



## GERALD R. FORD INTERNATIONAL AIRPORT AUTHORITY DBE PROGRAM

The Gerald R. Ford International Airport Authority (Authority) has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The Authority has received Federal financial assistance from the Federal Aviation Administration (FAA), and as a condition of receiving this assistance, the Authority has signed an assurance that it will comply with 49 CFR Part 26.

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

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

The Facilities & Engineering Director, has been delegated as the DBE Liaison Officer (DBELO). In that capacity, the DBELO is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the Authority in its financial assistance agreements with the DOT.

The Authority has disseminated this policy statement to all the components of its organization. The Authority has distributed this statement to DBE and non-DBE business entities that perform work for it on FAA-assisted contracts. This policy is also available on the Airport's website.

  
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James Gill  
President & Chief Executive Officer

  
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Date



**GERALD R. FORD INTERNATIONAL AIRPORT AUTHORITY BOARD  
GERALD R. FORD INTERNATIONAL AIRPORT**

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<b>POLICY TYPE:</b>	<b>ADMINISTRATIVE</b>
<b>POLICY:</b>	<b>DISADVANTAGED BUSINESS ENTERPRISE PROGRAM (DBE PROGRAM)</b>
<b>EFFECTIVE DATE:</b>	<b>JULY 1, 2016, AS AMENDED SEPTEMBER 27, 2017</b>

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**2. PURPOSE**

The Gerald R. Ford International Airport Authority (Authority) has established a Disadvantaged Business Enterprise (DBE) program for the Gerald R. Ford International Airport (Airport) in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. The Authority has received Federal financial assistance from the DOT, and as a condition of receiving this assistance, the Authority has signed an assurance that it will comply with 49 CFR Part 26.

**3. APPLICATION**

This DBE Program shall be applicable to all DOT-assisted projects in which the Authority solicits bids, negotiates contracts and/or awards contracts. It is expected that the Michigan Department of Transportation (MDOT) will solicit bids, negotiate contracts and/or award contracts for DOT-assisted construction projects at the Airport. For such MDOT projects, the DBE Policy Statement of the MDOT, including the Attachments (MDOT Program) shall be applicable, a copy of which may be obtained at [www.michigan.gov/mdot](http://www.michigan.gov/mdot).

**4. PRINCIPLES**

A. **STATUTORY REFERENCES AND DEFINITIONS:** 49 CFR Part 26. All terms not otherwise defined herein shall be as defined in 49 CFR §26.5. The full text of 49 CFR Part 26 may be obtained at

[https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr26\\_main\\_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr26_main_02.tpl)

B. **LEGISLATIVE OR HISTORICAL REFERENCES:** Reserved.

C. **GERALD R. FORD INTERNATIONAL AIRPORT AUTHORITY BOARD REFERENCES:** Regional Airport Authority Act, 2015 P.A. 95.

D. **SCOPE:** None.

E. **OPERATIONAL GUIDELINES – GENERAL:** None.

F. **IMPLEMENTATION AUTHORITY:** Upon adoption of this Statement of Policy and Principles, the Board authorizes the President and Chief Executive Officer (CEO)

to establish standards and procedures which may be necessary for implementation.

- G. **KEY GUIDING PRINCIPLES:** To ensure nondiscrimination of, and open participation to, qualified DBEs in the award of contracts.

**5. POLICY STATEMENT**

- A. It is the policy of the Authority to ensure that DBEs, as defined in 49 CFR Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts.
- B. It is also the Authority policy :
- i. To ensure nondiscrimination in the award and administration of DOT assisted contracts;
  - ii. To create a level playing field on which DBEs can compete fairly for DOT assisted contracts;
  - iii. To ensure that the DBE Program is tailored in accordance with applicable law;
  - iv. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
  - v. To help remove barriers to the participation of DBEs in DOT assisted contracts; and
  - vi. To assist the development of firms that can compete successfully in the market place outside the DBE Program.
- C. Implementation of the DBE Program is accorded the same priority as compliance with all other legal obligations incurred by the Authority in its financial assistance agreements with the Department of Transportation.
- D. The Authority has disseminated this policy statement to the Gerald R. Ford International Airport Authority Board and all the components of the Authority's organization. This Policy is made available to DBE and non-DBE business that perform work for the Authority on DOT-assisted contracts. Advertisements will be placed in applicable business publications, and the Grand Rapids Press. A reference to this DBE Program will be included in all contract specifications which have DOT-assisted funding. A complete copy of the DBE Program is available through the Airport website, <http://www.grr.org/documents-forms.php>.

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James Gill  
Chief Executive Officer  
\_\_\_\_\_, 2017

## 6. PROCEDURE

### A. Nondiscrimination

The Authority shall not 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 Authority 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.

### B. DBE Program Updates

The Authority will continue to carry out this DBE Program until all funds from DOT financial assistance have been expended. The Authority will provide to DOT updates representing significant changes in this DBE Program.

### C. Quotas

The Authority will not use quotas in the administration of this DBE Program.

### D. DBE Liaison Officer (DBELO)

The Authority has designated the following individual as its DBE Liaison Officer, (DBELO): the Facilities & Engineering Director, 5500 44th Street, Grand Rapids, Michigan, 49512, 616.233.6000, [dbeofficer@grr.org](mailto:dbeofficer@grr.org). In that capacity, the Facilities & Engineering Director is responsible for implementing all aspects of the DBE Program and ensuring that the Authority complies with all provisions of 49 CFR Part 26. The Facilities & Engineering Director has direct, independent access to the Authority President & Chief Executive Officer concerning DBE Program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment A to this DBE Program.

The DBELO is responsible for developing, implementing and monitoring the DBE Program, in coordination with other appropriate officials. Duties and responsibilities include the following:

- i. Gathers and reports statistical data and other information as required by DOT;
- ii. Reviews third party contracts and purchase requisitions for compliance with this DBE Program;
- iii. Works with all appropriate departments and regulatory agencies to set overall annual and specific contract goals and maintains records of all established goals;

- iv. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner;
- v. Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals) and monitors results;
- vi. Analyzes the Authority's progress toward goal attainment and identifies ways to improve progress;
- vii. Participates in pre-bid meetings;
- viii. Advises the Gerald R. Ford International Airport Authority Board on DBE matters and achievement;
- ix. Participates with legal counsel and the project director and the MDOT to determine contractor compliance with good faith efforts;
- x. Upon request, provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance;
- xi. Acts as liaison to the UCP (as defined below);
- xii. Provides outreach to DBEs and community organizations to advise them of opportunities; and
- xiii. Utilizes an updated Directory on certified DBEs maintained by the MDOT.

E. Federal Financial Assistance Agreement Assurance

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

The Gerald R. Ford International Airport Authority 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 the 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 Gerald R. Ford International Airport Authority of its failure to carry out its approved program, the Department may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

F. DBE Financial Institutions

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

identify such institutions: contacted the Grand Rapids field office of the FDIC; search the FDIC's database of Minority Depository Institutions; contacted Michigan Association of Community Bankers; and contacted the Michigan Bankers Association. To date, the Authority has not identified any such financial institutions.

G. Directory

The MDOT shall act as the Authority's agent in maintaining a directory identifying all firms eligible to participate as DBEs (Directory). The Directory lists the firm's name, address, and phone number, date of most recent certification, and the type of work the firm has been certified to perform as a DBE. The Directory will be revised annually. The Directory is available from the Michigan Department of Transportation, 425 Ottawa Street, Lansing, Michigan 48933, and Phone 517-241-4427. In the event that the Directory lists an insufficient number of DBEs, the Authority may use a directory maintained by Kent County, City of Grand Rapids or other entities certifying DBEs.

H. Over Concentration

No over concentration has been identified in any work category.

I. Business Development Program

The Authority has not established a business development plan.

J. Required Contract Clauses

Contract Assurance

Pursuant to 49 CFR §26.13, the Authority will ensure that the following clause is placed in every DOT-assisted contracts and subcontracts:

The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as the recipient deems appropriate, which may include, but is not limited to: (1) withholding monthly progress payments; (2) assessing sanctions; (3) liquidated damages; and/or (4) disqualifying the contractor from future bidding as non-responsible.

Prompt Payment

Pursuant to 49 CFR §26.29, the Authority will include the following clause in each DOT-assisted prime contract:

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

The Authority will consider a subcontractor's work satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by the Authority. When the Authority has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed. The Authority will provide appropriate means to enforce the requirements of this section, including, but not limited to: (1) withholding of estimates on projects where prompt payment violations were confirmed, (2) reduction or removal of prequalification and (3) suspension of bidding privileges.

#### Requirement for DBE Work

Pursuant to 49 CFR §26.53(f), the Authority will include the following clause in each DOT-assisted prime contract:

The prime contractor shall utilize the specific DBEs listed to perform the work and supply the materials for which each is listed unless the contractor obtains the Authority's written consent in accordance with 49 CFR §26.53(f) and the Authority's DBE Program, a copy of which is available at <http://www.grr.org/documents-forms.php>. Unless consent is provided, the contractor may not terminate a DBE listed to perform the work or supply the materials and shall not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE.

#### Copies of DBE Subcontracts

Pursuant to 49 CFR §26.53, the Authority will include the following clause in each DOT-assisted prime contract:

The prime contractor will make available upon request a copy of all DBE subcontracts. In addition, the prime contractor shall ensure that all subcontracts or agreements with DBEs to supply labor or materials require

that the subcontract and all lower tier subcontractors be performed in accordance with 49 CFR Part 26.

K. Fostering Small Business Participation

The MDOT Program incorporates a small business program in Section 26.39 and Attachment 10. Such small business program was created to structure contracting requirements to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation, including unnecessary and unjustified bundling of contract requirements that may preclude small business participation in procurements as prime contractors or subcontractors. The Authority will actively implement elements of the MDOT Program to foster small business participation recognizing that doing so is a requirement of good faith implementation of this DBE Policy.

L. Monitoring and Enforcement Mechanisms

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

- i. The Authority will bring to the attention of the DOT any false, fraudulent, or dishonest conduct in connection with the DBE Program, so that DOT can take 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 provided in 49 CFR §26.109). The Authority also will consider similar actions under the MDOT and its own legal authorities, including responsibility determinations in future contracts.
- ii. The Authority will implement a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award or subsequently (i.e., as the result of modification to the contract) is actually performed by the DBEs to which the work was committed.
- iii. The Authority will implement a monitoring and enforcement mechanism that will include written certification that it has reviewed contracting records and monitored work sites for this purpose. Authority employees will visit project sites on a random spot-check basis to assure that DBE sub-contractors are on-site and performing contracted duties in compliance with 49 CFR Part 26.
- iv. The Authority will implement a mechanism that will provide for a running tally of actual DBE attainments (e.g., payment actually made to DBE firms), including a means of comparing these attainments to commitments. In its reports of DBE participation to the MDOT, the Authority will show both commitments and attainments, as required by the DOT uniform reporting form.



M. Overall Goals

Establishment

The MDOT, as agent for the Authority, will establish three-year overall goals if the Authority anticipates awarding FAA funded prime contracts exceeding \$250,000 annually within one or more of the reporting years within the three-year goal period. If the Authority does not anticipate awarding more than \$250,000 in FAA funding annually during the three-year reporting period, neither it, nor the MDOT as agent for the Authority, will develop an overall goal; however, the existing DBE Program will remain in effect and the Authority will seek to fulfill the objectives outlined in 49 CFR §26.1.

Amount of Goal

The overall goal of the Authority is determined annually as a percentage of the Federal financial assistance to be expended on DOT-assisted contracts.

Method

The MDOT, as agent for the Authority, will establish the overall goal for the Authority. A description of the methodology used by the MDOT to calculate the overall goal and the goal calculations can be found in Section 26.45 and Attachment 5 of the MDOT Program. The overall goals established by the MDOT, as agent for the Authority, may be obtained from the DBELO.

In the event that the MDOT no longer acts as the Authority's agent in establishing the overall goal, the Authority will revise this DBE Policy to describe the methodology it uses in accordance with 49 CFR Part 26.

Process

The MDOT, as agent for the Authority, will establish the overall goal for the Authority. A description of the process used by the MDOT to establish the overall goals can be found in Section 26.45 and Attachment 5 of the MDOT Program.

To assist the MDOT, the Authority shall submit its proposed list of projects for the following calendar year to the MDOT by August 1 of each year.

The Authority will begin using the overall goal on October 1 of each year, unless it receives other instructions from the MDOT or DOT. If the MDOT, as the agent of the Authority, establishes a goal on a project basis, the Authority will begin using the goal by the time of the first solicitation for a DOT-assisted contract for the project.

In the event that the MDOT no longer acts as the Authority's agent in establishing the overall goal, the Authority will revise this DBE Policy to describe the process it uses in accordance with 49 CFR Part 26.

Breakout of Estimated Race-Neutral and Race-Conscious Participation

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment 5 to the MDOT Program. In the event that the MDOT no longer acts as the Authority's agent in establishing the overall goal, the Authority will revise this DBE Policy to include the breakout of estimated race-neutral and race-conscious participation in accordance with 49 CFR Part 26.

Failure to Meet Overall Goals

If the overall goals of the Authority, as established by the MDOT, are not met, the DBELO will assist the MDOT with the actions identified in Section 26.47 of the MDOT Program. In the event that the MDOT no longer acts as the Authority's agent in establishing the overall goals, the Authority will revise this DBE Policy to describe actions it will take in accordance with 49 CFR Part 26.

N. Contract Goals

The Authority will use contract goals to meet any portion of the overall goal that the Authority 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 Authority's overall goal that is not projected to be met through the use of race-neutral means.

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

The Authority will express contract goals as a percentage of the Federal share of a DOT-assisted contract.

The MDOT, as agent for the Authority, will establish contract goals for the Authority. A description of the process used by the MDOT to establish contract goals can be found in Section 26.51 and Attachment 5 of the MDOT Program. The contract goals established by the MDOT, as agent for the Authority, may be obtained from the DBELO. In the event that the MDOT no longer acts as the Authority's agent in establishing contract goals, the Authority will revise this DBE Policy in accordance with 49 CFR Part 26

O. Good Faith Effort

Information to be submitted

The Authority treats bidder/offeror compliance with good faith effort requirements as a matter of responsiveness.

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

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

#### Demonstration of Good Faith Efforts

The obligation of the bidder/offeror is to make good faith efforts. The bidder/offeror can demonstrate that it has done so either by meeting the contract goal or documenting good faith efforts. Examples of good faith efforts are found in Appendix A to 49 CFR Part 26.

The following personnel are 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: (1) The Michigan Department of Transportation, Bureau of Aeronautics, DBE Waiver Committee-Airports Division Administrator, Project Section manager and/or (2) the DBELO.

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

#### Administrative Reconsideration

Within ten days of being informed by Authority that it is not responsive, because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration.

The bidder/offeror should make this request in writing to the DBELO at 5500 44th Street, Grand Rapids, Michigan, 49512. The DBELO will promptly forward the request to an official who did not take part in the original determination that the bidder/offeror failed to meet the goal or make adequate good faith efforts to do so (Reconsideration Official).

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. The Reconsideration Official will send the bidder/offeror a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

#### Termination of a DBE

A prime contractor must not terminate a DBE subcontractor without the Authority's prior written consent. In addition to post-award terminations, the provisions of this section apply to pre-award deletions of or substitutions for DBE subcontractors put forward by offerors in negotiated procurements.

The Authority will provide such written consent only if the Authority agrees, for reasons stated in the Authority's concurrence document, that the prime contractor has good cause to terminate the DBE subcontractor. For purposes of this paragraph, good cause includes the circumstances described in 49 CFR §26.53.

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

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

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

#### Good Faith Efforts when a DBE is Replaced

The Authority will require a contractor to make good faith efforts to replace a DBE that is terminated or has otherwise failed to complete its work on a contract with another certified DBE, to the extent needed to meet the contract goal. The Authority will require the prime contractor to notify the DBELO immediately of the DBEs inability or unwillingness to perform and provide reasonable documentation. In this situation, the Authority will require the prime contractor to

obtain the Authority's prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts. If the contractor fails or refuses to comply in the time specified, the Authority may issue an order stopping all or part of payment/work until satisfactory action has been taken. If the contractor still fails to comply, the Authority may issue a termination for default proceeding.

#### Sample Bid Specification

The Authority will ensure that the following language is included in bids for nonconstruction and construction contracts when a contract goal is specified:

The requirements of 49 CFR Part 26, Regulations of the U.S. Department of Transportation, apply to this contract. It is the policy of the Gerald R. Ford International Airport Authority to practice nondiscrimination based on race, color, sex, or national origin in the award or performance of this contract. All firms qualifying under this solicitation are encouraged to submit bids/proposals. Award of this contract will be conditioned upon satisfying the requirements of this bid specification. These requirements apply to all bidders/offers, including those who qualify as a DBE. A DBE contract goal of \_\_\_\_ percent has been established for this contract. The bidder/offers shall make good faith efforts, as defined in Appendix A of 49 CFR Part 26, to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offers will be required to submit the following information: (1) the names and addresses of DBE firms that will participate in the contract; (2) a description of the work that each DBE firm will perform; (3) the dollar amount of the participation of each DBE firm participating; (4) written documentation of the bidder/offers's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; (5) written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); and (5) if the contract goal is not met, evidence of good faith efforts.

#### P. Counting DBE Participation

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

Q. Certification

Process

The MDOT shall act as agent for the Authority in handling certifications and will use the certification standards established by the UCP. Such standards follow the certification standards Subpart D of 49 CFR Part 26 and the certification procedures of Subpart E of 49 CFR 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 under the UCP. Certifications decisions are based on the facts as a whole.

For information about the certification process or to apply for certification, firms should contact: Michigan Department of Transportation, Office of Equal Opportunity, 425 West Ottawa Street, Lansing, Michigan 48933. Certification application forms and documentation requirements are found as Attachments 8 and 9 to the MDOT Program.

The MDOT shall also act as an agent for the Authority in handling removal of a DBE's certification. For a copy of the MDOT's procedural manual contact the MDOT, at the above address.

Unified Certification Program

The Authority is the member of a Unified Certification Program (UCP) administered by the MDOT. The UCP meets all of the requirements of this section. A copy of the UCP Program is attached as Attachment 9 to the MDOT Program.

Certification Appeals

Any firm or complainant may appeal a decision in a certification matter to DOT. Such appeals may be filed in accordance with 49 CFR §26.89 and sent to:

U.S. Department of Transportation  
Departmental Office of Civil Rights  
1200 New Jersey Avenue SE,  
Washington, DC 20590-0001

Pending the DOT's decisions in the matter, the certification decision remains in effect. The DOT does not stay the effect of the certification decision while it is considering an appeal. All decisions by the DOT are administratively final and are not subject to petitions for reconsideration.

The Authority will promptly implement any DOT certification appeal decisions affecting the eligibility of DBEs for DOT-assisted contracts (e.g., certify a firm if DOT has determined that the denial of its application was erroneous).

### Recertifications

The MDOT shall act as agent for the Authority in handling re-certifications in accordance with the requirements of 49 CFR Part 26.

### “No Change” Affidavits and Notices of Change

The MDOT shall act as agent for the Authority in handling "no change" affidavits, and annual affirmation of DBE Program eligibility. The MDOT will require all DBEs to inform the Authority, in a written affidavit, of any change in 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 specific DBEs application for certification.

The MDOT will also require all owners of all MDOT-certified DBE firms to submit, on the anniversary date of their certification, a Notice of Change and Annual Affirmation of DBE Program Eligibility affidavit meeting the requirements of 49 CFR §26.83(j).

### Information Collection and Reporting – Bidders List

The Authority, individually or through its agent, the MDOT, will create a bidder's list, consisting of information about all DBE and non-DBE firms that bid or quote on DOT-assisted contracts. The purpose of this requirement is to allow use of the bidders list approach to calculating overall goals. The bidder's list will include the name, address, DBE/non-DBE status, age, and annual gross receipts of firms. The Authority will require the prime bidders to report the names/addresses of DBEs who submitted quotations for subcontract opportunities and for DBEs that were awarded subcontracts.

### Monitoring Payments to DBEs

The Authority 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 Authority, the MDOT, or DOT. This reporting requirement also extends to any certified DBE subcontractor.

The Authority, individually or through its agent, the MDOT, will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

The Authority, individually or through its agent, the MDOT, will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

Reporting to DOT

The Authority will report DBE participation to DOT as follows:

The Authority, individually or through its agent, the MDOT, will submit annually DOT Form 4630, Uniform Report of DBE Commitments/Awards and Payments, as modified for use by FAA recipients.

Confidentiality

The Authority will safeguard from disclosure to third parties information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. A summary of Michigan's Freedom of Information Act, Act 442 of the Michigan Public Acts of 1976, as amended, is attached as Attachment 11 of the MDOT Program. Notwithstanding any contrary provisions of state or local law, the Authority will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than MDOT and DOT) without the written consent of the submitter.

**7. OTHER ELEMENTS - None**

**8. EXCEPTIONS - None**

**9. DURATION**

Indefinite, subject to periodic review and modification.

**10. REVIEW**

The Authority shall review this policy at least every two years and make recommendations for changes to the Authority Board.

**11. REVISION HISTORY**

Originated – March 30, 2016

**12. RELATED POLICIES**

None

[End of Policy – Attachments to Follow]



**Attachment A**  
**Organizational Chart**  
**(see attached)**

