUIRED SUPPORT DOCUMENTATION, WILL RESULT IN DBE CERTIFICATION REMOVAL BY THE DEPARTMENT.

YOU MUST COMPLETE ITEMS A, B, AND C, BELOW

- A. CURRENT YEAR GROSS RECEIPTS: \$ _____
(If you filed an IRS Tax Return Extension, you must provide a copy of the extension, and a current year income statement).
- B. CHANGE IN OWNERSHIP THIS PAST YEAR: ☐ YES ☐ NO
(If "yes," New Owners must submit an "Affidavit of Certification", proof of investment; documents indicating race, gender, ethnicity and citizenship status; stock certificates, partnership agreements, Corporate Meeting Minutes etc. reflecting said changes for all new owners).
- C. CHANGE IN MANAGEMENT: (Include Board of Directors for Corporations) ☐ YES ☐ NO (If "Yes," provide the names, title, and detail resume that includes employer's name, dates, and description of duties and responsibilities).

This Form Must Be Signed By All Disadvantaged Individual Owners

I/We understand that any material misrepresentation shall be grounds for REMOVING DBE certification, and initiation of actions under Federal and/or State laws regarding the making of false statements.

I/We hereby certify that there have been no material changes to the information provided with this firm's most recent complete application for DBE certification, except those herein conveyed to the Palm Beach County Department of Airports, in writing.

_____ (Printed name/title)	_____ (Signature, Disadvantaged Owner)
_____ (Printed name/title)	_____ (Signature, Disadvantaged Owner)
_____ (Printed name/title)	_____ (Signature, Disadvantaged Owner)
_____ (Printed name/title)	_____ (Signature, Disadvantaged Owner)

Sworn to and subscribed before me this _____ day of _____, 20_____.
Personally Known _____ OR Produced Identification _____
(Type of Identification Produced)

STATE OF _____
COUNTY OF _____
(Signature of Notary)

(Notary's Printed Name)
My Commission Expires: _____

(Use Additional Sheets, If Necessary)

COMPLETING A PERSONAL NET WORTH STATEMENT

(Personal Net Worth Statements and Related Financial Information Are Not Subject To Public Disclosure Laws)

For New Applicants:

All Owners Claiming Disadvantaged Status MUST Submit An Up-To-Date Personal Net Worth Statement, And Support It, By Providing Complete (All Schedules) Signed Copies Of Their Last Three Federal Individual Income Tax Returns (1040) Filed With The Internal Revenue Service.

For Continuing Eligibility:

All Owners Claiming Disadvantaged Status MUST Submit An Up-To-Date Personal Net Worth Statement, And Support It, By Providing A Complete (All Schedules) Signed Copy Of Their Most Recent Federal Individual Income Tax Return (1040) Filed With The Internal Revenue Service.

Each Owner Claiming Disadvantaged Status Must Provide His Or Her Own Individual Personal Net Worth Statement And Complete Personal Tax Returns.

Married Owners, Both Claiming Disadvantaged Status, Must Provide Individual Personal Net Worth Statements. Joint Statements Are Not Acceptable. However, A Single Set Of Complete "Joint" Tax Returns Is Acceptable In This Situation.

Read The Descriptions Provided In The Heading Of Each Section.

You must complete each asset and liability section (1 through 12) transferring the total from each section to the Summary Page. For any section where no asset or liability exists, you must indicate "Not Applicable," and enter zero(s). If you require more space in any section, attach additional sheets, and reference the appropriate section number and heading.

If you hold any asset or liability jointly, you, the disadvantaged individual, need only reflect the value of your individual share.

"Owner Equity In Primary Residence" Is The Current Fair Market Value Of Your Primary (Homestead) Residence, Less The Total Dollar Amount Of All Outstanding Mortgages, Loans Or Other Financial Lien Amounts Against This Property And Any Improvements Thereon. **Do Not Include** The Resulting Dollar Amount, As Either An Asset Or A Liability, In Calculating Your Personal Net Worth. **Do Not Include** The Total Dollar Amount Of All Outstanding Mortgages, Loans Or Other Financial Lien Amounts Against Your Primary Residence, As A Liability, In Calculating Your Personal Net Worth.

Do Not Include The Current Fair Market Value Of The DBE Applicant Business As An Asset.

Do Not Include The Total Dollar Amount Of All Mortgages, Loans, Lines Of Credit And Other Financial Lien Amounts Against The Applicant Business, Even If You Are Personally Liable For Repayment Should The Business Default, As A Liability.

Name: _____

SECTION 1: CASH ON HAND & IN BANKS

This is the total amount of your cash on hand, including funds deposited in U.S and Foreign financial institutions. This includes, but is not limited to, funds accumulated in savings accounts, checking accounts, certificates of deposit and money market accounts.

NAME OF FINANCIAL INSTITUTION	ACCOUNT TYPE	OWNERSHIP %	AMOUNT
			\$

TOTAL CASH (Transfer to Summary Page Line 1): \$ _____

SECTION 2: IRA OR OTHER RETIREMENT ACCOUNTS

Individual and other retirement accounts include any fund representing an IRA, an employer/employee funded program such as a 401K or any other retirement plan. This includes the individual and employer contributions made to the plan.

NAME OF COMPANY OR INSTITUTION HOLDER	CURRENT VALUE

TOTAL RETIREMENT ACCOUNTS (Transfer to Summary Page Line 2) \$ _____

SECTION 3: LIFE INSURANCE - CASH SURRENDER VALUE

The CASH SURRENDER VALUE of any life insurance policies you own. Indicate any loans against these policies.

NAME OF INSURANCE COMPANY	CASH VALUE	LOAN AMOUNT
	\$	\$
	\$	\$
	\$	\$

TOTAL CASH VALUE (Transfer to Summary Page Line 3) \$ _____

TOTAL LOANS OUTSTANDING (Transfer to Summary Page Line 13) \$ _____

SECTION 4: STOCKS, BONDS, AND OTHER SECURITIES

The value of your stocks, bonds, securities, and any other investments not covered in previous sections. **DO NOT INCLUDE THE VALUE OF STOCK IN THE APPLICANT BUSINESS.**

TRUSTEE OR BROKERAGE ACCOUNT	OWNERSHIP %	MARKET VALUE
		\$
		\$
		\$

TOTAL STOCKS, BONDS, & SECURITIES (Transfer to Summary Page Line 4) \$ _____

SECTION 5: CURRENT FAIR MARKET VALUE OF OTHER BUSINESS INTERESTS

If you own more than 5% of any other business, you must declare the current fair market value of your interest in each of these businesses. Use the most recent financial statement to determine the value of your ownership interest(s).

NAME OF BUSINESS	CURRENT VALUE OF YOUR OWNERSHIP
1.	\$
2.	\$
3.	\$

TOTAL VALUE OF OWNERSHIP (Transfer to Summary Page Line 5) \$ _____

Name: _____

SECTION 6: REAL ESTATE

DO NOT LIST YOUR PRIMARY RESIDENCE OR ANY MORTGAGE OR OTHER LOAN(S) AGAINST YOUR PRIMARY RESIDENCE. List all other residential and business property at current market value. This includes, but is not limited to, rental homes, condominiums, beach homes, and second homes as investments, personal property leased or rented for business purposes, farm properties or any other income producing land or property. List all mortgages against these real properties. (Use additional sheet, as necessary. Identify all lending institutions on a separate sheet)

ADDRESS (Include City and State)	TYPE OF USE	OWNERSHIP %	MARKET VALUE	MORTGAGE BALANCE

TOTAL REAL ESTATE (Transfer to Summary Page Line 6) \$ _____

MORTGAGE LOAN(S) (Transfer to Summary Page Line 14) \$ _____

SECTION 7: PERSONAL VEHICLES

List all personal autos, trucks, boats, and recreational vehicles owned at current market value. Include personally owned vehicles leased or rented to businesses or other individuals. Include any loan balances against these personal vehicles.

YEAR AND DESCRIPTION	OWNERSHIP %	CURRENT VALUE	NOTE BALANCE

TOTAL VALUE (Transfer to Summary Page Line 7) \$ _____

TOTAL LOAN BALANCE (Transfer to Summary Page Line 12) \$ _____

SECTION 8: OTHER PERSONAL PROPERTY

YOU MUST DECLARE ALL OTHER PERSONAL PROPERTY, which includes, but is not limited to, household goods, computers, electronic equipment, jewelry, antiques and collectibles, etc. at their current market value. You must retain your compilation list, but you need only provide the total below. Calculate only the value of your share of ownership. For example, if the total value is \$100, and your share is one-half, you would list \$50 as the Total.

DESCRIPTION	AMOUNT

TOTAL OTHER PERSONAL PROPERTY (Transfer to Summary Page Line 8) \$ _____

SECTION 9: OTHER ASSETS

The market value of any other assets you own that do not fit into one of the foregoing sections.

DESCRIPTION OF ASSETS	VALUE

TOTAL OTHER ASSETS (Transfer to Summary Page Line 9) \$ _____

Name: _____

SECTION 10: ACCOUNTS PAYABLE			
These include credit card debt, store accounts and other personal obligations, not associated with the applicant firm, payable by you personally. Do not include payables listed in other sections.			
DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT

TOTAL ACCOUNTS PAYABLE (Transfer to Summary Page Line 10) \$ _____

SECTION 11: NOTES PAYABLE	
Include the current balance(s) of any personal loan(s) not reflected elsewhere in this document and any other personal debt guaranteed by your signature. Shareholder loans must be in the form of a written agreement, with defined interest and a repayment schedule. <u>DO NOT INCLUDE BUSINESS RELATED NOTES FOR WHICH YOUR ARE, IN ANY WAY, PERSONALLY RESPONSIBLE.</u>	
DESCRIPTION OF LOAN	AMOUNT

TOTAL NOTES PAYABLE (Transfer to Summary Page Line 11) \$ _____

SECTION 12 UNPAID TAXES			
Include your portion of any current obligation for unpaid taxes, i.e. Federal, State, or County property assessments. WE MAY REQUEST EVIDENCE OF THIS OBLIGATION.			
DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT

TOTAL UNPAID TAXES (Transfer to Summary Page Line 15) \$ _____

SECTION 13: OTHER LIABILITIES	
Include your share of any liability not previously accounted for in this statement. <u>DO NOT LIST ANY CONTINGENT OR DEFERRED LIABILITIES. DO NOT LIST ANY APPLICANT BUSINESS LIABILITIES.</u>	
DESCRIPTION	AMOUNT

TOTAL OTHER LIABILITIES (Transfer to Summary Page Line 16) \$ _____

A. In the last two years, has this owner transferred any asset to the spouse, or other individual, or has this owner established any trust accounts? ☐ Yes ☐ No (If "Yes," provide a statement describing the items transferred and market cost. Provide a copy of written documents applicable.)

**NET WORTH SUMMARY PAGE
FLORIDA UNIFIED CERTIFICATION PROGRAM**

PERSONAL NET WORTH OF _____
(PRINTED NAME OF INDIVIDUAL)

AS OF: _____
(DATE)

ASSETS	DOLLAR VALUE
1. Cash (Total Section 1)	\$ _____
2. Retirement Accounts (Total Section 2)	_____
3. Life Insurance (Total Section 3)	_____
4. Stocks, Bonds, and Other Securities (Total Section 4)	_____
5. Fair Market Value of Other Business(s) (Total Section 5)	_____
6. Real Estate (Total Section 6)	_____
7. Personal Vehicles (Total Section 7)	_____
8. Other Personal Property (Total Section 8)	_____
9. Other Assets (Total Section 9)	_____
TOTAL ASSETS	\$ _____
LIABILITIES	DOLLAR VALUE
10. Accounts Payable (Total Section 10)	\$ _____
11. Notes Payable (Total Section 11)	_____
12. Notes on Personal Vehicles (Total Section 7)	_____
13. Loans against Life Insurance (Total Section 3)	_____
14. Real Estate Mortgage(s) (Total Section 6)	_____
15. Unpaid Taxes (Total from Section 12)	_____
16. Other Liabilities (Total Section 13)	_____
TOTAL LIABILITIES	\$ _____
NET WORTH (Total Assets, Minus Total Liabilities)	\$ _____

Exhibit "F" to DBE Program
DOA PPM AF-F-028

**INTEROFFICE MEMORANDUM
PALM BEACH COUNTY
DEPARTMENT OF AIRPORTS**

TO: S/DBE Office, Department of Airports

FROM: Laura Beebe, Deputy Director, Airports Business Affairs, DBELO
Department of Airports

SUBJECT: Disadvantaged Business Enterprise Appeal Process

DOA PPM #: AF-F-028

DATE: December 15, 2010

PURPOSE:

The purpose of this Memorandum is to clarify procedures for the appeal of Disadvantaged Business Enterprise certification denials and certification removals as required by 49 CFR §26.86; 49 CFR §26.87; 49 CFR §23.31; Resolution No. 99-1501, establishing Disadvantaged Business Enterprise ("DBE") Program for the Palm Beach International Airport ("DBE Program"); and the Agreement with the State of Florida Unified Certification Program (R-2005-0452) ("UCP").

AUTHORITY:

49 CFR §26.86
49 CFR §26.87
49 CFR §23.31
DBE Program
UCP

POLICY:

As a Responsible Certifying Member of the State of Florida's Unified Certification Program, the Department of Airports ("Department") is required to provide an appeal process for DBE certification denials and a hearing process for certification removals. It is the policy of the Department of Airports to provide an appeal process consistent with the requirements of applicable federal regulations, the DBE Program and UCP.

PROCEDURES:

A. DBE Certification Denial Appeal Process:

1. Applicants denied certification shall be notified in writing of the denial of certification by certified mail. The denial letter shall include a written explanation of the reasons for the denial, specifically referencing the evidence in the record that supports each reason for the denial. The denial letter shall inform the applicant of its right to appeal the decision in accordance with the procedures set forth in this policy. All documents and other information on which the denial is based shall be made available to the applicant upon request.

2. Any applicant denied certification may not reapply for certification for one (1) year from the date of the denial of certification.

3. Applicants, who believe that they have been wrongly denied certification as a DBE, may file an appeal to the Office of Small Business Assistance within fifteen (15) days of receipt of the denial notice. Except as otherwise provided for herein, the appeal shall be conducted in accordance with Sections 2-80.30(f)-(g) of the Palm Beach County Code as set forth in Attachment "A", which provides the procedures for appeal of a denial of certification as a Palm Beach County Small Business Enterprise. A complete, verbatim record of any appeal before a Special Master shall be maintained and shall be made available to the firm upon request and to the U.S. Department of Transportation if the final decision is appealed pursuant to 49 CFR §26.86. In the event the firm elects appeal to a Special Master, the firm may present information and arguments in writing without going to the hearing. The firm seeking certification has the burden of demonstrating, by a preponderance of the evidence, that it meets the certification requirements.

4. A denial of DBE certification shall be considered administratively final upon the conclusion of the appeal process set forth in this policy.

5. Applicants shall be notified in writing of the right to appeal the final decision to the U.S. Department of Transportation pursuant to 49 CFR §26.89 within ninety (90) days of the date of the final decision.

B. Removal of Certification Appeal Process:

1. If it is determined by the S/DBE Office that there is reasonable cause to believe a certified firm is ineligible in accordance with 49 CFR §26.87, the firm shall be provided written notice by certified mail that the S/DBE Office proposes to find the firm ineligible, setting forth the reasons for the proposed determination. The statement of reasons for the finding of reasonable cause must specifically reference the evidence in the record on which each reason is based. In accordance with 49 CFR §26.87(d)-(e), the notice shall also notify the firm that it shall have the opportunity to request a hearing through the Office of Small Business Assistance within fifteen (15) days of receipt of the notice.

2. Except as otherwise provided for herein, the hearing shall be conducted in accordance Section 2-80.30(g) of the Palm Beach County Code as set forth in Attachment "A", which provides for the hearing procedures for decertification of Palm Beach County Small Business Enterprises. A complete, verbatim record of any hearing before a Special Master shall be maintained and shall be made available to the firm upon request and to the U.S. Department of Transportation if the final decision is appealed pursuant to 49 CFR §26.87. In the event the firm elects to have a hearing before a Special Master, the firm may present information and arguments in writing without going to the hearing. The S/DBE Office shall bear the same burden of proving, by a preponderance of the evidence, that the firm does not meet the certification standards.

3. The grounds for the decision shall be in accordance with the requirements of 49 CFR §26.87.

4. Upon the conclusion of the appeal process, the firm shall be provided written notice of the decision and the reasons for it, including specific evidence in the record that supports each reason for the decision. The notice shall inform the firm of the consequences of the decision and of the right to appeal the final decision to the U.S. Department of Transportation pursuant to 49 CFR §26.89 within ninety (90) days of the date of the final decision. If applicable, copies of the notice also shall be sent to the complainant in an ineligibility complaint or to the concerned operating administration that directed the S/DBE Office to initiate the proceeding.

5. Removal of DBE certification shall be considered administratively final upon the conclusion of the appeal process set forth in this policy.

C. General.

1. In the event of a conflict between this policy and applicable federal regulations, DBE Program and/or UCP (hereinafter "DBE Program Requirements"), the applicable DBE Requirements shall prevail.

2. This policy shall also apply to Airport Concession Disadvantaged Business Enterprises certification denials and removals.

3. The S/DBE Office may charge a firm, which has requested an appeal of a certification denial or a hearing regarding certification removal, for the cost of copying or providing the record.

APPROVALS:

Division Director: Laura Barber Date: 12-15-10

Department Director: David Seely Date: 12/15/10

ATTACHMENT "A"
Excerpt from Section 2-80.30, Palm Beach County Code (2010)

their right to appeal the denial. An applicant denied certification may not reapply for certification for one (1) year from the denial of the certification.

(f) *Appeal of certification denial.* Any firm that believes it has been wrongly denied certification as a small business may file an appeal in writing, signed and dated, with the office of small business assistance. The appeal shall be filed no later than fifteen (15) days from the date of receipt of notice of denial of certification. The request for appeal shall state the specific reasons why the firm believes the denial of certification is erroneous.

(g) *Hearing on appeal of certification denial.* If an appeal is filed, an administrative review will be conducted by the director of the office of small business assistance. The review will be conducted within forty-five (45) days of the filing of the request for appeal. The director of the office of small business assistance shall take one of the following actions on the request for appeal:

(1) Uphold the appeal. If a determination is made that certification was denied, contrary to the provisions of the code, the director may uphold the appeal. If the appeal is upheld, a certification certificate shall be issued.

(2) Deny the appeal. If the appeal is denied, the applicant has the right to request the appeal be referred to a special master in accordance with subsection 2-80.30(i) below.

(3) Refer the appeal directly to a special master with no determination made by the director of the office of small business, in accordance with subsection 2-80.30(j) below.

(h) *Recertification.* Certified SBEs are required to submit an affidavit of their continued eligibility as a SBE every three (3) years along with an application for recertification. The office of small business assistance may conduct site visits or review documents to ensure continued compliance as a small business. If there has been a change in operation, ownership, control, activities, domicile or gross receipts, the SBE must notify the office of small business assistance within thirty (30) days of the change. Supporting documentation may be required for continued certification. A company that fails to submit its application for recertification and affidavit of continued eligibility or fails to submit documentation requested by the office of small business assistance or allow a site visit, will no longer be deemed certified for purposes of participation in the small business program.

The criteria for recertification shall be the same as for certification. An applicant may request an appeal of denial of recertification within fifteen (15) days of receipt of notice of denial. The hearing shall be conducted in the manner describe in section 2-80.30(g). An applicant denied recertification may not reapply for certification for one (1) year from the denial of recertification.

(i) *Decertification.* If during the period of certification, the county has reason to believe that the SBE received certification improperly, or that there has been a substantial change in circumstances in the operation, ownership, control, activities, domicile, or gross receipts that continued certification would be contrary to the county's small business policy, then the office of small business assistance may conduct an investigation of the allegations.

The office of small business assistance may decertify the SBE if the investigation indicates that:

- (1) The small business cannot be contacted at the last known address in Palm Beach County;
- (2) The small business is no longer in business;
- (3) The small business is no longer licensed to do the type of business for which it was certified;
- (4) The small business obtained its original certification and/or recertification through false representation or deceit;
- (5) The small business has been disbarred or suspended as a vendor by the county purchasing department. At the expiration of any suspension, the firm may reapply for certification;
- (6) Site visits have revealed no business being conducted at the county location; or
- (7) The small business does not meet the current eligibility standards for certification as a small business. Certification under a previous ordinance does not guarantee that the small business continues to be eligible for their entire certification period.
- (8) The small business does not perform a commercially useful business function.

(9) The small business refuses to allow an on-site inspection.

(10) The small business has failed to notify the office of small business of any change in the ownership, location, structure or any other aspect of the small business which would affect its small business certification.

The office of small business assistance shall notify the small business by certified mail that it has been decertified. The small business may request an appeal hearing of the decertification within fifteen (15) days of receipt of the notice. The resolution of the appeal shall be conducted in the manner described in subsection 2-80.30(g). Nothing in this section shall prevent the office of small business assistance from commencing an investigation regarding the legitimacy of a small business certification. A business decertified pursuant to this section may not re-apply for certification for one (1) year from the date of decertification.

(j) *Hearing before a special master.*

(1) Upon receipt of a denial of appeal for certification, recertification, or decertification, an applicant may request a hearing before a special master. The request for a hearing shall be in writing to the director of the office of small business assistance, and shall be made within five (5) business days of issuance of the director of the office of small business' determination. The request for a hearing shall be accompanied by an appeal bond of one thousand dollars (\$1,000.00) which shall be remitted in the form of a money order, a certified check, a cashier's check or a bank check payable to the county.

(2) At no time shall the applicant or any other person contact a special master regarding any issue pertaining to, or involving the appeal. Contact between the county and the special master shall be limited to scheduling and other administrative issues; including the provision and copying of public records pertinent to the appeal.

(3) The office of small business assistance shall establish rules and regulations by separate policy and procedure detailing the selection of special masters, the appeals process, and the conduct governing appeal hearings. Such rules shall provide that the special master may not consider any evidence which was not available at the time of the application or recommendation for decertification or recommendation for denial of certification or recertification. Such rules shall also provide that the special master shall render a written decision within ten (10) working days of the hearing.

(4) Special masters shall have the jurisdiction and authority to hear and decide appeals. The special master shall make a recommendation as to whether the appeal should be upheld as denied.

a. If the special master upholds the appeal, the special master shall recommend the director of the office of small business assistance issue a certification certificate. In these instances, the office of small business assistance shall return the appeal bond to the applicant.

b. If the special master denies the appeal, the special master shall recommend that certification be withheld. In these instances, the applicant's bond shall be forfeited.

c. The director of the office of small business assistance may accept the special master's recommendation or, if the director of the office of small business assistance determines the special master's recommendation is not in the county's best interest, the original recommendation of the office may be referred to the board for approval. At that time, the board may accept or reject the recommendation of the special master.

d. If a special master is unable to provide a fair hearing for any reason, the special master shall not accept the appeal and shall immediately notify the director of the office of small business assistance. The director of the office of small business assistance shall reassign the appeal to a special master who does not have a conflict.

(Ord. No. 02-064, § 10, 9-10-02; Ord. No. 04-071, §§ 2, 3, 12-21-04; Ord. No. 05-048, § 5, 11-15-05; Ord. No. 08-014, §§ VIII-XVII, 5-20-08; Ord. No. 2009-024, §§ II-VII, 8-18-09)