

DISADVANTAGE BUSINESS ENTERPRISES PROGRAM

49 CFR Part 26



Luis Muñoz Marín International Airport (SJU)
Carolina, Puerto Rico

DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

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POLICY STATEMENT

Section 26.1, 26.23 Objectives/Policy Statement

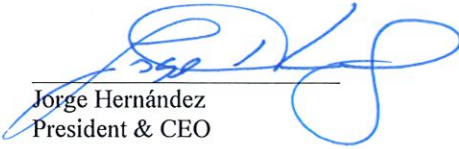
Aerostar Airport Holdings, LLC. ("Aerostar"), owner of Luis Muñoz Marín International Airport ("LMMIA"), has established a Disadvantaged Business Enterprise (DBE) Program in accordance with regulations of the U.S. Department of Transportation ("DOT"), 49 CFR Part 26. Aerostar has received financial assistance from the DOT, and as a condition of receiving this assistance, Aerostar has signed an assurance that it will comply with 49 CFR Part 26 (hereafter referred to as "Part 26").

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

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

Mrs. Shara Mathew-López has been designated as the DBE Liaison Officer. In that capacity, the DBE Liaison Officer 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 Aerostar in its financial assistance agreements with the DOT.

Aerostar has disseminated this policy statement to the executive management team, and all the components of our organization. This statement has been distributed to DBE and non-DBE business communities that may perform work on Aerostar DOT-assisted contracts. The distribution was accomplished by posting on www.aeropuertosu.com.


Jorge Hernández
President & CEO

05/26/2024
Date

Subpart A - General Requirements

Section 26.1 - Objectives

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

Section 26.3 - Applicability

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

Section 26.5 - Definitions

PRHTA – Puerto Rico Highway and Transit Authority

PRPA – Puerto Rico Port Authority

Aerostar will adopt the definitions contained in Part 26, §26.5.

Section 26.7 - Non-discrimination Requirements

Aerostar 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 based on race, color, sex, or national origin.

In administering its DBE program, Aerostar 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: 26.11(b)

Aerostar will provide data about its DBE Program to the Department as directed by DOT operating administrations.

DBE participation will be reported to DOT/FAA as follows:

Aerostar will transmit to FAA annually, by or before December 1, the information required for the “Uniform Report of DBE Awards or Commitments and Payments”, as described in Appendix B to Part 26. Aerostar will similarly report the required information about participating DBE firms. All reporting will be done through the FAA official reporting system, or another format acceptable to FAA as instructed thereby.

Bidders List: 26.11(c)

Aerostar will create and maintain a bidders list. The purpose of this list is to provide as accurate data as possible about the universe of DBE and non-DBE contractors and subcontractors who seek to work on Aerostar’s DOT-assisted contracts, for use in helping to set our overall goals. The bidder list will include the name, address, DBE and non-DBE status, age of firm, and annual gross receipts of firms.

This information will be collected in the following way(s):

Aerostar will maintain records of all bidders which include names, addresses, DBE and non-DBE status, age, and annual gross receipts of the firm. Aerostar will use a contract clause requiring prime bidders to report the names, addresses, and possibly other information of all firms who quote to them on subcontracts. The Puerto Rico Ports Authority maintains records of all DBE firms which include annual gross receipts.

Records Retention and Reporting: 26.11(d)

Aerostar will maintain records documenting a firm's compliance with the requirements of this part. At a minimum, Aerostar will keep a complete application package for each certified firm and all affidavits of no-change, change notices, and on-site reviews. These records will be retained in accordance with all applicable record retention requirements of Aerostar financial assistance agreement. Other certification or compliance related records will be retained for a minimum of three (3) years unless otherwise provided by applicable record retention requirements for the financial assistance requirements, whichever is longer.

Aerostar, as a member of the Puerto Rico UCP established pursuant to §26.81, will report to the Department of Transportation's Office of Civil Rights each year the percentage and location in the State of certified DBE firms in the UCP Directory controlled by the following:

- 1) Women.
- 2) Socially and economically disadvantaged individuals (other than women); and
- 3) Individuals who are women and are otherwise socially and economically disadvantaged individuals.

Section 26.13 - Federal Financial Assistance Agreement

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

Assurance: 26.13(a)

Each financial assistance agreement Aerostar signs with a DOT operating administration (or a primary recipient) will include the following assurance:

Aerostar shall not discriminate based on 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. Aerostar 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 Aerostar 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 Aerostar of its failure to carry out its approved program, the Department may impose sanction as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

Contract Assurance: 26.13(b)

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

The contractor, sub-recipient, or subcontractor shall not discriminate based on 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.

Subpart B - Administrative Requirements

Section 26.21- DBE Program Updates

Aerostar is required to have a DBE program meeting the requirements of this part as it will receive grants for airport planning or development and will award prime contracts, cumulative total value of which exceeds \$250,000 in FAA funds in a federal fiscal year. Aerostar is not eligible to receive DOT financial assistance unless DOT has approved this DBE program and Aerostar follows it and Part 26. Aerostar will continue to carry out this program until all funds from DOT financial assistance have been expended. Aerostar does not have to submit regular updates of the DBE program document if it remains in compliance. However, significant changes in the program, including those required by regulatory updates, will be submitted for DOT approval.

Section 26.23 - Policy Statement

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

Section 26.25 DBE Liaison Officer (DBELO)

The following individual has been designated as the DBE Liaison Officer:

Shara Mathew López
DBE/ACDBE Liaison Officer
Terminal D, First Level
Luis Muñoz Marín International Airport Carolina, PR 00979
(787) 289-7240 ext. 2911
shara.mathew@aerostarairports.com

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that Aerostar complies with all provisions of 49 CFR Part 26. The DBELO has direct, independent access to the Chief Executive Officer concerning DBE Program matters. An organization chart displaying the DBELO's position in the organization is included in Attachment 2 to this program.

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

1. Gathers and reports statistical data and other information as required by DOT.
2. Develop policies, procedures, rules, and guidelines related to the DBE Program
3. Reviews third Party contracts and purchase requisitions for compliance with this program.
4. Works with all departments to set overall annual goals.
5. Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.
6. Identifies contracts and procurements so that DBE goals are included in solicitations, both race-neutral methods and contract specific goals attainment and monitors results
7. Analyzes Aerostar's progress toward goal attainment and identifies ways to improve progress.
8. Participates in pre-bid meetings/proposal meetings.
9. Advises the CEO and Board of Directors on DBE matters and achievement.
10. Provides DBEs with information and assistance in preparing bids, obtaining bonding, financing, and insurance.
11. Plans and participates in DBE training seminars.
12. Determine contractor compliance with good faith efforts.
13. Acts as liaison with the PRPA Unified Certification Program
14. Provides outreach to DBEs and community organizations to advise them of opportunities.
15. Provide assistance to the contractors and consultants relative to the DBE Program
16. Monitor activities related to the DBE program.
17. Serve as a liaison with the DBEs and prime contractors.

Section 26.27 - DBE Financial Institutions

It is the policy of Aerostar 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 contract to make use of these institutions.

Aerostar has not identified financial institutions owned and controlled by socially and economically disadvantaged individuals in the community. Aerostar will annually investigate if there are new financial institutions that qualify.

Section 26.29 - Prompt Payment Mechanisms

Aerostar requires that all subcontractors performing work on DOT assisted contract should be promptly paid for work performed pursuant to their agreements, in accordance with all relevant federal, state, and local law.

In accordance with 49 CFR §26.29, Aerostar established a contract clause implementing this requirement and requires prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 30 days from the prime contractor's receipt of each payment from Aerostar.

Aerostar ensures prompt and full payment of retainage from the prime contractor to the subcontractor within 15 days after the subcontractor's work is satisfactorily completed. Pursuant to §26.29, Aerostar has selected the following method to comply with this requirement:

Hold retainage from prime contractors and provide for prompt and regular incremental acceptances of portions of the prime contract, pay retainage to prime contractors based on these acceptances, and require a contract clause obligating the prime contractor to pay all retainage owed to the subcontractor for satisfactory completion of the accepted work within 15 days after payment to the prime contractor.

To implement this measure, Aerostar includes the following clause from FAA Advisory Circular 150/5370-10 in each DOT-assisted prime contract:

Partial payments will be made to the Contractor at least once each month as the work progresses. Said payments will be based upon estimates, prepared by the Resident Project Representative (RPR), of the value of the work performed and materials complete and in place, in accordance with the contract, plans, and specifications. Such partial payments may also include the delivered actual cost of those materials stockpiled and stored in accordance with paragraph 90-70, Payment for Materials on Hand. No partial payment will be made when the amount due to the Contractor from the last estimate amounts to less than five hundred dollars.

- a. *From the total of the amount determined to be payable on partial payment, 10% percent of such total amount will be deducted and retained by Aerostar for protection of Aerostar's interests. Unless otherwise instructed by Aerostar, the amount retained by Aerostar will be in effect until the final payment is made except as follows:*
 - 1) *The contractor may request release of retainage on work that has been partially accepted by Aerostar in accordance with Section 50-14. Contractors must provide a certified invoice to the RPR that supports the value of retainage held by Aerostar for partially accepted work.*
 - 2) *In lieu of retainage, the Contractor may exercise at its option the establishment of an escrow account per paragraphs 90-08.*
- b. *The Contractor is required to pay all subcontractors for satisfactory performance of their contracts no later than 15 days after the Contractor has received a partial payment. Contractor must provide Aerostar evidence of prompt and full payment of retainage held by the prime Contractor to the subcontractor within 15 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 Aerostar. When*

Aerostar 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.

- c. *When at least 95% of the work has been completed to the satisfaction of the RPR, the RPR shall, at Aerostar's discretion and with the consent of the surety, prepare estimates of both the contract value and the cost of the remaining work to be done. The remainder, less all previous payments and deductions, will then be certified for payment to the Contractor.*

Section 26.31- Directory

Aerostar is a certifying member of the Puerto Rico Unified Certification Program (UCP). The UCP maintains a directory identifying all firms eligible to participate as DBEs, which contains all the elements required by §26.31.

The Puerto Rico UCP revises and updates the Directory monthly. The Directory is available in the following link:

<https://act.dtop.pr.gov/wp-content/uploads/2024/01/DBE-Business-Directory-Updated-January-2024.pdf>

Section 26.33 – Over-concentration

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

Section 26.37 - Monitoring Responsibilities

Aerostar implements and carries out appropriate mechanisms to ensure compliance with 49 CFR Part 26 program requirements by all program participants, including prompt payment, and describes and set forth these mechanisms in Aerostar's DBE program.

Aerostar actively monitors participation by maintaining a running tally of actual DBE attainments (e.g., payment made to DBE firms), including means of comparing these attainments to commitments.

Monitoring Payments to DBEs and non-DBEs

Aerostar undertakes ongoing monitoring of prime payments to subcontractors over the course of any covered contract. Such monitoring activities will be accomplished through the following method(s):

1. Aerostar will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that DOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the DOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.107.
2. Aerostar will consider similar action under our local legal authorities, including responsibility determinations in future contracts. Attachment 7 lists the regulation, provisions, and contract remedies available to Aerostar in the events of non-compliance with the DBE regulation by a participant in our procurement activities.
3. Aerostar will implement a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award or subsequently (as the result of modification to the contract) is performed by the DBEs to which the work was committed.
4. Aerostar will implement a mechanism that will provide for a running tally of actual DBE attainments (e.g., payment made to DBE firms), including a means of comparing these attainments to commitments.
5. Aerostar will implement a monitoring and enforcement mechanism that will include written certification that Aerostar has reviewed contracting records and monitored work sites for this purpose. Aerostar monitoring and enforcement mechanisms are included in Attachment 7.

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

- Aerostar proactively reviews contract payments to subcontractors including DBE on a quarterly basis. Payment reviews will evaluate whether the actual amount paid to DBE subcontractors is equivalent to the amounts reported to Aerostar by the prime contractor.

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

- Aerostar will include, in each DOT-assisted contract, a clause providing that the prime contractor will not be reimbursed for work performed by subcontractors unless and until the prime contractor ensures that the subcontractors are promptly paid for the work they have performed.
 - **Prompt Payment (§ 26.29)** – The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than fifteen (15) days from the receipt of each payment the prime contractor receives from Aerostar. The prime contractor agrees further to return retainage payments to each subcontractor within fifteen (15) days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment from the above referenced time frame may occur only for good cause following written approval of Aerostar. This clause applies to both DBE and non-DBE subcontractors.

Prompt Payment Complaints

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

- The subcontractor shall first seek resolution of any payment discrepancies from the prime contractor using the terms of the contract agreement between the prime and the subcontractor.
- If the subcontractor is unsuccessful, then it should seek resolution from Aerostar DBELO. The subcontractor must be prepared to cite the terms of the contractual agreement they believe have not been met. The DBELO will consult with the project engineer (PE) or the resident project representative (RPR) to verify and confirm that the work was satisfactorily performed by the subcontractor, if applicable.
- If the subcontractor is unsuccessful in gaining timely and meaningful action or resolution from the Aerostar DBELO within ten (10) days, the subcontractor shall contact the Federal Aviation Administration.
- Pursuant to Sec. 157 of the FAA Reauthorization Act of 2018, all complaints related to prompt payment will be reported in a format acceptable to the FAA, including the nature and origin of the complaint and its resolution.

Enforcement Actions for Noncompliance of Participants

Aerostar will provide appropriate means to enforce the requirements of §26.29. These means may include:

- In accordance with the contract, assessing liquidated damages against the prime contractor for each day beyond the required time period the prime contractor fails to pay the subcontractor.
- Advise subcontractors of the availability of the payment and performance bond to assure payment for labor and materials in the execution of the work provided for in the contract.
- Pay subcontractors directly and deduct this amount from the retainage owed to the prime.
- Withholding progress payments.
- Disqualifying the contractor from bidding on future contracts.
- Other remedies Aerostar deems appropriate.

Section 26.39 – Fostering small business participation.

Aerostar has created a small business element 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.

Aerostar small business element is incorporated as Attachment 10 to this DBE Program. The program elements will be actively implemented to foster small business participation.

Subpart C - Goals, Good Faith Efforts, And Counting

Section 26.43 - Set-asides or Quotas

Aerostar does not use quotas in any way in the administration of this DBE program.

Section 26.45 - Overall Goals

Aerostar will establish an overall DBE goal covering a three-year federal fiscal year period if it anticipates awarding DOT-funded prime contracts the cumulative total value of which exceeds \$250,000 in DOT funds during any one or more of the reporting fiscal years within the three-year goal period. In accordance with Section 26.45(f), Aerostar will submit its Overall Three-year DBE Goal to FAA by August 1st of the year in which the goal is due, as required by the schedule established by and posted to the website of the Federal Aviation Administration.

https://www.faa.gov/sites/faa.gov/files/about/office_org/headquarters_offices/acr/DBE_and_ACDBE_Reporting_Requirements_Schedule_Final.pdf

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

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

In establishing the overall goal each year, Aerostar will consult with minority, women's and general contractor groups, community organizations, and other officials or organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBEs, and Aerostar efforts to establish a level playing field for the participation of DBEs.

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

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

In establishing the overall goal, Aerostar will provide consultation and publication. This includes consultation with minority, women's and general contractor groups, community organizations, and other officials or organizations which could be expected to have information concerning the availability of disadvantaged and non-disadvantaged

businesses, the effects of discrimination on opportunities for DBEs, and the efforts by Aerostar to establish a level playing field for the participation of DBEs. The consultation will include a scheduled, direct, interactive exchange (e.g., a face-to-face meeting, video conference, teleconference) with as many interested stakeholders as possible focused on obtaining information relevant to the goal setting process, and it will occur before Aerostar is required to submit the goal methodology to the operating administration for review pursuant to §26.45(f). The goal submission will document the consultation process in which Aerostar engaged. Notwithstanding paragraph (f)(4) of §26.45, the proposed goal will not be implemented until this requirement is met.

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

The Overall Three-Year DBE Goal submission to FAA will include a summary of information and comments received, if any, during this public participation process and Aerostar responses.

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

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

Project Goals

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

If a goal is established on a project basis, the goal will be used by the time of the first solicitation for a DOT-assisted contract for the project.

Prior Operating Administration Concurrence

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

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

Section 26.47 Failure to meet overall goals.

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

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

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

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

Section 26.51- Means Recipients Use to Meet Overall Goal

Breakout of Estimates Race-Neutral & Race-Conscious Participation

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

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

- (1) Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under §26.39.
- (2) Helping in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs, and other small businesses, obtain bonding and financing)
- (3) Providing technical assistance and other services.
- (4) Carrying out information and communications programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists for bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate).
- (5) Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses.
- (6) Providing services to help DBEs, and other small businesses, improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency.
- (7) Establishing a program to assist new, start-up firms, particularly in fields in which DBE participation has historically been low.
- (8) Ensuring distribution of the DBE directory, through print and electronic means, to the widest feasible universe of potential prime contractors; and
- (9) Assisting DBEs, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media.

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment 5 to this program.

Aerostar will arrange solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate participation by DBEs and other small businesses and by making contracts more accessible to small businesses, by means such as those provided under §26.39.

Contract Goals

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

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

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

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

Demonstration of Good Faith Efforts (Pre-Award)

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

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

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

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

1. The award of the contract will be conditioned on meeting the requirements of these sections.
2. All bidders or offerors will be required to submit the following information to Aerostar, at the time provided in paragraph three (3) of this section:
 - i. The names and addresses of DBE firms that will participate in the contract.
 - ii. A description of the work that each DBE will perform. To count toward meeting a goal, each DBE firm must be certified in a NAICS code applicable to the kind of work the firm would perform on the contract.
 - iii. The dollar amount of the participation and percentage of participation of each DBE and Non-DBE firm participating.
 - iv. Written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet a contract goal; and
 - v. Written confirmation from each listed DBE and Non-DBE firm that it is participating in the contract in the kind and amount of work provided in the prime contractor's commitment.
 - vi. If the contract goal is not met, evidence of good faith efforts (as elaborated in Appendix A of Part 26). The documentation of good faith efforts must include copies of each DBE and Non-DBE subcontractor

quote submitted to the bidder when a non-DBE subcontractor was selected over DBE for work on the contract. The follow are examples of Good Faith Efforts:

- a. Fax logs / emails and copies of documents sent.
- b. Copies of written correspondence to DBE firms (include names, addresses, and other identifying information)
- c. Phone logs with responses (phone contacts, alone, are insufficient.)
- d. List and copies of letters sent by mail, hand-delivered, or emailed.
- e. Copies of advertisements in local newspapers.
- f. Copies of all bids received in response to Bidder contacting other Firms.

3. The bidder/offeror will be required to present the information stipulated in paragraph two (2) of this section under sealed bid procedures, as a matter of responsiveness.

Further detailed information regarding the DBE Compliance Plan can be found in Attachment 6. Bidders/proposers must notify DBEs of subcontracting/sub consulting opportunities at least five business days before submission of the bid/proposal.

Administrative Reconsideration

Within 5 days of being informed by Aerostar that it is not responsive because it has not documented adequate good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official:

Zulema E. Martínez Álvarez
P.O. Box 38085
San Juan, P.R. 00937-1085
787-289-7240

zulema.martinez@aerostarairports.com

As part of this reconsideration, the bidder/offeror will have the opportunity to provide written documentation or argument concerning the issue of whether it met the goal or made adequate good faith efforts to do so. The bidder/offeror will have the opportunity to meet in person with the reconsideration official to discuss the issue of whether the goal was met, or the bidder/offeror made adequate good faith efforts to do. The bidder/offeror will be sent a written decision on reconsideration, explaining the basis for finding that the bidder/offeror did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department of Transportation.

Good Faith Efforts Procedural Requirements (Post-Solicitation)

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

Prime contractors will be prohibited from terminating a DBE subcontractor listed in response to a covered solicitation (or an approved substitute DBE firm) without the prior written consent of Aerostar. This includes, but is not limited to, instances in which a prime contractor seeks to perform work originally designated for a DBE subcontractor with its own forces or those of an affiliate, a non-DBE firm, or another DBE firm.

Such written consent will be provided only if Aerostar agrees, for reasons stated in the concurrence document, that the prime contractor has good cause to terminate the DBE firm. For purposes of this paragraph, good cause includes the following circumstances:

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

2. The listed DBE subcontractor fails or refuses to perform the work of its subcontract in a way consistent with normal industry standards. Provided, however, that good cause does not exist if the failure or refusal of the DBE subcontractor to perform its work on the subcontract results from the bad faith or discriminatory action of the prime contractor.
3. The listed DBE subcontractor fails or refuses to meet the prime contractor's reasonable, non-discriminatory bond requirements.
4. The listed DBE subcontractor becomes bankrupt, insolvent, or exhibits credit unworthiness.
5. The listed DBE subcontractor is ineligible to work on public works projects because of suspension and debarment proceedings pursuant to 2 CFR Parts 180, 215 and 1,200 or applicable state law.
6. Aerostar have determined that the listed DBE subcontractor is not a responsible contractor.
7. The listed DBE subcontractor voluntarily withdraws from the project and provides Aerostar with written notice of its withdrawal.
8. The listed DBE is ineligible to receive DBE credit for the type of work required.
9. A DBE owner dies or becomes disabled with the result that the listed DBE contractor is unable to complete its work on the contract; and
10. Another documented cause is that Aerostar has determined compels the termination of the DBE subcontractor. Provided, that good cause does not exist if the prime contractor seeks to terminate a DBE it relied upon to obtain the contract so that the prime contractor can self-perform the work for which the DBE contractor was engaged or so that the prime contractor can substitute another DBE or Non-DBE contractor after contract award.

Before transmitting to Aerostar, 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 Aerostar, of its intent to request to terminate and/or substitute, and the reason(s) for the request.

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

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

Each prime contractor will include a provision stating:

The contractor shall utilize the specific DBEs listed in the contractor's bid/solicitation response to perform work and supply the materials for which each is listed unless the contractor obtains prior written consent of Aerostar as provided in 49 CFR Part 26, §26.53(f). Unless such consent is provided, the contractor shall not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE.

Aerostar 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. These good faith efforts shall be directed at finding another DBE to perform at least the same amount of work under the contract as the DBE that was terminated, to the extent needed to meet the contract goal that was established for the procurement. Your good faith efforts shall be documented by the contractor. If Aerostar requests documentation from the contractor under this provision, the contractor shall submit the documentation within seven (7) days, which may be extended for an additional seven (7) days of necessary at the request of the contractor. Aerostar should provide a written determination to the contractor stating whether or not good faith efforts have been demonstrated.

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

Section 26.55 - Counting DBE Participation

DBE participation will be counted toward overall and contract goals as provided in §26.55. The participation of a DBE subcontractor will not be counted toward a contractor's final compliance with its DBE obligations on a contract until the amount being counted has been paid to the DBE.

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

Subpart D - Certification Standards

Section 26.61 - 26.73 - Certification Process

Aerostar is an official member of the Puerto Rico Unified Certification Program (PRUCP) and is responsible only for the Airport DBEs new certifications and review of existing firms doing business at the Luis Muñoz Marín International Airport (LMMIA). Under no circumstances Aerostar shall evaluate and/or certify other airports or agency's DBEs, unless the firm requesting certification intends to do business at or for LMMIA as well.

Aerostar 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. Aerostar makes all certification decisions based on the facts.

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

Shara Mathew López

DBE/ACDBE Liaison Officer

PO Box 38085, San Juan, PR 00937-1085

Fax (787) 289-7241

shara.mathew@aerostarairports.com

The Uniform Certification Application form and documentation requirements are found in Attachment 8 to this program.

Subpart E - Certification Procedures

Section 26.81 - Unified Certification Programs

Aerostar is a member of the Puerto Rico Unified Certification Program (UCP) administered by the Puerto Rico Highway & Transportation Authority (PRHTA). The UPC will meet all the requirements of this section.

Section 26.83 Procedures for Certification Decisions

Only firms certified as eligible DBEs under §26.83 may participate as DBEs in this program. Aerostar will take all required steps outlined in §26.83(c) in determining whether a DBE firm meets the standards of Subpart D of Part 26.

Once a firm has been certified as a DBE, it shall remain certified until and unless its certification has been removed, in whole or in part, through the procedures of §26.87, except as provided in §26.67(b)(1).

DBEs will not be required to reapply for certification or undergo a recertification process. However, a certification review of a certified DBE firm may be conducted, including a new onsite review, if appropriate, in light of changed circumstances (e.g., of the kind requiring notice under paragraph (i) of this section or relating to suspension of certification under §26.88), a complaint, or other information concerning the firm's eligibility. If information comes

to the attention of Aerostar that leads to questions regarding the firm's eligibility, an on-site review may be conducted on an unannounced basis, at the firm's offices and job sites.

"No Change" Affidavits and Notices of Change

The UCP requires all DBEs owners to provide 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 firm's original application for certification.

The UCP also requires all DBE owners to submit every year, on the anniversary date of their certification, a "no change" affidavit meeting the requirements of §26.83(j).

The text of this affidavit is the following:

"I hereby affirm under penalty of perjury that the following statements and information are true and correct and include all material information necessary to identify and explain the operation of [NAME OF FIRM].

The information provided is solely to determine if the firm qualifies as a small business: (The corporate income tax return of the firm for the last year is attached). The gross receipts of the company for each of the last five (5) years are:

- | | |
|----------------------|----------|
| 1. Year ending _____ | \$ _____ |
| 2. Year ending _____ | \$ _____ |
| 3. Year ending _____ | \$ _____ |
| 4. Year ending _____ | \$ _____ |
| 5. Year ending _____ | \$ _____ |

The undersigned agrees to provide current, complete, and accurate information in relation to the certification of the Firm as a DBE firm with the Unified Certification Program of the Commonwealth of Puerto Rico; and affirms that there have been no changes in the Firm's circumstances affecting its ability to meet the size, disadvantaged status, ownership or control requirements of 49 CFR Part 26. I affirm that there have been no material changes in the information provided with [NAME OF FIRM] application for certification, except for any changes about which I have provided written notice to the UCP under 26.83(l). The above-mentioned firm meets Small Business Administration (SBA) criteria for being a small business concern and its average annual gross receipt (as defined by SBA rules) over the firm's previous five fiscal years do not exceed \$30.40 million."

The UCP requires DBEs to submit documentation with this affidavit regarding the firm's size and gross receipts (e.g., submission of federal tax returns).

The UCP will notify all currently certified DBE firms of these obligations. This notification will inform DBEs that to submit the "no change" affidavit, their owners must swear or affirm that they meet all regulatory requirements of Part 26, including personal net worth. The notification will likewise inform the DBE that if a firm's owner knows or should know that he or she, or the firm, fails to meet a Part 26 eligibility requirement (e.g. personal net worth, business size), the obligation to submit a notice of change applies.

Section 26.85 Interstate Certification

When a firm currently certified in its home state ("State A") applies to a member of this State's UCP ("State B") for DBE certification, the UCP will follow the procedures defined in §26.85(c).

Section 26.86 Denials of Initial Requests for Certification

If a currently certified DBE firm is decertified, or if an applicant firm's initial application is denied, the affected firm may not reapply until twelve (12) months have passed from such action. The time-period for reapplication begins to run on the date the explanation required by paragraph (a) of §26.86 is received by the firm. If an applicant appeals this decision to the Department of Transportation pursuant to §26.89, such an appeal does not extend the waiting period.

Section 26.87 Removal of a DBE's Eligibility

In the event Aerostar proposes to remove a DBE's certification, the procedures followed will be consistent with §26.87. To ensure separation of functions in a proposal to remove a firm's eligibility, Aerostar has determined that Zulema E. Martínez Álvarez will serve as the decision-maker in the required proceedings. Aerostar has established an administrative "firewall" to ensure that Zulema E. Martínez Álvarez will not have participated in any way in actions leading to or seeking to implement the proposal to remove the firm's eligibility, and is not subject, with respect to the matter, to direction from the office or personnel who did take part in these actions (including the decision to initiate such a proceeding).

Section 26.88 Summary Suspension of Certification.

Aerostar will follow procedures consistent with §26.88 regarding the suspension of a DBE's certification.

A DBE's certification shall be immediately suspended without adhering to the requirements in §26.87(d) of this part when an individual owner whose ownership and control of the firm are necessary to the firm's certification dies or is incarcerated.

A DBE's certification will be immediately suspended without adhering to the requirements in §26.87(d) when there is adequate evidence to believe that there has been a material change in circumstances that may affect the eligibility of the DBE firm to remain certified, or when the DBE fails to notify the recipient or UCP in writing of any material change in circumstances as required by §26.83(i) of this part or fails to timely file an affidavit of no change under §26.83(j).

When a firm is suspended pursuant to §26.88 (a) or (b), Aerostar will immediately notify the DBE of the suspension by certified mail, return receipt requested, to the last known address of the owner(s) of the DBE. Suspension is a temporary status of ineligibility pending an expedited show cause hearing/proceeding under §26.87 of Part 26 to determine whether the DBE is eligible to participate in the program and consequently should be removed. The suspension takes effect when the DBE receives, or is deemed to have received, the Notice of Suspension.

While suspended, the DBE may not be considered to meet a contract goal on a new contract, and any work it does on a contract received during the suspension shall not be counted toward a recipient's overall goal. The DBE may continue to perform under an existing contract executed before the DBE received a Notice of Suspension and may be counted toward the contract goal during the period of suspension as long as the DBE is performing a commercially useful function under the existing contract.

Following receipt of the Notice of Suspension, if the DBE believes it is no longer eligible, it may voluntarily withdraw from the program, in which case no further action is required. If the DBE believes that its eligibility should be reinstated, it must provide Aerostar information demonstrating that the firm is eligible notwithstanding its changed circumstances. Within thirty (30) days of receiving this information, the suspension will either be filed, and the firm's certification reinstated, or a decertification action under §26.87 of this part will be initiated. If a decertification proceeding is commenced, the suspension remains in effect during the proceeding. The decision to immediately suspend a DBE under §26.88(a) or (b) is not appealable to the U.S. DOT.

Failure of Aerostar to either lift the suspension and reinstate the firm or commence a decertification proceeding as required by paragraph (g) of §26.88 is considered a constructive decertification, which action is appealable to the U.S. DOT under §26.89.

Section 26.89 Certification Appeals

Any firm or complainant may appeal a decision of Aerostar in a certification matter to U.S. DOT. A firm that wants to file an appeal must send a letter to the U.S. DOT within ninety (90) days of the date of Aerostar's final decision, including information and setting forth a full and specific statement as to why the decision is erroneous, what significant fact(s) Aerostar failed to consider, or what provisions of Part 26 were not properly applied. The U.S. DOT may accept an appeal filed later than ninety (90) days after the date of the decision if the U.S. DOT determines that there was good cause for the late filing of the appeal, or in the interest of justice.

Appeals may be sent to:

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

The U.S. DOT makes its decision based solely on the entire administrative record as supplemented by the appeal. The U.S. DOT does not make a de novo review of the matter and does not conduct a hearing. The U.S. DOT may also supplement the administrative record by adding relevant information made available by the DOT Office of Inspector General; Federal, State, or local law enforcement authorities; officials of a DOT operating administration or other appropriate DOT office; a recipient; or a firm or other private party.

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

Subpart F - Compliance and Enforcement

Section 26.101 – Compliance Procedures Applicable

Aerostar understands that if it fails to comply with any requirement of this part, Aerostar may be subject to formal enforcement action under §26.103 or §26.105 or appropriate program sanctions by the FAA, such as the suspension or termination of Federal funds, or refusal to approve projects, grants or contracts until deficiencies are remedied. Program sanctions may include, in the case of the FAA program, actions consistent with 49 U.S.C. 47106(d), 47111(d), and 47122.

Section 26.109 Information, Confidentiality, Cooperation and Intimidation or Retaliation

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

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

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

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

Attachments

Attachment 1	Regulations: 49 CFR Part 26 or website link
Attachment 2	Organizational Chart
Attachment 3	Bidder's List Collection Form
Attachment 4	DBE Directory or website link to DBE Directory
Attachment 5	Overall Goal Calculations
Attachment 6	Demonstration of Good Faith Efforts or Good Faith Efforts Plan – Forms 1 & 2
Attachment 7	DBE Monitoring & Enforcement Mechanisms
Attachment 8	DBE Certification Application Form
Attachment 9	Puerto Rico's UCP Agreement
Attachment 10	Small Business Element Program

Attachment 1

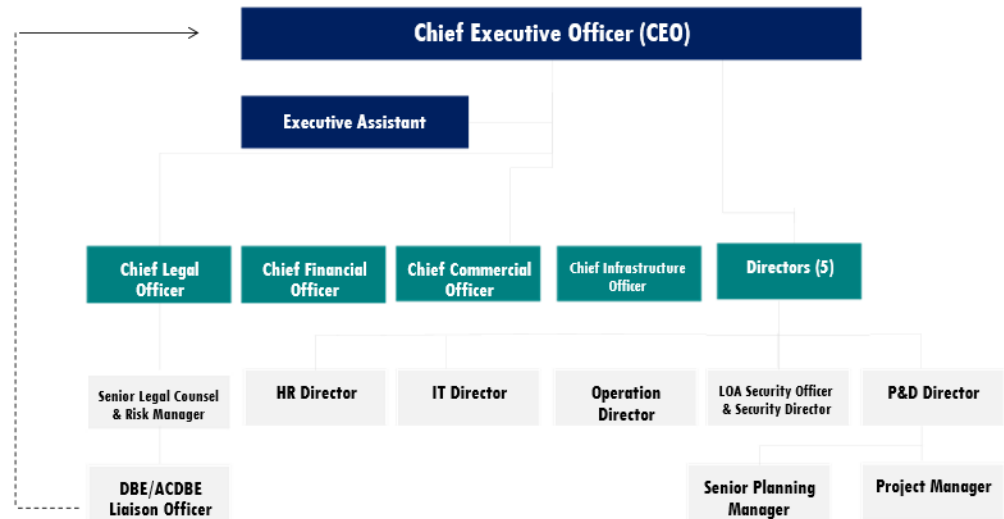
REGULATIONS 49 CFR PART 26 (website link)

https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr26_main_02.tpl

Attachment 2

ORGANIZATIONAL CHART

OFFICERS & DIRECTORS



*The DBE/ACDBE Liaison Officer has direct and independent access to Aerostar's Chief Executive Officer.

Attachment 3

BIDDERS PROFILE & BIDDER'S LIST COLLECTION FORM



Bidder's Profile Information

Firm Name: _____

Postal Address: _____

Office Phone: _____ **Cell Phone:** _____

Email Address: _____

Type of Work Performed by the Firm: _____

=====

Firm Status: **DBE** ☐ **non-DBE** ☐

Firm Age	Annual Gross Receipts
<input type="checkbox"/> Less than 1 year	<input type="checkbox"/> Less than \$500K
<input type="checkbox"/> 1-3 years	<input type="checkbox"/> \$500K - \$1 million
<input type="checkbox"/> 4-7 years	<input type="checkbox"/> \$1-2 million
<input type="checkbox"/> 8-10 years	<input type="checkbox"/> \$2-5 million
<input type="checkbox"/> More than 10 years	<input type="checkbox"/> Greater than \$5 million

**The information provided herein will be used to create and maintain a bidders list as required by 49 CFR 26.11. The purpose of such list is to provide Aerostar Airport Holdings, LLC as accurate data as possible about the universe of DBEs and non-DBEs contractors and subcontractors who seek to work on Federally-assisted contracts for use in helping Aerostar to set DBEs overall goals.*

Bidders List Collection Form

Firm Name	Firm Address/Phone #	DBE or Non-DBE Status	Age of Firm	Annual Gross Receipts
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million
			<input type="checkbox"/> Less than 1 year <input type="checkbox"/> 1- 3 years <input type="checkbox"/> 4-7 years <input type="checkbox"/> 8-10 years <input type="checkbox"/> More than 10 years	<input type="checkbox"/> Less than \$500K <input type="checkbox"/> \$500K - \$1 million <input type="checkbox"/> \$1-2 million <input type="checkbox"/> \$2-5 million <input type="checkbox"/> Greater than \$5 million

Attachment 4

DBE DIRECTORY (website link)

<https://act.dtop.pr.gov/wp-content/uploads/2024/01/DBE-Business-Directory-Updated-January-2024.pdf>

Attachment 5

OVERALL GOAL CALCULATIONS

“To be submitted to FAA every three years”.

Attachment 6

DEMONSTRATION OF GOOD FAITH EFFORTS OR GOOD FAITH EFFORTS PLAN

Form 1: Bidders DBE Compliance Plan

Form 2: Bidders Letter of Intent

DBE Goal Compliance Plan (Form 1)

The bidder shall submit a **DBE Goal Compliance Plan** indicating how the Participation goal is to be achieved. If the bidder is unable to achieve the DBE goal, it must submit documented Good Faith Efforts as set forth in Section E.

All bidders including those who are Puerto Rico certified as DBEs or joint ventures and who plan to count themselves to fulfill the DBE requirement shall submit the **DBE Goal Compliance Plan** prior to the time specified in the solicitation documents. The **DBE Goal Compliance Plan** consists of Sections I-VI, the *Log of Contacts for Soliciting Subcontract Participation*, and all appropriate documentation to demonstrate good faith efforts.

By listing Puerto Rico certified DBE firms on the **Compliance Plan**, the bidder indicates that both firms agree to the price and scope of work. In the event the bidder is awarded the contract, the bidder agrees to contract with these businesses for the scope and price disclosed. Unit price subcontracts are acceptable if appropriate to the type of work being performed.

The **Compliance Plan** shall list all firms that will participate in the contract, including prime contractors, joint ventures, subcontractors of all levels, manufacturers, suppliers, and distributors. Use Section IV for certified DBE subcontractors who will be performing all work themselves. Section V for non-certified subcontractors who will be performing all the work themselves. The **Compliance Plan** should be signed and dated by an authorized representative of the bidder.

IF A DBE COMPLIANCE PLAN IS NOT SUBMITTED PRIOR TO THE DEADLINE SPECIFIED IN THE SOLICITATION DOCUMENTS, THE BID WILL NOT BE ACCEPTED FOR CONSIDERATION.

Aerostar may request written clarification of items listed on the Compliance Plan, provided that such clarification does not include an opportunity to augment listed DBE participation or good faith efforts. Changes to the Compliance Plan are permitted only after award of the bid and only with prior written approval of the DBE Liaison Officer.

The **DBE Compliance Plan** is to include the names of all firms that are participating in the contract, (including prime contractors, joint ventures, subcontractors, manufactures, suppliers, distributors); the address of each firm, the work for which they will be responsible including the scope (labor only, material only, both), and the agreed price for such work. **This form should be signed and dated by the bidder.**

In addition, all bidders will be required to submit the following information with their bid proposal.

- 4) The names and addresses of DBE firms that will participate in the contract.
- 5) A description of the work that each DBE will perform.
- 6) The dollar amount of the participation of each DBE firm participating.
- 7) Written documentation of the bidder commitment to use a DBE subcontractor whose participation it submits to meet a contract goal.
- 8) Written confirmation from the DBE that it is participating in the contract as provided in the prime contractor's commitment.

Good Faith Efforts

In those instances where the bidder is unable to meet the DBE goal for those DOT-assisted contracts, the bidder must demonstrate and provide documentation supporting “good faith efforts”. The bidder must demonstrate to the satisfaction of Aerostar. Genuine efforts have been made in order to meet the established DBE goal. In making this determination, Aerostar will consider, at a minimum, the bidder’s effort to do the following:

18. Written notices to every DBE on the Puerto Rico Unified Certification Program DBE List for the project for those specific scope of work identified by the bidder for subcontracting opportunities not less than five (5) business days prior to bid closing date. Such notices shall include information on the plans, specifications, scope of work and bidding procedures, including the deadline for submission of quotes. The bidder must

determine with certainty if the DBEs are interested by taking appropriate steps to follow up initial solicitations.

19. Efforts made to define additional elements of the work proposed to be performed by DBEs in order to increase the likelihood of achieving the DBE Goal.
20. For those DBEs responding affirmatively in writing to the notice required by paragraph (1) above,
 - a. Negotiating in good faith with interested DBEs; reasons why agreements were not reached, including written explanations for rejection of proposals.
 - b. If additional elements of work have been identified by the bidder as available for subcontracting, the bidder shall contact Aerostar to ascertain the availability of DBE subcontractors in those areas.
21. Seeking the assistance of Aerostar DBE Liaison Officer in contacting DBEs.

Evaluation of Good Faith Efforts

The good faith efforts of a bidder will be evaluated by Aerostar to determine whether the efforts to obtain DBE participation were those that a firm seeking subcontractors would take in the normal course of doing business; whether the steps taken had a reasonable prospect of success; and whether based upon the size, scope and complexity of the subcontract, there were qualified DBE firms available and willing to accept the contract at a competitive price.

The following is a list of types of actions which Aerostar may consider as part of the bidder's good faith efforts to obtain DBE participation. It is not intended to be a mandatory checklist, nor is it intended to be exclusive or exhaustive. Other factors or types of efforts may be relevant in appropriate cases.

Criteria used to evaluate "Good Faith Efforts" are as follows:

6. Soliciting through all reasonable and available means (e.g. attendance at pre-bid meetings, advertising and/or written notices) the interest of all certified DBEs who have the capability to perform the work of the contract. The bidder must solicit this interest within sufficient time to allow the DBEs to respond to the solicitation. The bidder must determine with certainty if the DBEs are interested by taking appropriate steps to follow up initial solicitations.
7. Selecting portions of the work to be performed by DBEs in order to increase the likelihood that the DBE goals will be achieved. This includes, where appropriate, breaking down contract work items into economically feasible units to facilitate DBE participation, even when the prime contractor might otherwise prefer to perform these work items with its own forces.
8. Providing interested DBEs with adequate information about the plans, specifications, and requirements of the contract in a timely manner to assist them in responding to a solicitation.
9. Negotiating in good faith with interested DBEs:
 - It is the bidder's responsibility to make a portion of the work available to DBE subcontractors and/or suppliers and to select those portions of the work or material needs consistent with the available DBE subcontractors and/or suppliers, to facilitate DBE participation. Evidence of such negotiation includes the names, addresses, and telephone numbers of DBEs that were considered; a description of the information provided regarding the plans and specifications for the work selected for subcontracting; and evidence as to why additional agreements could not be reached for DBEs to perform the work.
 - A bidder using good business judgment would consider several factors in negotiating with subcontractors, including DBE subcontractors, and would take a firm's price and capabilities as well

as contract goals into consideration. However, the fact that there may be some additional costs involved in finding and using DBEs is not in itself enough reason for a bidder's failure to meet the contract DBE goal, as long as such costs are reasonable. Also, the ability or desire of a prime contractor to perform the work of a contract with its own organization does not relieve the bidder of the responsibility to make good faith efforts. Prime contractors are not, however, required to accept higher quotes from DBEs if the price difference is excessive or unreasonable.

10. Not rejecting DBEs as being unqualified without sound reasons based on a thorough investigation of their capabilities. The contractor's standing within its industry, membership in specific groups, organizations, or associations and political or social affiliations (for example union vs. non-union employee status) are not legitimate causes for the rejection or non-solicitation of bids in the contractor's efforts to meet the project goal.
11. Making efforts to assist interested DBEs in obtaining bonding, lines of credit, or insurance.
12. Making efforts to assist interested DBEs in obtaining necessary equipment, supplies, materials, or related assistance or services.
13. Effectively using the services of available minority/women community organizations; minority/women contractors' groups; state, and Federal minority/women business assistance offices; and other organizations as allowed on a case-by-case basis to provide assistance in the recruitment and placement of DBEs.
14. In determining whether a bidder has made good faith efforts, Aerostar may consider the performance of other bidders in meeting the contract. For example, when the apparent successful bidder fails to meet the contract goal, but others meet it, Aerostar may reasonably raise the question of whether, with additional reasonable efforts, the apparent successful bidder could have met the goal. If the apparent successful bidder fails to meet the goal but meets or exceeds the average DBE participation obtained by other bidders, Aerostar may view this, in conjunction with other factors, as evidence of the apparent successful bidder having made good faith efforts.
15. In cases of dispute over the evaluation of Good Faith Efforts, the decision in determining whether Good Faith Efforts have been made rests with Aerostar. The Aerostar DBE Liaison Officer may determine that the efforts of the Bidder substantially comply with the purpose of this program and such determination is in the best interest of the DBE Program and Aerostar.

Letters of Intent (LOI)

The successful bidder shall submit a signed and notarized LOI from each DBE included in the DBE Compliance Plan. The LOI must be in the format shown on the sample included herein and must be completed in all its parts. A LOI is required for all levels of subcontracting. The LOI must be submitted within five (5) business days after receipt of a written notification from Aerostar awarding the bid.

Form 1**DBE COMPLIANCE PLAN**

All sections (I - VI) must be completed and submitted

SECTION I	PROJECT IDENTIFICATION AND GOALS
------------------	---

Project Name	
Solicitation Number	

Aerostar has determined that the goal for this project is:

Project Goal	Percent
DBE Projected	

SECTION II	PRIME COMPANY INFORMATION
Name of Company	
Address	
City, State Zip Code	
Phone	
Fax	
Name of Contact Person	
Is prime company a certified?	Yes <input type="checkbox"/> No <input type="checkbox"/> DBE <input type="checkbox"/> DBE Joint Venture <input type="checkbox"/>

THE COMPLIANCE PLAN MUST BE SUBMITTED PRIOR TO THE DATE AND TIME SPECIFIED IN THE SOLICITATION

I certify that the information included in this DBE Compliance Plan is true and complete to the best of my knowledge and belief. I further understand and agree that this DBE Compliance Plan shall become part of my contract with Aerostar.

Name of Authorized Representative	Title of Authorized Representative
Signature	Date

RESERVE FOR AEROSTAR USE	
By the requirements of 49 CFR Part 26, I have review this compliance plan and found that the bidder or proposer:	
HAS <input type="checkbox"/> or HAS NOT <input type="checkbox"/>	
DBE/ACDBE Liaison Officer	Date

SECTION III	COMPLIANCE PLAN SUMMARY
--------------------	--------------------------------

Note:

- * Fill in all the blanks
- * For project participation numbers use an EXACT number. DO NOT USE: approximate, plus or minus (+ -), up to, to be determined (TBD), < >, or any other qualifying language.
- * Compliance plans not complying with these requirements shall be rejected as non-responsive to the solicitation

Is the stated DBE goal of the solicitation met?

Yes ☐ No ☐

If **NO**, attach documentation of Good Faith Efforts as required by 49 CFR Part 26

Total Project Amount: \$ _____

Subcontracting Information

Goals: Proposed Participation		
	Dollar	Percentage
DBE		
non-DBE		

Bidder's Information

Disclose bidder's own participation of the total project, less any amount sub-contracted:

Amount \$ _____ Percentage _____

RESERVE FOR AEROSTAR USE	
Verified DBE Goal:	DBE _____

SECTION IV DUPLICATE AS NEEDED	DISCLOSURE OF DBE PARTICIPATION
	LIST ALL KNOWN DBE CERTIFIED SUBCONTRACTOR/SUPPLIERS CURRENTLY TO BE USED IN THE PERFORMANCE OF THIS CONTRACT.

Note:

- * Fill in all the blanks
- * For project participation numbers use an EXACT number. DO NOT USE: approximate, plus or minus (+ -), up to, to be determined (TBD), < >, or any other qualifying language.
- * Compliance plans not complying with these requirements shall be rejected as non-responsive to the solicitation

Name of DBE Certified Firm		
Certified in Puerto Rico	DBE <input type="checkbox"/>	Ethnicity & Gender:
Vendor NAICS		
Contact Person	Phone Number	
Amount of Subcontract	\$	%
List commodity codes & description of services		

Name of DBE Certified Firm		
Certified in Puerto Rico	DBE <input type="checkbox"/>	Ethnicity & Gender:
Vendor NAICS		
Contact Person	Phone Number	
Amount of Subcontract	\$	%
List commodity codes & description of services		

Name of DBE Certified Firm		
Certified in Puerto Rico	DBE <input type="checkbox"/>	Ethnicity & Gender:
Vendor NAICS		
Contact Person	Phone Number	
Amount of Subcontract	\$	%
List commodity codes & description of services		

Name of DBE Certified Firm		
Certified in Puerto Rico	DBE <input type="checkbox"/>	Ethnicity & Gender:
Vendor NAICS		
Contact Person	Phone Number	
Amount of Subcontract	\$	%
List commodity codes & description of services		

Name of DBE Certified Firm		
Certified in Puerto Rico	DBE <input type="checkbox"/>	Ethnicity & Gender:
Vendor NAICS		
Contact Person	Phone Number	
Amount of Subcontract	\$	%
List commodity codes & description of services		

SECTION IV DUPLICATE AS NEEDED	DISCLOSURE OF DBE PARTICIPATION
	LIST ALL KNOWN DBE CERTIFIED SUBCONTRACTOR/SUPPLIERS CURRENTLY TO BE USED IN THE PERFORMANCE OF THIS CONTRACT.

Note:

- * Fill in all the blanks
- * For project participation numbers use an EXACT number. DO NOT USE: approximate, plus or minus (+ -), up to, to be determined (TBD), < >, or any other qualifying language.
- * Compliance plans not complying with these requirements shall be rejected as non-responsive to the solicitation

Name of DBE Certified Firm		
Certified in Puerto Rico	DBE <input type="checkbox"/>	Ethnicity & Gender:
Vendor NAICS		
Contact Person	Phone Number	
Amount of Subcontract	\$	%
List commodity codes & description of services		

Name of DBE Certified Firm		
Certified in Puerto Rico	DBE <input type="checkbox"/>	Ethnicity & Gender:
Vendor NAICS		
Contact Person	Phone Number	
Amount of Subcontract	\$	%
List commodity codes & description of services		

Name of DBE Certified Firm		
Certified in Puerto Rico	DBE <input type="checkbox"/>	Ethnicity & Gender:
Vendor NAICS		
Contact Person	Phone Number	
Amount of Subcontract	\$	%
List commodity codes & description of services		

Name of DBE Certified Firm		
Certified in Puerto Rico	DBE <input type="checkbox"/>	Ethnicity & Gender:
Vendor NAICS		
Contact Person	Phone Number	
Amount of Subcontract	\$	%
List commodity codes & description of services		

Name of DBE Certified Firm		
Certified in Puerto Rico	DBE <input type="checkbox"/>	Ethnicity & Gender:
Vendor NAICS		
Contact Person	Phone Number	
Amount of Subcontract	\$	%
List commodity codes & description of services		

SECTION VI**DBE COMPLIANCE PLAN CHECK LIST**

The DBE Compliance Plan must be completed and submitted by the time specified in the solicitation documents. If the DBE goal was not achieved, good faith efforts documentation must be submitted with the DBE Compliance Plan. All questions in Section VI **MUST** be completed and submitted with the Compliance Plan if goals or sub-goals are not met.

1. Were written notices sent to DBEs on the availability list for scopes of work within at least 5 business days of bid due date?

Yes ☐ No ☐

2. Is documentation of the written notices to potential DBE subcontractors attached, if the goal was not met?

Yes ☐ No ☐

3. Are the Logs of Contacts and other documentation of efforts made to meet the DBE goal attached?

Yes ☐ No ☐

4. Were additional elements of work identified to achieve the DBE goal?

Yes ☐ No ☐

5. Is there written documentation of efforts to reach agreements with the DBE who responded affirmatively to the bidder's written notice?

Yes ☐ No ☐

6. Are all bids received in response to written notices included with the documentation?

Yes ☐ No ☐

7. Was Aerostar contacted for assistance or any Minority or Women organization:

Yes ☐ No ☐

If yes, complete the following:

Organization: _____

Contact Person: _____

Date of Contact: _____

LOG OF CONTACTS FOR SOLICITING DBE SUBCONTRACTOR PARTICIPATION

(Documentation of contacts must be submitted with bid/proposal if the DBE goal(s) was not achieved.)

(Duplication of this form or the format of this form is acceptable for documentation of contacts.)

Please use the below form, or the format of this form, to document all conversations and contacts regarding the solicitation of prospective subcontractors/subconsultants/suppliers, including responses to phone calls, letters, faxes and advertisements.

THE FOLLOWING FIRMS WERE NOTIFIED OF SUBCONTRACTING/SUBCONSULTING/SUPPLIER OPPORTUNITIES:

Project Name _____

NAME OF DBE	DATE WRITTEN NOTICE WAS SENT AND METHOD (LETTER, FAX, EMAIL)	SCOPE OF WORK/SERVICE SOLICITED	DID DBE SUBMIT WRITTEN RESPONSE? (YES/NO)	IF DBE RESPONDED, REASON AGREEMENT WAS NOT REACHED

Bidder/Respondent: _____ Page _____ of _____

RED FLAG INDICATORS OF DBE FRAUD



Disadvantaged Business Enterprise (DBE) Fraud

Under this scheme, a contractor misrepresents who performed the contract work in order to increase job profit while appearing to be in compliance with contract goals for involvement of minority- or women-owned businesses.

**Recognize and Report Fraud in
Federally Funded Programs,
Contracts, and Grants**

(800) 424-9071

*U.S. Department of Transportation
Office of Inspector General*

Selected "Red Flag" Indicators of Disadvantaged Business Enterprise (DBE) Fraud

- ✓ DBE owner lacking background, expertise, or equipment to perform subcontract work
- ✓ Employees shuttling back and forth between prime contractor and DBE-owned business payrolls
- ✓ Business names on equipment and vehicles covered with paint or magnetic signs
- ✓ Orders and payment for necessary supplies made by individuals not employed by DBE-owned business
- ✓ Prime contractor facilitated purchase of DBE-owned business
- ✓ DBE owner never present at job site
- ✓ Prime contractor always uses the same DBE
- ✓ Financial agreements between prime and DBE contractors
- ✓ Joint bank accounts (Prime/DBE)
- ✓ Absence of written contracts

Contact OIG using any of the following methods:

Online complaint form: www.oig.dot.gov/dot-oig-hotline-complaint-form

Telephone: (800) 424-9071

Fax: (704) 556-0732

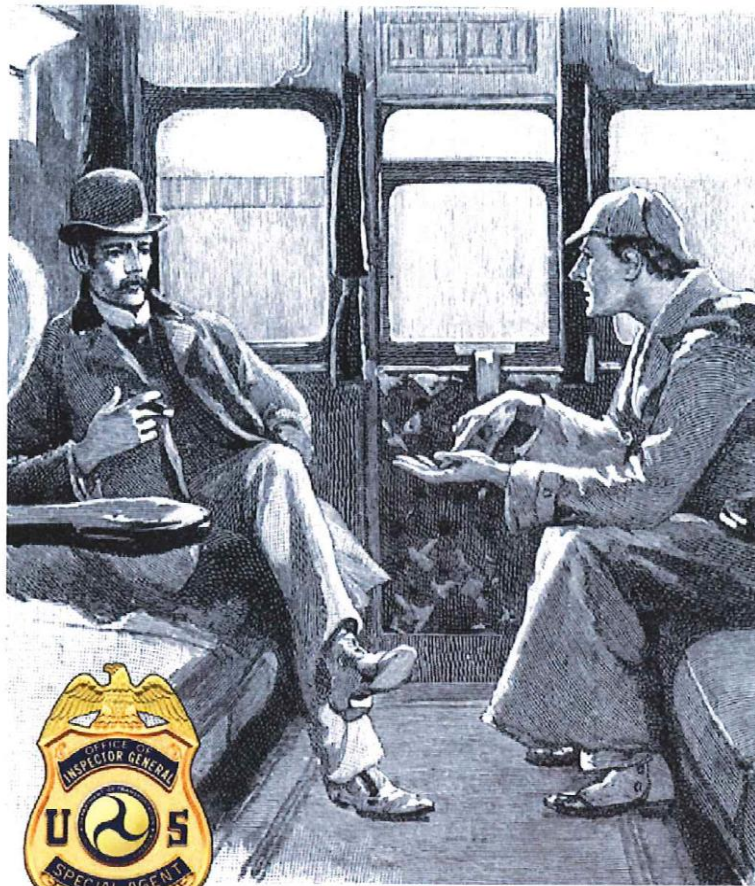
E-mail: hotline@oig.dot.gov

Mail: USDOT Inspector General
1200 New Jersey Ave. S.E., Room W73-104A
Washington, DC 20590

Note: The OIG Hotline is obligated to expeditiously forward all safety-related complaints to USDOT's safety regulatory agencies for action, as appropriate.



U.S. Department of Transportation
Office of Inspector General



"It's elementary my dear Watson..."

Fraud is deliberate deception to secure an unfair gain.

**Recognize and Report Fraud in
Federally Funded Programs,
Contracts, and Grants**

(800) 424-9071

*U.S. Department of Transportation
Office of Inspector General*

Reporting Concerns About Fraud, Waste, Abuse, and Other Irregularities

OIG maintains a hotline to report allegations of fraud, waste, abuse, and other irregularities in USDOT programs or operations. Allegations may be reported by USDOT employees, contractors, or the public. The OIG Hotline is available 24 hours a day, 7 days a week. Issues that should be reported include the following:

- ✓ Contract, procurement, and grant fraud
- ✓ Environment, health, and safety violations
- ✓ Computer crimes
- ✓ Product substitution, including suspected unapproved and counterfeit aircraft parts
- ✓ Bribery, kickbacks, and gratuities
- ✓ False statements and false claims
- ✓ Conflicts of interest and ethics violations
- ✓ Travel fraud, theft, and/or abuse of Government property
- ✓ Other violations of Federal laws and regulations

Contact OIG using any of the following methods:

Online complaint form: www.oig.dot.gov/dot-oig-hotline-complaint-form

Telephone: (800) 424-9071

Fax: (704) 556-0732

E-mail: hotline@oig.dot.gov

Mail: USDOT Inspector General
1200 New Jersey Ave. S.E., Room W73-104A
Washington, DC 20590

Note: The OIG Hotline is obligated to expeditiously forward all safety-related complaints to USDOT's safety regulatory agencies for action, as appropriate.



U.S. Department of Transportation
Office of Inspector General

Form 2

**DISADVANTAGED BUSINESS ENTERPRISE PROGRAM
LETTER OF INTENT
BETWEEN PRIME CONTRACTOR & DBE SUBCONTRACTOR/SUPPLIER**

Name of Prime Contractor: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: (____) _____ Fax (____) _____

Proposed contract Amount \$ _____

Project Number: _____

Project Name: _____

Type of Agreement: _____

(Lump Sum/Unit Price/Commodity)

Period of Performance: _____

Name of DBE Subcontractor/Supplier: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: (____) _____ Fax (____) _____

Proposed contract Amount \$ _____

Description of Work	NAICS	Dollar Amount/%*	Dealer/Manufacturer**

*Percentage is to be used only in negotiated procurements, including design-build contracts.

**For material suppliers only, indicate whether the DBE is a manufacturer or a regular dealer as defined by §26.55.

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

Prime Contractor

DBE Subcontractor

Attachment 7

DBE MONITORING AND ENFORCEMENT MECHANISMS

Aerostar has available several remedies to enforce the DBE requirements contained in its contracts, including, but not limited to, the following:

1. Breach of contract action, pursuant to the terms of the contract;
2. Breach of contract action, pursuant to applicable Puerto Rico law;
3. Other applicable state and federal laws.

In addition, the Federal government has available several enforcement mechanisms that it may apply to firms participating in the DBE program, including, but not limited to, the following:

1. Suspension or debarment proceedings pursuant to 49 CFR Part 26
2. Enforcement action pursuant to 49 CFR Part 31
3. Prosecution pursuant to 18 USC 1001.

Attachment 8

DBE CERTIFICATION APPLICATION FORM



UNIFORM CERTIFICATION APPLICATION
DISADVANTAGED BUSINESS ENTERPRISE (DBE) /
AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE (ACDBE)
49 C.F.R. Parts 23 and 26

Roadmap for Applicants

1. Should I apply?

You may be eligible to participate in the DBE/ACDBE program if:

- The firm is a for-profit business that performs or seeks to perform transportation related work (or a concession activity) for a recipient of Federal Transit Administration, Federal Highway Administration, or Federal Aviation Administration funds.
- The firm is at least 51% owned by a socially and economically disadvantaged individual(s) who also controls it.
- The firm's disadvantaged owners are U.S. citizens or lawfully admitted permanent residents of the U.S.
- The firm meets the Small Business Administration's size standard and does not exceed \$23.98 million in gross annual receipts for DBE (\$56.42 million for ACDBEs). (Other size standards apply for ACDBE that are banks/financial institutions, car rental companies, pay telephone firms, and automobile dealers.)

2. How do I apply?

First time applicants for DBE certification must complete and submit this certification application and related material to the certifying agency in your home state and participate in an on-site interview conducted by that agency. The attached document checklist can help you locate the items you need to submit to the agency with your completed application. If you fail to submit the required documents, your application may be delayed and/or denied. Firms already certified as a DBE do not have to complete this form, but may be asked by certifying agencies outside of your home state to provide a copy of your initial application form, supporting documents, and any other information you submitted to your home state to obtain certification or to any other state related to your certification.

3. Where can I send my application? [INSERT UCP PARTICIPATING MEMBER CONTACT INFORMATION]

4. Who will contact me about my application and what are the eligibility standards? A transportation agency in your state that performs certification functions will contact you. The agency is a member of a statewide Unified Certification Program (UCP), which is required by the U.S. Department of Transportation. The UCP is a one-stop certification program that eliminates the need for your firm to obtain certification from multiple certifying agencies within your state. The UCP is responsible for certifying firms and maintaining a database of certified DBEs and ACDBEs, pursuant to the eligibility standards found in 49 C.F.R. Parts 23 and 26.

5. Where can I find more information?

U.S. DOT—<https://www.transportation.gov/civil-rights> (This site provides useful links to the rules and regulations governing the DBE/ACDBE program, questions and answers, and other pertinent information)

SBA—Small Business Size Standards matched to the North American Industry Classification System (NAICS):
<http://www.census.gov/eos/www/naics/> and <http://www.sba.gov/content/table-small-business-size-standards>.

In collecting the information requested by this form, the Department of Transportation (Department) complies with the provisions of the Federal Freedom of Information and Privacy Acts (5 U.S.C. 552 and 552a). The Privacy Act provides comprehensive protections for your personal information. This includes how information is collected, used, disclosed, stored, and discarded. Your information will not be disclosed to third parties without your consent. The information collected will be used solely to determine your firm's eligibility to participate in the Department's Disadvantaged Business Enterprise Program as defined in 49 C.F.R. §26.5 and the Airport Concession Disadvantaged Business Enterprise Program as defined in 49 C.F.R. §23.3. You may review DOT's complete Privacy Act Statement in the Federal Register published on April 11, 2000 (65 FR 19477).

Under 49 C.F.R. §26.107, dated February 2, 1999 and January 28, 2011, if at any time, the Department or a recipient has reason to believe that any person or firm has willfully and knowingly provided incorrect information or made false statements, the Department may initiate suspension or debarment proceedings against the person or firm under 2 C.F.R. Parts 180 and 1200. No procurement Suspension and Debarment, take enforcement action under 49 C.F.R. Part 31, Program Fraud and Civil Remedies, and/or refer the matter to the Department of Justice for criminal prosecution under 18 U.S.C. 1001, which prohibits false statements in Federal programs.



**INSTRUCTIONS FOR COMPLETING THE
DISADVANTAGED BUSINESS ENTERPRISE (DBE)
AIRPORT CONCESSIONS DISADVANTAGED BUSINESS ENTERPRISE (ACDBE)
UNIFORM CERTIFICATION APPLICATION**

NOTE: All participating firms must be for-profit enterprises. If your firm is not for profit, then you do NOT qualify for the DBE/ACDBE program and should not complete this application. If you require additional space for any question in this application, please attach additional sheets or copies as needed, taking care to indicate on each attached sheet/copy the section and number of this application to which it refers.

Section 1: CERTIFICATION INFORMATION

A. Basic Contact Information

- (1) Enter the contact name and title of the person completing this application and the person who will serve as your firm's contact for this application.
- (2) Enter the legal name of your firm, as indicated in your firm's Articles of Incorporation or charter.
- (3) Enter the primary phone number of your firm.
- (4) Enter a secondary phone number, if any.
- (5) Enter your firm's fax number, if any.
- (6) Enter the contact person's email address.
- (7) Enter your firm's website addresses, if any.
- (8) Enter the street address of the firm where its offices are physically located (not a P.O. Box).
- (9) Enter the mailing address of your firm, if it is different from your firm's street address.

B. Prior/Other Certifications and Applications

- (10) Check the appropriate box indicating whether your firm is currently certified in the DBE/ACDBE programs, and provide the name of the certifying agency that certified your firm. List the dates of any site visits conducted by your home state and any other states or UCP members. Also provide the names of state/UCP members that conducted the review.
- (11) Indicate whether your firm or any firms owned by the persons listed has ever been denied certification as a DBE/ACDBE, 8(a), or Small Disadvantaged Business (SDB) firm, or state and local MBE/WBE firm. Indicate if the firm has ever been decertified from one of these programs. Indicate if the application was withdrawn or whether the firm was debarred, suspended, or otherwise had its bidding privileges denied or restricted by any state or local agency, or Federal entity. If your answer is yes, identify the name of the agency, and explain fully the nature of the action in the space provided. Indicate if you have ever appealed this decision to the Department and if so, attach a copy of USDOT's final agency decision(s).

Section 2: GENERAL INFORMATION

A. Business profile:

- (1) Give a concise description of the firm's primary activities, the product(s) or services the company provides, or type of construction. If your company offers more than one product/service, list primary product or service first (attach additional sheets if necessary). This description may be used in our UCP online directory if you are certified as a DBE.

- (2) If you know the appropriate NAICS Code for the line(s) of work you identified in your business profile, enter the codes in the space provided.
- (3) State the date on which your firm was established as stated in your firm's Articles of Incorporation or charter.
- (4) State the date each person became a firm owner.
- (5) Check the appropriate box describing the manner in which you and each other owner acquired ownership of your firm. If you checked "Other," explain in the space provided.
- (6) Check the appropriate box that indicates whether your firm is "for profit." If you checked "No," then you do NOT qualify for the DBE/ACDBE program and should not complete this application. All participating firms must be for-profit enterprises. Provide the Federal Tax ID number as stated on your firm's Federal tax return.
- (7) Check the appropriate box that describes the type of legal business structure of your firm, as indicated in your firm's Articles of Incorporation or similar document. If you checked "Other," briefly explain in the space provided.
- (8) Indicate in the spaces provided how many employees your firm has, specifying the number of employees who work on a full-time, part-time, and seasonal basis. Attach a list of employees, their job titles, and dates of employment, to your application.
- (9) Specify the firm's gross receipts for each of the past three years, as stated in your firm's filed Federal tax returns. You must submit complete copies of the firm's Federal tax returns for each year. If there are any affiliates or subsidiaries of the applicant firm or owners, you must provide these firms' gross receipts and submit complete copies of these firm(s) Federal tax returns. Affiliation is defined in 49 C.F.R. §26.5 and 13 C.F.R. Part 121.

B. Relationships and Dealings with Other Businesses

- (1) Check the appropriate box that indicates whether your firm is co-located at any of its business locations, or whether your firm shares a telephone number(s), a post office box, any office space, a yard, warehouse, other facilities, any equipment, financing, or any office staff and/or employees with any other business, organization or entity of any kind. If you answered "Yes," then specify the name of the other firm(s) and fully explain the nature of your relationship with these other businesses by identifying the business or person with whom you have any formal, informal, written, or oral



agreement. Provide an explanation of any items shared with other firms in the space provided.

- (2) Check the appropriate box indicating whether any other firm currently has or had an ownership interest in your firm at present or at any time in the past. If you checked yes, please explain.
- (3) Check the appropriate box that indicates whether at present or at any time in the past your firm:
 - (a) ever existed under different ownership, a different type of ownership, or a different name;
 - (b) existed as a subsidiary of any other firm;
 - (c) existed as a partnership in which one or more of the partners are/were other firms;
 - (d) owned any percentage of any other firm; and
 - (e) had any subsidiaries of its own.
 - (f) served as a subcontractor with another firm constituting more than 25% of your firm's receipts.

If you answered "Yes" to any of the questions in (3)(a-f), you may be asked to explain the arrangement in detail.

Section 3: MAJORITY OWNER INFORMATION

Identify all individuals or holding companies with any ownership interest in your firm, providing the information requested below (if your firm has more than one owner, provide completed copies of this section for each owner):

A. Identify the majority owner of the firm holding 51% or more ownership interest

- (1) Enter the full name of the owner.
- (2) Enter his/her title or position within your firm.
- (3) Give his/her home phone number.
- (4) Enter his/her home (street) address.
- (5) Indicate this owner's gender.
- (6) Identify the owner's ethnic group membership. If you checked "Other," specify this owner's ethnic group/identity not otherwise listed.
- (7) Check the appropriate box to indicate whether this owner is a U.S. citizen or a lawfully admitted permanent resident. If this owner is neither a U.S. citizen nor a lawfully admitted permanent resident of the U.S., then this owner is NOT eligible for certification as a DBE owner.
- (8) Enter the number of years during which this owner has been an owner of your firm.
- (9) Indicate the percentage of the total ownership this person holds and the date acquired, including (if appropriate), the class of stock owned.
- (10) Indicate the dollar value of this owner's initial investment to acquire an ownership interest in your firm, broken down by cash, real estate, equipment, and/or other investment. Describe how you acquired your business and attach documentation substantiating this investment.

B. Additional Owner Information

- (1) Describe the familial relationship of this owner to each other owner of your firm and employees.
- (2) Indicate whether this owner performs a management or supervisory function for any other business. If you checked "Yes," state the name of the other business and this owner's function/title held in that business.

- (3) (a) Check the appropriate box that indicates whether this owner owns or works for any other firm(s) that has any relationship with your firm. If you checked "Yes," identify the name of the other business, the nature of the business relationship, and the owner's function at the firm.
 - (b) If the owner works for any other firm, non-profit organization, or is engaged in any other activity more than 10 hours per week, please identify this activity.
- (4) (a) Provide the personal net worth of the owner applying for certification in the space provided. Complete and attach the accompanying "Personal Net Worth Statement for DBE/ACDBE Program Eligibility" with your application. Note, complete this section and accompanying statement only for each owner applying for DBE qualification (i.e., for each owner claiming to be socially and economically disadvantaged).
- (b) Check the appropriate box that indicates whether any trust has been created for the benefit of the disadvantaged owner(s). If you answered "Yes," you may be asked to provide a copy of the trust instrument.
- (5) Check the appropriate to indicate whether any of your immediate family members, managers, or employees, own, manage, or are associated with another company. Immediate family member is defined in 49 C.F.R. §26.5. If you answered "Yes," provide the name of each person, your relationship to them, the name of the company, the type of business, and whether they own or manage the company.

Section 4: CONTROL

A. Identify the firm's Officers and Board of Directors

- (1) In the space provided, state the name, title, date of appointment, ethnicity, and gender of each officer.
- (2) In the space provided, state the name, title, date of appointment, ethnicity, and gender of each individual serving on your firm's Board of Directors.
- (3) Check the appropriate box to indicate whether any of your firm's officers and/or directors listed above performs a management or supervisory function for any other business. If you answered "Yes," identify each person by name, his/her title, the name of the other business in which s/he is involved, and his/her function performed in that other business.
- (4) Check the appropriate box that indicates whether any of your firm's officers and/or directors listed above own or work for any other firm(s) that has a relationship with your firm. (e.g., ownership interest, shared office space, financial investments, equipment leases, personnel sharing, etc.) If you answered "Yes," identify the name of the firm, the individual's name, and the nature of his/her business relationship with that other firm.

B. Duties of Owners, Officers, Directors, Managers and Key Personnel

- (1), (2) Specify the roles of the majority and minority owners, directors, officers, and managers, and key personnel who are responsible for the functions listed for the firm. Submit résumés for each owner and non-owner identified below. State the name of the individual, title, race



and gender and percentage ownership if any. Circle the frequency of each person's involvement as follows: "always, frequently, seldom, or never" in each area.

Indicate whether any of the persons listed in this section perform a management or supervisory function for any other business. Identify the person, business, and their title/function. Identify if any of the persons listed above own or work for any other firm(s) that has a relationship with this firm (e.g. ownership interest, shared office space, financial investment, equipment, leases, personnel sharing, etc.) If you answered "Yes," describe the nature of his/her business relationship with that other firm.

C. Inventory: Indicate firm inventory in these categories:

(1) Equipment and Vehicles

State the make and model, and current dollar value of each piece of equipment and motor vehicle held and/or used by your firm. Indicate whether each piece is either owned or leased by your firm or owner, whether it is used as collateral, and where this item is stored.

(2) Office Space

State the street address of each office space held and/or used by your firm. Indicate whether your firm or owner owns or leases the office space and the current dollar value of that property or its lease.

(3) Storage Space

State the street address of each storage space held and/or used by your firm. Indicate whether your firm or owner owns or leases the storage space and the current dollar value of that property or its lease. Provide a signed lease agreement for each property.

D. Does your firm rely on any other firm for management functions or employee payroll?

Check the appropriate box that indicates whether your firm relies on any other firm for management functions or for employee payroll. If you answered "Yes," you may be asked to explain the nature of that reliance and the extent to which the other firm carries out such functions.

E. Financial / Banking Information

State the name, City and State of your firm's bank. Identify the persons able to sign checks on this account. Provide bank authorization and signature cards.

Bonding Information. State your firm's bonding limits both aggregate and project limits.

F. Sources, amounts, and purposes of money loaned to your firm, including the names of persons or firms guaranteeing the loan.

State the name and address of each source, the name of person securing the loan, original dollar amount and the current balance of each loan, and the purpose for which each

loan was made to your firm. Provide copies of signed loan agreements and security agreements

G. Contributions or transfers of assets to/from your firm and to/from any of its owners or another individual over the past two years:

Indicate in the spaces provided, the type of contribution or asset that was transferred, its current dollar value, the person or firm from whom it was transferred, the person or firm to whom it was transferred, the relationship between the two persons and/or firms, and the date of the transfer.

H. Current licenses/permits held by any owner or employee of your firm.

List the name of each person in your firm who holds a professional license or permit, the type of permit or license, the expiration date of the permit or license, and issuing State of the license or permit. Attach copies of licenses, license renewal forms, permits, and haul authority forms.

I. Largest contracts completed by your firm in the past three years, if any.

List the name of each owner or contractor for each contract, the name and location of the projects under each contract, the type of work performed on each contract, and the dollar value of each contract.

J. Largest active jobs on which your firm is currently working.

For each active job listed, state the name of the prime contractor and the project number, the location, the type of work performed, the project start date, the anticipated completion date, and the dollar value of the contract.

Section 5: AIRPORT CONCESSION (ACDBE) APPLICANTS

Complete the entries in this section if you are applying for ACDBE certification. Indicate in Section A if you operate a concession at the airport, and/or supply a good or service to an airport concessionaire. Indicate in Section B whether the applicant firm owns or operates any off-airport locations, providing the type of business, lease information, address/location, and annual gross receipts generated. Provide similar information in section C for any airport concession locations the firm currently owns or operates. If the applicant firm has any affiliates, provide the requested information in Section D. Indicate whether the ACDBE firm is participating in any joint ventures, and if so, include the original and any amended joint venture agreements.

AFFIDAVIT & SIGNATURE

The Affidavit of Certification must accompany your application. Carefully read the attached affidavit in its entirety. Fill in the required information for each blank space, and sign and date the affidavit in the presence of a Notary Public, who must then notarize the form.

Section 1: CERTIFICATION INFORMATION

A. Basic Contact Information

I am applying for certification as ☐ DBE ☐ ACDBE



(1) Contact person and Title: _____ (2) Legal name of firm: _____

(3) Phone #: (____) _____ - _____ (4) Other Phone #: (____) _____ - _____ (5) Fax #: (____) _____ - _____

(6) E-mail: _____ (7) Firm Websites: _____

(8) Street address of firm (No P.O. Box): _____ City: _____ County/Parish: _____ State: _____ Zip: _____

(9) Mailing address of firm (if different): _____ City: _____ County/Parish: _____ State: _____ Zip: _____

B. Prior/Other Certifications and Applications

(10) Is your firm currently certified for any of the following U.S. DOT programs?

☐ DBE ☐ ACDBE Names of certifying agencies: _____

⊗ If you are certified in your home state as a DBE/ACDBE, you do not have to complete this application for other states. Ask your state UCP about the interstate certification process.

List the dates of any site visits conducted by your home state and any other states or UCP members:

Date ____/____/____ State/UCP Member: _____ Date ____/____/____ State/UCP Member: _____

(11) Indicate whether the firm or any persons listed in this application have ever been:

- (a) Denied certification or decertified as a DBE, ACDBE, 8(a), SDB, MBE/WBE firm? ☐ Yes ☐ No
- (b) Withdrawn an application for these programs, or debarred or suspended or otherwise had bidding privileges denied or restricted by any state or local agency, or Federal entity? ☐ Yes ☐ No

If yes, explain the nature of the action. (If you appealed the decision to DOT or another agency, attach a copy of the decision)

Section 2: GENERAL INFORMATION

A. Business Profile: (1) Give a concise description of the firm's primary activities and the product(s) or service(s) it provides. If your company offers more than one product/service, list the primary product or service first. Please use additional paper if necessary. This description may be used in our database and the UCP online directory if you are certified as a DBE or ACDBE.

(2) Applicable NAICS Codes for this line of work include: _____

(3) This firm was established on ____/____/____ (4) I/We have owned this firm since: ____/____/____



(5) Method of acquisition *(Check all that apply):*

- ☐ Started new business ☐ Bought existing business ☐ Inherited business ☐ Gifted
☐ Merger or consolidation ☐ Other *(explain)* _____

(6) Is your firm "for profit"? ☐ Yes
Federal Tax ID# _____

No → **STOP!** If your firm is NOT for-profit, then you do NOT qualify for this program and should not fill out this application.

(7) Type of Legal Business Structure: *(check all that apply):*

- ☐ Sole Proprietorship
☐ Limited Liability Partnership
☐ Partnership ☐ Corporation
☐ Limited Liability Company ☐ Other, Describe _____

(8) Number of employees: Full-time _____ Part-time _____ Seasonal _____ Total _____

(Provide a list of employees, their job titles, and dates of employment, to your application).

(9) Specify the firm's gross receipts for the last 3 years. *(Submit complete copies of the firm's Federal tax returns for each year. If there are affiliates or subsidiaries of the applicant firm or owners, you must submit complete copies of these firms' Federal tax returns).*

Year _____	Gross Receipts of Applicant Firm \$ _____	Gross Receipts of Affiliate Firms \$ _____
Year _____	Gross Receipts of Applicant Firm \$ _____	Gross Receipts of Affiliate Firms \$ _____
Year _____	Gross Receipts of Applicant Firm \$ _____	Gross Receipts of Affiliate Firms \$ _____

B. Relationships and Dealings with Other Businesses

(1) Is your firm co-located at any of its business locations, or does it share a telephone number, P.O. Box, office or storage space, yard, warehouse, facilities, equipment, inventory, financing, office staff, and/or employees with any other business, organization, or entity? ☐ Yes ☐ No

If Yes, explain the nature of your relationship with these other businesses by identifying the business or person with whom you have any formal, informal, written, or oral agreement. Also detail the items shared

(2) Has any other firm had an ownership interest in your firm at present or at any time in the past?

☐ Yes ☐ No If Yes, explain _____

(3) At present, or at any time in the past, has your firm:

- (a) Ever existed under different ownership, a different type of ownership, or a different name? ☐ Yes ☐ No
 (b) Existed as a subsidiary of any other firm? ☐ Yes ☐ No
 (c) Existed as a partnership in which one or more of the partners are/were other firms? ☐ Yes ☐ No
 (d) Owned any percentage of any other firm? ☐ Yes ☐ No
 (e) Had any subsidiaries? ☐ Yes ☐ No
 (f) Served as a subcontractor with another firm constituting more than 25% of your firm's receipts? ☐ Yes ☐ No

(If you answered "Yes" to any of the questions in (2) and/or (3)(a)-(f), you may be asked to provide further details and explain whether the arrangement continues).

Section 3: MAJORITY OWNER INFORMATION



A. Identify the majority owner of the firm holding 51% or more ownership interest.

(1) Full Name: _____ (4) Home Address (Street and Number): _____ (5) Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female (6) Ethnic group membership (Check all that apply): <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Asian Pacific <input type="checkbox"/> Native American <input type="checkbox"/> Subcontinent Asian <input type="checkbox"/> Other (specify) _____ (7) U.S. Citizenship: <input type="checkbox"/> U.S. Citizen <input type="checkbox"/> Lawfully Admitted Permanent Resident	(2) Title: _____ (3) Home Phone #: () _____ - _____ City: _____ State: _____ Zip: _____ - _____ (8) Number of years as owner: _____ (9) Percentage owned: _____ % Class of stock owned: _____ Date acquired _____ (10) Initial investment to acquire ownership interest in firm: <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Type</th> <th style="text-align: left;">Dollar Value</th> </tr> </thead> <tbody> <tr> <td>Cash</td> <td>\$ _____</td> </tr> <tr> <td>Real Estate</td> <td>\$ _____</td> </tr> <tr> <td>Equipment</td> <td>\$ _____</td> </tr> <tr> <td>Other</td> <td>\$ _____</td> </tr> </tbody> </table> Describe how you acquired your business: <input type="checkbox"/> Started business myself. <input type="checkbox"/> It was a gift from: _____ <input type="checkbox"/> I bought it from: _____ <input type="checkbox"/> I inherited it from: _____ <input type="checkbox"/> Other _____ (Attach documentation substantiating your investment)	Type	Dollar Value	Cash	\$ _____	Real Estate	\$ _____	Equipment	\$ _____	Other	\$ _____
Type	Dollar Value										
Cash	\$ _____										
Real Estate	\$ _____										
Equipment	\$ _____										
Other	\$ _____										

B. Additional Owner Information

(1) Describe familial relationship to other owners and employees:

(2) Does this owner perform a management or supervisory function for any other business? ☐ Yes ☐ No
 If Yes, identify: Name of Business: _____ Function/Title: _____

(3)(a) Does this owner own or work for any other firm(s) that has a relationship with this firm? (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.) ☐ Yes ☐ No
 Identify the name of the business, and the nature of the relationship, and the owner's function at the firm:

(b) Does this owner work for any other firm, non-profit organization, or engage in any other activity more than 10 hours per week? If yes, identify this activity: _____

(4)(a) What is the personal net worth of this disadvantaged owner applying for certification? \$ _____

(b) Has any trust been created for the benefit of this disadvantaged owner(s)? ☐ Yes ☐ No
 (If Yes, you may be asked to provide a copy of the trust instrument).

(5) Do any of your immediate family members, managers, or employees own, manage, or are associated with another company? ☐ Yes ☐ No If Yes, provide their name, relationship, company, type of business, and indicate whether they own or manage the company: (Please attach extra sheets, if needed): _____

Section 3: OWNER INFORMATION, Cont'd.



A. Identify all individuals, firms, or holding companies that hold LESS THAN 51% ownership interest in the firm (Attach separate sheets for each additional owner)

(1) Full Name: _____	(2) Title: _____	(3) Home Phone #: () - _____
(4) Home Address (Street and Number): _____	City: _____	State: _____
Zip: _____ - _____		

(5) Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female (6) Ethnic group membership (Check all that apply) <input type="checkbox"/> Black <input type="checkbox"/> Hispanic <input type="checkbox"/> Asian Pacific <input type="checkbox"/> Native American <input type="checkbox"/> Subcontinent Asian <input type="checkbox"/> Other (specify) _____ (7) U.S. Citizenship: <input type="checkbox"/> U.S. Citizen <input type="checkbox"/> Lawfully Admitted Permanent Resident	(8) Number of years as owner: _____ (9) Percentage owned: _____ % Class of stock owned: _____ Date acquired _____ (10) Initial investment to acquire ownership interest in firm: <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;">Type</th> <th style="text-align: left; border-bottom: 1px solid black;">Dollar Value</th> </tr> </thead> <tbody> <tr> <td>Cash</td> <td>\$ _____</td> </tr> <tr> <td>Real Estate</td> <td>\$ _____</td> </tr> <tr> <td>Equipment</td> <td>\$ _____</td> </tr> <tr> <td>Other</td> <td>\$ _____</td> </tr> </tbody> </table> Describe how you acquired your business: <input type="checkbox"/> Started business myself. <input type="checkbox"/> It was a gift from: _____ <input type="checkbox"/> I bought it from: _____ <input type="checkbox"/> I inherited it from: _____ <input type="checkbox"/> Other _____ <i>(Attach documentation substantiating your investment)</i>	Type	Dollar Value	Cash	\$ _____	Real Estate	\$ _____	Equipment	\$ _____	Other	\$ _____
Type	Dollar Value										
Cash	\$ _____										
Real Estate	\$ _____										
Equipment	\$ _____										
Other	\$ _____										

B. Additional Owner Information

(1) Describe familial relationship to other owners and employees:

(2) Does this owner perform a management or supervisory function for any other business? ☐ Yes ☐ No
 If Yes, identify: Name of Business: _____ Function/Title: _____

(3)(a) Does this owner own or work for any other firm(s) that has a relationship with this firm? (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.) ☐ Yes ☐ No
 Identify the name of the business, and the nature of the relationship, and the owner's function at the firm:

(b) Does this owner work for any other firm, non-profit organization, or is engaged in any other activity more than 10 hours per week? If yes, identify this activity: _____

(4)(a) What is the personal net worth of this disadvantaged owner applying for certification? \$ _____

(b) Has any trust been created for the benefit of this disadvantaged owner(s)? ☐ Yes ☐ No
(If Yes, you may be asked to provide a copy of the trust instrument).

(5) Do any of your immediate family members, managers, or employees own, manage, or are associated with another company? ☐ Yes ☐ No If Yes, provide their name, relationship, company, type of business, and indicate whether they own or manage: *(Please attach extra sheets, if needed):* _____

Section 4: CONTROL



A. Identify your firm's Officers and Board of Directors (If additional space is required, attach a separate sheet):

	Name	Title	Date Appointed	Ethnicity	Gender
(1) Officers of the Company	(a)				
	(b)				
	(c)				
	(d)				
(2) Board of Directors	(a)				
	(b)				
	(c)				
	(d)				

(3) Do any of the persons listed above perform a management or supervisory function for any other business?

☐ Yes ☐ No If Yes, identify for each:

Person: _____ Title: _____
Business: _____ Function: _____

Person: _____ Title: _____
Business: _____ Function: _____

(4) Do any of the persons listed in section A above own or work for any other firm(s) that has a relationship with this firm? (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.)

☐ Yes ☐ No

If Yes, identify for each:

Firm Name: _____ Person: _____
Nature of Business Relationship: _____

B. Duties of Owners, Officers, Directors, Managers, and Key Personnel

1. Complete for all Owners who are responsible for the following functions of the firm (Attach separate sheets as needed).

A= Always F = Frequently	S = Seldom N = Never	Majority Owner (51% or more)				Minority Owner (49% or less)			
		Name:	Title:	Percent Owned:		Name:	Title:	Percent Owned:	
Sets policy for company direction/scope of operations		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Bidding and estimating		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Major purchasing decisions		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Marketing and sales		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Supervises field operations		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Attend bid opening and lettings		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Perform office management (billing, accounts receivable/payable, etc.)		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Hires and fires management staff		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Hire and fire field staff or crew		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Designates profits spending or investment		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Obligates business by contract/credit		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Purchase equipment		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>
Signs business checks		A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>	A <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	N <input type="checkbox"/>



2. Complete for all Officers, Directors, Managers, and Key Personnel who are responsible for the following functions of the firm. (Attach separate sheets as needed).

A= Always F = Frequently	S = Seldom N = Never	Officer/Director/Manager/Key Personnel				Officer/Director/Manager/ Key Personnel			
		Name: _____	Title: _____	Race and Gender: _____	Percent Owned: _____	Name: _____	Title: _____	Race and Gender: _____	Percent Owned: _____
Sets policy for company direction/scope of operations	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>				
Bidding and estimating	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>				
Major purchasing decisions	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>				
Marketing and sales	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>				
Supervises field operations	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>				
Attend bid opening and lettings	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>				
Perform office management (billing, accounts receivable/payable, etc.)	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>				
Hires and fires management staff	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>				
Hire and fire field staff or crew	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>				
Designates profits spending or investment	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>				
Obligates business by contract/credit	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>				
Purchase equipment	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>				
Signs business checks	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>	A <input type="checkbox"/> F <input type="checkbox"/> S <input type="checkbox"/> N <input type="checkbox"/>				

Do any of the persons listed in B1 or B2 perform a management or supervisory function for any other business? If Yes, identify the person, the business, and their title/function: _____

Do any of the persons listed above own or work for any other firm(s) that has a relationship with this firm? (e.g., ownership interest, shared office space, financial investments, equipment, leases, personnel sharing, etc.) If Yes, describe the nature of the business relationship: _____

C. Inventory: Indicate your firm's inventory in the following categories (Please attach additional sheets if needed):=

1. Equipment and Vehicles

Make and Model	Current Value	Owned or Leased by Firm or Owner?	Used as collateral?	Where is item stored?
1. _____				
2. _____				
3. _____				
4. _____				
5. _____				
6. _____				
7. _____				
8. _____				
9. _____				

2. Office Space

Street Address Owned or Leased by Firm or Owner? Current Value of Property or Lease

3. Storage Space *(Provide signed lease agreements for the properties listed)*



Street Address

Owned or Leased by
Firm or Owner?

Current Value of Property or Lease

D. Does your firm rely on any other firm for management functions or employee payroll? ☐ Yes ☐ No

E. Financial/Banking Information *(Provide bank authorization and signature cards)*

Name of bank: _____ City and State: _____

The following individuals are able to sign checks on this account: _____

Name of bank: _____ City and State: _____

The following individuals are able to sign checks on this account: _____

Bonding Information: If you have bonding capacity, identify the firm's bonding aggregate and project limits:

Aggregate limit \$ _____ Project limit \$ _____

F. Identify all sources, amounts, and purposes of money loaned to your firm including from financial institutions. Identify whether you the owner and any other person or firm loaned money to the applicant DBE/ACDBE. Include the names of any persons or firms guaranteeing the loan, if other than the listed owner. (Provide copies of signed loan agreements and security agreements).

Name of Source	Address of Source	Name of Person Guaranteeing the Loan	Original Amount	Current Balance	Purpose of Loan
1. _____					
2. _____					
3. _____					

G. List all contributions or transfers of assets to/from your firm and to/from any of its owners or another individual over the past two years (Attach additional sheets if needed):

Contribution/Asset	Dollar Value	From Whom Transferred	To Whom Transferred	Relationship	Date of Transfer
1. _____					
2. _____					
3. _____					

H. List current licenses/permits held by any owner and/or employee of your firm

(e.g. contractor, engineer, architect, etc.) (Attach additional sheets if needed):

Name of License/Permit Holder	Type of License/Permit	Expiration Date	State
1. _____			
2. _____			
3. _____			



I. List the three largest contracts completed by your firm in the past three years, if any:

Name of Owner/Contractor	Name/Location of Project	Type of Work Performed	Dollar Value of Contract
1. _____			
2. _____			
3. _____			

J. List the three largest active jobs on which your firm is currently working:

Name of Prime Contractor and Project Number	Location of Project	Type of Work	Project Start Date	Anticipated Completion Date	Dollar Value of Contract
1. _____					
2. _____					
3. _____					

Additional Information:



SECTION 5 - AIRPORT CONCESSION

(ACDBE APPLICANTS ONLY)

A. I am applying for ACDBE certification to: *(check all that apply)*

☐ Operate a concession at an airport ☐ Supply a good or service to an airport concessionaire

B. Does the applicant firm own/operate any off-airport locations? ☐ Yes ☐ No *If Yes, identify the following*

Type of Business (e.g., F&B, News & Gift, Retail, Duty Free, Advertising, etc.)	Lease Term (years)	Lease Start Date	Address / Location	Annual Gross Receipts Generated

C. Does the applicant firm currently own/operate any airport concession locations? ☐ Yes ☐ No *If Yes, supply the following information:*

Airport Name	Concession Type (e.g., F&B, News & Gift, Retail, Duty Free, Advertising, etc.)	Number of Leases	Number of Locations	Annual Gross Receipts Generated	Lease Type (e.g. Direct Lease, Subcontract Management Agreement, etc. enter all that apply to the leases listed)

D. Does the applicant firm have any affiliates? ☐ Yes ☐ No *If Yes, provide the following information concerning any locations owned/operated by affiliate firms.*

Airport Name	Concession Type (e.g., F&B, News & Gift, Retail, Duty Free, Advertising, etc.)	Number of Leases	Number of Locations	Annual Gross Receipts Generated	Lease Type (e.g. Direct Lease, Subcontract Management Agreement, etc. enter all that apply to the leases listed)

E. Is the ACDBE applicant firm a participant in any joint ventures? ☐ Yes ☐ No *If Yes, attach all original and any amended Joint Venture Agreements and any amendments to the agreements.*



AFFIDAVIT OF CERTIFICATION

This form must be signed and notarized for each owner upon which disadvantaged status is relied.

A MATERIAL OR FALSE STATEMENT OR OMISSION MADE IN CONNECTION WITH THIS APPLICATION IS SUFFICIENT CAUSE FOR DENIAL OF CERTIFICATION, REVOCATION OF A PRIOR APPROVAL, INITIATION OF SUSPENSION OR DEBARMENT PROCEEDINGS, AND MAY SUBJECT THE PERSON AND/OR ENTITY MAKING THE FALSE STATEMENT TO ANY AND ALL CIVIL AND CRIMINAL PENALTIES AVAILABLE PURSUANT TO APPLICABLE FEDERAL AND STATE LAW.

I _____ (full name printed),
swear or affirm under penalty of law that I am
_____ (title) of the applicant firm
_____ and that I
have read and understood all of the questions in this
application and that all of the foregoing information and
statements submitted in this application and its attachments
and supporting documents are true and correct to the best of
my knowledge, and that all responses to the questions are full
and complete, omitting no material information. The responses
include all material information necessary to fully and
accurately identify and explain the operations, capabilities and
pertinent history of the named firm as well as the ownership,
control, and affiliations thereof.

I recognize that the information submitted in this application is
for the purpose of inducing certification approval by a
government agency. I understand that a government agency
may, by means it deems appropriate, determine the accuracy
and truth of the statements in the application, and I authorize
such agency to contact any entity named in the application, and
the named firm's bonding companies, banking institutions,
credit agencies, contractors, clients, and other certifying
agencies for the purpose of verifying the information supplied
and determining the named firm's eligibility.

I agree to submit to government audit, examination and review
of books, records, documents and files, in whatever form they
exist, of the named firm and its affiliates, inspection of its
places(s) of business and equipment, and to permit interviews
of its principals, agents, and employees. I understand that
refusal to permit such inquiries shall be grounds for denial of
certification.

If awarded a contract, subcontract, concession lease or
sublease, I agree to promptly and directly provide the prime
contractor, if any, and the Department, recipient agency, or
federal funding agency on an ongoing basis, current, complete
and accurate information regarding (1) work performed on the
project; (2) payments; and (3) proposed changes, if any, to the
foregoing arrangements.

I agree to provide written notice to the recipient agency or
Unified Certification Program of any material change in the
information contained in the original application within 30
calendar days of such change (e.g., ownership changes,
address/telephone number, personal net worth exceeding \$1.32
million, etc.).

I acknowledge and agree that any misrepresentations in this
application or in records pertaining to a contract or subcontract
will be grounds for terminating any contract or subcontract
which may be awarded; denial or revocation of certification;
suspension and debarment; and for initiating action under
federal and/or state law concerning false statement, fraud or
other applicable offenses.

I certify that I am a socially and economically disadvantaged
individual who is an owner of the above-referenced firm seeking
certification as a Disadvantaged Business Enterprise or Airport
Concession Disadvantaged Business Enterprise. In support of my
application, I certify that I am a member of one or more of the
following groups, and that I have held myself out as a member of
the group(s): (Check all that apply):

☐ Female ☐ Black American ☐ Hispanic American
☐ Native American ☐ Asian-Pacific American
☐ Subcontinent Asian American ☐ Other (specify) _____

I certify that I am socially disadvantaged because I have been
subjected to racial or ethnic prejudice or cultural bias, or have
suffered the effects of discrimination, because of my identity
as a member of one or more of the groups identified above,
without regard to my individual qualities.

I further certify that my personal net worth does not exceed
\$1.32 million, and that I am economically disadvantaged
because my ability to compete in the free enterprise system has
been impaired due to diminished capital and credit
opportunities as compared to others in the same or similar line
of business who are not socially and economically
disadvantaged.

I declare under penalty of perjury that the information
provided in this application and supporting documents is true
and correct.

Signature _____ (DBE/ACDBE Applicant) _____ (Date)

NOTARY CERTIFICATE

UNIFORM CERTIFICATION APPLICATION SUPPORTING DOCUMENTS CHECKLIST



In order to complete your application for DBE or ACDBE certification, you must attach copies of all of the following **REQUIRED** documents. A failure to supply any information requested by the UCP may result in your firm denied DBE/ACDBE certification.

Required Documents for All Applicants

- ☐ Résumés (that include places of employment with corresponding dates), for all owners, officers, and key personnel of the applicant firm
- ☐ Personal Net Worth Statement for each socially and economically disadvantaged owners who the applicant firm relies upon to satisfy the Regulation's 51% ownership requirement.
- ☐ Personal Federal tax returns for the past 3 years, if applicable, for each disadvantaged owner
- ☐ Federal tax returns (and requests for extensions) filed by the firm and its affiliates with related schedules, for the past 3 years.
- ☐ Documented proof of contributions used to acquire ownership for each owner (e.g., both sides of cancelled checks)
- ☐ Signed loan and security agreements, and bonding forms
- ☐ List of equipment and/or vehicles owned and leased including VIN numbers, copy of titles, proof of ownership, insurance cards for each vehicle.
- ☐ Title(s), registration certificate(s), and U.S. DOT numbers for each truck owned or operated by your firm
- ☐ Licenses, license renewal forms, permits, and haul authority forms
- ☐ Descriptions of all real estate (including office/storage space, etc.) owned/leased by your firm and documented proof of ownership/signed leases
- ☐ Documented proof of any transfers of assets to/from your firm and/or to/from any of its owners over the past 2 years
- ☐ DBE/ACDBE and SBA 8(a), SDB, MBE/WBE certifications, denials, and/or decertification's, if applicable; and any U.S. DOT appeal decisions on these actions.
- ☐ Bank authorization and signatory cards
- ☐ Schedule of salaries (or other remuneration) paid to all officers, managers, owners, and/or directors of the firm
- ☐ List of all employees, job titles, and dates of employment.
- ☐ Proof of warehouse/storage facility ownership or lease arrangements

Partnership or Joint Venture

- ☐ Original and any amended Partnership or Joint Venture Agreements

Corporation or LLC

- ☐ Official Articles of Incorporation (signed by the state official)
- ☐ Both sides of all corporate stock certificates and your firm's stock transfer ledger
- ☐ Shareholders' Agreement(s)
- ☐ Minutes of all stockholders and board of director's meetings

- ☐ Corporate by-laws and any amendments
- ☐ Corporate bank resolution and bank signature cards
- ☐ Official Certificate of Formation and Operating Agreement with any amendments (for LLCs)

Optional Documents to Be Provided on Request

The certifying agency to which you are applying may require the submission of the following documents. If requested to provide these documents, you must supply them with your application or at the on-site visit.

- ☐ Proof of citizenship
- ☐ Insurance agreements for each truck owned or operated by your firm
- ☐ Audited financial statements (if available)
- ☐ Trust agreements held by any owner claiming disadvantaged status
- ☐ Year-end balance sheets and income statements for the past 3 years (or life of firm, if less than three years)

Suppliers

- ☐ List of product lines carried and list of distribution equipment owned and/or leased




Attachment 9



PUERTO RICO UCP AGREEMENT

PUERTO RICO UNIFIED CERTIFICATION PROGRAM AGREEMENT

This Unified Certification Program Agreement is entered by and between Puerto Rico Highway and Transportation Authority ("PRHTA"), represented by its Executive Director, Carmen A. Villar Prados; the Metropolitan Bus Authority, ("MBA"), represented by its President and General Manager, Héctor I. Santos Santos and Miguel A. Torres Diaz, P.E. Secretary of Public Works; the Puerto Rico Ports Authority, ("PRPA"), represented by its Executive Director Ms. Ingrid Colberg Rodríguez; the Municipalities included in Attachment B, represented by its main Official authorized to enter into agreements and by AEROSTAR Airport Holdings, LLC, ("AEROSTAR"), represented by its President and Chief Executive Officer, Mr. Agustín E. Arellano Rodríguez.

PRHTA, PRPA, MBA and AEROSTAR shall be referred to collectively as the Certifying "Parties". Any term not defined herein shall have the meaning ascribed in the DBE program regulations



 WHEREAS: The PRHTA, PRPA and MBA established a Unified Certification Program pursuant to and in accordance with certain Uniform Certification Program Agreement dated December 3rd, 2003, (the "Agreement") amended on August 12, 2005, to include as party of the Fourth Part Municipalities that would agree to abide by the terms of the Agreement, particularly by its Sixth Clause which stated that PRHTA will serve as certifying agent for the Municipalities. The Municipalities are made part of this agreement as per Attachment B, once they sign the letter acknowledging the existence of this Agreement and their adherence to its terms and the corresponding 49 CFR Parts 23 & 26 where applicable.


 WHEREAS: The Certifying Parties and the Municipalities are recipients of FTA, FHWA and/or FAA funds.


WHEREAS: On February 27, 2013, **AEROSTAR** became the operator of the Luis Muñoz Marín International Airport, (the "**Airport**"), pursuant to certain Lease Agreement entered by and between **PRPA** and **AEROSTAR**.


WHEREAS: On June 17, 2014, the FAA ordered the **PRHTA**, **PRPA** and **MBA** to include **AEROSTAR** in the Puerto Rico Unified Certification Program, ("**PRUCP**"). The Certifying Parties signed a Supplementary Agreement (**Supplementary Agreement**) on July 1, 2014, stating that **AEROSTAR** would be included as part of the **PRUCP** and the Parties would amend the original Agreement, determining how DBE and ACDBE certifications will be conducted in Puerto Rico.


WHEREAS: In order to avoid confusion, a revised Agreement is entered,

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the Parties and DOT recipients identified in Attachment B, intending to be legally bound, hereby agree to the following:

TERMS AND CONDITIONS

 **FIRST:** The **PRUCP** shall make all certification decisions on behalf of all DOT recipients in Puerto Rico with respect to participation in the DOT DBE Program. Certification decisions by the **PRUCP** shall be binding on all DOT recipients within Puerto Rico.

 **SECOND:** The **PRHTA**, as lead Agency and point of contact for the **PRUCP** with the USDOT shall maintain the unified DBE Directory required by 49 C.F.R. 26.31 and 26.81 for the **PRUCP**, while the other parties shall submit the information necessary to make updates, revisions, additions and/or corrections.



THIRD: Only firms certified as eligible DBEs by the parties to this agreement or by other states or territories of the US pursuant to written reciprocity agreements or interstate certification provisions in compliance with 49 CFR, Parts 23 and 26 shall participate in the program as DBEs. The PRUCP is not required to process an application for certification from a firm having its principal place of business outside the Commonwealth if it is not certified by the UCP in the state in which it maintains its principal place of business.

FOURTH: Each party shall follow all certification procedures and standards of 49 C.F.R. Parts 23 and 26 and certify qualified DBE applicants that meet the eligibility criteria set forth at 49 C.F.R. Parts 23 and 26, including the following:






- The USDOT Uniform Certification Application (Attachment 1) will be used as required by 49 CFR Parts 23 and 26 criteria.
- On-site visits (Attachment 2) are required as part of the certification process. The On-site visits report will be shared with other recipients upon request.
- The DBE, must provide to the PRUCP, every year on the anniversary of the date of the certification, an affidavit sworn to by the firm's owners affirming that there have been no changes in the firm's circumstances affecting its ability to meet size, disadvantaged status, ownership, or control requirements of 49 C.F.R. Parts 23 and 26 or any material changes in the information provided in its application form. The affidavit shall specifically affirm that the firm continues to meet the overall gross receipts cap of 49 C.F.R. Parts 23 and 26, documenting this affirmation with supporting documentation of the firm's size and gross receipts.

The DBE affidavit also has to affirm that the firm continues to meet SBA business size criteria.

- On-site reports for certified firms will be shared upon request from other UCPs pursuant to interstate certification requirements found in 49 CFR §26.85. All other certification information shall be shared or considered confidential in a manner consistent with 49 CFR §§26.67, 26.83 (g) and 26.109.

FIFTH: Communication among the Parties will include, but not limited to, telephone conversations, conferences and meetings; Correspondence among the Parties shall include, but not be limited to, electronic transmittals of data and information.






SIXTH: The Puerto Rico Municipalities are direct recipients of Federal funds that need to comply with the requirements of the 49 CFR Part 26. The PRHTA will be the certifying entity for the municipalities.





 **SEVENTH:** An On-site Visit Review (Attachment 2); Uniform Certification Letter (Attachment 3); Notification of Annual No-Change Affidavit Request (Attachment 4); and No-change Affidavit (Attachment 5) will be used by all the Parties of this PRUCP in accordance with applicable regulatory requirements. The Uniform Certification Letter will include the letterhead of the party making the certification decision.

EIGHTH: During the review of the documents submitted by applicants, any of the parties to the PRUCP will assign its coordinator to perform, as required by 49 CFR, Part 26, the on-site visit review of the applicant's principal place of business. It will take place

where the individual(s) who control and manage the firm's day to day operations spend most working hours and where management's business record are kept. Each Party must advise the applicant within 30 days of the receipt of the application if it is complete and suitable for evaluation, and, if not, what additional information or action is required. Decisions by the PRUCP on certification applications must be made within 90-days of receiving a complete application. Once a final eligibility determination is made, a Uniform Certification Letter (Attachment 3) will be sent to the applicant, signed by the head of the Department (i.e. PRHTA and PRPA Executive Director, MBA President and General Mgr. and AEROSTAR DBE/ACDBE Liaison Officer) and mailed by certified mail, return receipt requested.

NINTH: The head of each certifying party must identify a Liaison Officer and provide a written notification to all other parties of the Liaison Officer's name and contact information.





 **TENTH:** Each certifying party shall appoint a person or unit other than the DBE Liaison Officer, hereinafter referred to as the "Reviewer", who is knowledgeable about the certification requirements but did not take part in actions leading to or seeking to implement the proposal to remove the firm's eligibility. In the event that the PRUCP or the USDOT determines that there is reasonable cause to believe a certified firm is ineligible for the Program, the Reviewer must conduct an informal hearing if requested and/or analyze all the information available and provided by the DBE. For the purposes of this agreement, the Reviewer assigned by each certifying Party shall be the Office of Legal Counsel of the entity who is reviewing the eligibility decision. If the Reviewer finds

that a firm is still eligible, he/she shall notify the Liaison Officer that the eligibility criteria have been met, so that it may notify the firm.

ELEVENTH: If the Reviewer of the respective Office of the Legal Counsel agrees with the non-eligibility determination, it shall notify the Liaison Officer, who will in turn notify the Executive Director of each Authority so he/she may inform the firm of the final determination. If the Reviewer of AEROSTAR agrees with the non-eligibility determination, it shall so notify.

Said determination of denial of an application or de-certification of firm shall be made in writing, listing the reasons and evidence cited for such determination. The written notice of the decision and the reasons for it shall include the specific reference to the evidence in the record that supports each reason for the decision and the consequences of the decision and of the availability of an appeal to the US Department of Transportation. The firm may follow Appeals Procedure stated in Attachment A. An applicant denied certification may reapply one year after the date of the denial letter. All correspondence shall be sent via certified mail, return receipt requested.

TWELFTH: The PRUCP may conduct a certification review of a certified DBE firm, including a new on-site review, three years from the date of the firm's certification, or sooner if appropriate in light of changed circumstances. To review their status as a DBE, annually the firms will submit the completed No-Change Affidavit (Attachment 5) with the required information regarding size and gross receipts to the PRUCP entity (PRHTA/PRPA/MBA/AEROSTAR) where certification was requested, stating the ability to

meet size, disadvantage status, ownership or control requirement, on the anniversary date of said certification. The DBE must inform to the UCP in writing of any change in circumstances affecting the ability to meet size, disadvantaged status, ownership, or control requirements or any material change in the information provided in the application form, except for changes about which the DBE submitted a separate notarized Notice of Change.

THIRTEENTH: The certifying parties share a unified DBE Directory under this agreement. Once a firm is certified in the Commonwealth of Puerto Rico as a DBE, it will become part of the Directory that will be available in print on an annual basis to the general public containing information required in 49 CFR sections 26.31 and 26.81. It will also be available electronically through the internet, managed and owned by the PRHTA. The parties under this agreement will submit to the PRHTA the necessary information to keep the Directory updated. The Directory will be shared and made available through the web with the municipalities, other jurisdictions and the general public.

FOURTEENTH: The PRHTA must report to the Department of Transportation's Office of Civil Rights, by January 1, 2015, and each year thereafter, the percentage and location in the State of certified DBE firms in the PRUCP Directory controlled by women, socially and economically disadvantaged individuals (other than women) and individual who are women and are otherwise socially and economically disadvantaged individuals.

FIFTEENTH: This agreement will take effect on the date of approval by the USDOT Secretary as specified on 49 CFR, Part 26.81 and will remain in effect as 49 CFR, Part 26


requires. It may be amended in writing and at any time by mutual agreement between the Parties, subject to USDOT approval of significant changes. The Attachments are an integral part of this Agreement as follows:

Attachments:


A. Puerto Rico Unified Certification Program

1. Uniform Certification Application
2. On-site visit review
3. Uniform Certification letter
4. Notification of Annual No-Change Affidavit Request
5. No-change Affidavit

B. PRUCP – Municipalities signing letters



SIXTEENTH: If any provision of this Agreement is held to be contrary to the provisions of 49 CFR Part 23 and 26, the provisions of 49 CFR Part 23 and 26 will always prevail. Moreover, if any provision of this Agreement is held to be illegal, invalid or unenforceable, such provision shall be fully severable and this Agreement shall be construed as if such illegal, invalid or unenforceable provision had never comprised a part hereof. This Agreement supersedes the December 3rd 2003 Agreement and its amendment.



SEVENTEENTH: The undersigned parties hereby accept the terms of this Agreement and are hereby committed to administering the Disadvantaged Business Enterprise Program and PRUCP in compliance with 49 CFR Parts 23 and 26 as amended.

FOR THE PUERTO RICO HIGHWAY AUTHORITY (PRHTA)



Carmen A. Villar Prados
Executive Director

FOR THE PUERTO RICO PORTS AUTHORITY (PRPA)



Ingrid Colberg Rodríguez, Executive Director

FOR THE METROPOLITAN BUS AUTHORITY (MBA)



Héctor I. Santos Santos,
President and General Manager



Miguel Torres Díaz, P.E.
Secretary DTPW

FOR AEROSTAR AIRPORT HOLDINGS, LLC (AEROSTAR)



Agustín Arellano, President and Chief Executive Officer

FOR THE MUNICIPALITIES;

The representatives of such as per list included in Attachment B

Attachment 10

SMALL BUSINESS ELEMENT PROGRAM

Small Business Element Program

A. Objective

Aerostar seeks to implement a small business element into its current DBE Program in accordance with 49 CFR Part 26.39, to structure contracting requirements to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation. The objective is to facilitate competition and expand opportunities for small businesses. Aerostar will meet its objective using a combination of the following methods and strategies:

- **Set asides** – Where feasible, Aerostar may establish a percentage of the total value of all prime contract and subcontract awards to be set aside for participation by small businesses on FAA-assisted contracts. A “set-aside” is the reserving of a contract or a portion of a contract exclusively for participation by small businesses. This requires that Aerostar and its prime contractors set aside a portion of the value of each contract for participation by small businesses. A small business set-aside is open to all small businesses regardless of the owner’s gender, race or geographic location. The project manager and the Liaison Officer will review FAA-assisted purchases and contracts to assess the small business opportunities, giving consideration to the size and scope of each purchase or contract to establish the set-aside percentage. This determination will be made based on the estimated availability of small business able to provide the requisite scopes of work regardless of DBE status
- **Unbundling** – Aerostar, where feasible, may “unbundle” projects or separate large contracts into smaller contracts which may be more suitable for small business participation. Aerostar will conduct contract reviews on each FAA-assisted contract to determine whether portion of the project could be “unbundled” or bid separately. This determination will be made based on the estimated availability of small businesses able to provide specific scopes of work and will consider any economic or administrative burdens which may be associated with unbundling. Similarly, Aerostar will encourage its prime contractors to unbundle contracts to facilitate participation by small businesses. Aerostar will assist prime contractors in identifying portions of work which may be unbundled and performed by small businesses known to be available.

B. Definition

1. **Small Business** – As defined in Section 3 of the Small Business Act and the Small Business Administration (“SBA”) regulation 13 CFR Part 121. A small business should be independently owned and operated, organized for profit, and is not dominant in its field. Depending on the industry, size standard eligibility is based on the average number of employees for the preceding twelve (12) months or on sales volume average over a five (5) year period.
2. **Disadvantage Business Enterprise (DBE)** – A for-profit small business (as defined by the SBA) –
 - That is at least 51% owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51% of the stock is owned by one or more such individuals;
 - Whose socially and economically disadvantaged owner do not exceed the personal net worth (“PNW”) described in 49 CFR Part 26. The current PNW cap is \$1.32 million;
 - Whose average annual gross receipts, as defined by SBA regulations over the firm’s previous five (5) fiscal years is less than \$30.40 million;
 - Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it; and
 - Has been certified as a DBE in accordance with 49 CFR Part 26.

C. Verification

Aerostar will accept the following certifications for participation in the small business element of the Luis Muñoz Marín International Airport's DBE Program with applicable stipulations:

1. **DBE Certification** – DBE certification by the Puerto Rico Unified Certification Program which stipulates that a firm has been determined to meet all the requirements in accordance with 49 CFR Part 26.
2. **SBA 8(a) Business Development Certification (as described in 13 CFR Parts 121 and 124)** – It will require submittal of three (3) years of business tax returns after contract award.

D. Assurances

Aerostar Airport Holdings, LLC makes the following assurances:

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