



SAVANNAH HILTON HEAD INTERNATIONAL AIRPORT

Disadvantaged Business Enterprise (DBE) Program

March 10, 2018

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**UNITED STATES DEPARTMENT OF TRANSPORTATION
DBE PROGRAM – 49 CFR PART 26
Savannah Airport Commission
for the Savannah / Hilton Head International Airport
Savannah GA**

POLICY STATEMENT

Section 26.1, 26.23 Objectives/Policy Statement

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


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

1. To ensure nondiscrimination in the award and administration of USDOT-assisted contracts;
2. To create a level playing field on which DBEs can compete fairly for USDOT-assisted contracts;
3. To ensure that the DBE Program is narrowly tailored in accordance with applicable law;
4. To ensure that only firms that fully meet 49 CFR Part 26 eligibility standards are permitted to participate as DBEs;
5. To help remove barriers to the participation of DBEs in USDOT assisted contracts;
6. To promote the use of DBEs in all types of federally-assisted contracts and procurement activities conducted by recipients
7. To assist the development of firms that can compete successfully in the market place outside the DBE program.
8. To provide appropriate flexibility to recipients of federal financial assistance in establishing and providing opportunities for DBEs.

Dawoud Stevenson, 400 Airways Avenue, Savannah, Georgia 31408, (912) 964-0514; DStevenson@savannahairport.com, has been designated as the DBE Liaison Officer for the Savannah Airport Commission. In that capacity, Mr. Stevenson is responsible for implementing all aspects of the DBE program. Implementation of the DBE program is accorded the same priority as compliance with all other legal obligations incurred by the Savannah Airport Commission in its financial assistance agreements with the Department of Transportation.

The Commission has disseminated this policy statement to its board members and all of the components of the organization. The Commission will distribute this statement by mail to DBE and non-DBE concessionaire communities in our area in the following manner. The policy is also posted on the Savannah/Hilton Head International Airport Website at www.savannahairport.com.

1. *This Policy statement will be prepared as a handout, and made available at pre-bid conferences, and/or outreach meetings conducted by the Commission.*
2. *Copies of the Policy statement will be mailed to all of the agencies/organizations consulted during the development of the DBE goal methodology. This will make the Commission's policy for the Savannah/Hilton Head International Airport available to additional small, minority, and women business development agencies.*



Gregory B. Kelly, A.A.E.
Executive Director



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

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

Section 26.5 Definitions

The Commission will adopt the definitions contained in Section 26.5 for this program.

Section 26.7 Non-discrimination Requirements

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

In administering its DBE program, the Commission 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 USDOT: 26.11(b)**

The Commission will report DBE participation to USDOT as follows:

The Commission, on behalf of the Savannah / Hilton Head International Airport, will submit annually the *Uniform Reports of DBE Awards or Commitments and Payments*, as modified for use by FAA recipients, via the FAA dbE-Connect system (<https://faa.civilrightsconnect.com/>).

Bidders List: 26.11(c)

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

The Commission will collect this information in the following ways:

- a. *Include a contract clause requiring prime bidders to report the names/addresses, and possibly other information, of all firms who quote to them on subcontracts.*
- b. *Include a notice in all solicitations, and otherwise widely disseminated, request to firms quoting on subcontracts to report the approved information directly to the Commission's DBELO for inclusion in the bidder's list.*
- c. *Request the above information from all potential bidders who contact the Airport seeking bid information, and/or who attend pre-bid meetings, conferences, etc., at the Airport.*
- d. *The Commission may also consider the use of the Bidders List Data Collection form, as shown in Attachment 3.*

Section 26.13 Federal Financial Assistance Agreement

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

Assurance: 26.13(a)

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

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

Contract Assurance: 26.13b

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

The contractor, sub-recipient, or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of USDOT 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 Savannah Airport Commission 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

The Commission 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. The Commission is not eligible to receive DOT financial assistance unless DOT has approved its DBE program, and the Commission is in compliance with it and this part. The Commission will continue to carry out the DBE program until all funds from DOT financial assistance have been expended. The Commission does not have to submit regular updates of the program, as long as it remains in compliance. However, the Commission will submit significant changes in the program for approval.

Section 26.23 Policy Statement

The policy statement is elaborated on the first page of this program.

Section 26.25 DBE Liaison Officer (DBELO)

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

Dawoud Stevenson, 400 Airways Avenue, Savannah, Georgia 31408, (912) 964-0514;
DStevenson@savannahairport.com

In that capacity, the DBELO is responsible for implementing all aspects of the DBE program and ensuring that the Commission complies with all provision of 49 CFR Part 26. The DBELO has direct, independent access to the Executive Director of the Savannah Airport Commission concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment 2 to this program.

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

1. *Gathers and reports statistical data and other information as required by USDOT.*

2. *Reviews third party contracts and purchase requisitions for compliance with this program.*
3. *Works with all departments to set overall triennial goals.*
4. *Ensures that bid notices and requests for proposals are available to DBEs in a timely manner.*
5. *Identifies contracts and procurements so that DBE goals are included in solicitations (both race-neutral methods and contract specific goals attainment and identifies ways to improve progress.*
6. *Analyzes the Airport's progress toward attainment and identifies ways to improve progress.*
7. *Participates in pre-bid meetings.*
8. *Advises the Commission on DBE matters and achievement.*
9. *Chairs the DBE Advisory Committee (when formed).*
10. *Determine contractor compliance with good faith efforts.*
11. *Provides DBEs with information and assistance in preparing bids, obtaining bonding and insurance.*
12. *Plans and participates in DBE training seminars.*
13. *Act as a liaison to the Uniform Certification Program in Georgia.*
14. *Provides outreach to DBEs and community organizations to advise them of opportunities.*

Section 26.27 DBE Financial Institutions

It is the policy of the Commission 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 USDOT-assisted contracts to make use of these institutions. At least annually, the Commission will search the FDIC registry to identify the presence of minority-owned financial institutions in the Savannah area. To date the following institution has been identified:

Carver State Bank
701 Martin Luther King, Jr. Boulevard
Savannah, Georgia 31415
<http://www.carverstatebank.com/>

The Commission will consider the services offered by this bank and refer contractors to the institution noted above.

Section 26.29 Prompt Payment Mechanisms

The Commission has established, as part of its DBE Program, a contract clause to require prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 30 days from receipt of each payment made to the prime contractor.

The Commission will ensure prompt and full payment of retainage from the prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed. The Commission will hold retainage from prime contractors, and provide for prompt and regular incremental acceptances of portions of the prime contract; pay retainage to prime contractors based on these acceptances, and require a contract clause obligating the prime contractor to pay

all retainage owed to the subcontractor for satisfactory completion of the accepted work within 30 days after payment to the prime contractor.

The Commission will consider a subcontractor's work is satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by the Commission. When the Commission has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed.

The Commission will provide appropriate means to enforce the requirements of this section. These means may include:

1. Withholding from the contractor in violation ten percent (10%) of all future payments under the involved eligible project until it is determined that the contractor is in compliance.
2. Withholding from the contractor in violation all future payments under the involved eligible project until it is determined that the contractor is in compliance.
3. Refusal of all future bids or offers for any applicable contract until it is determined that the contractor is in compliance.
4. Cancellation of the current contract.

The Commission will include the following clause in each USDOT-assisted prime contract:

The prime contractor agrees to pay each subcontractor under this prime contract for satisfactory performance of its contract no later than thirty (30) days from the receipt of each payment the prime contract receives from the Commission. The prime contractor agrees further to return retainage payments to each subcontractor within thirty (30) 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 the Commission's written approval. This clause applies to both DBE and non-DBE subcontracts.

The Commission has also established, as part of its DBE program, the following mechanisms to ensure prompt payment:

- (1) A contract clause that requires prime contractors to include in their subcontracts language providing that prime contractors and subcontractors will use appropriate alternative dispute resolution mechanisms to resolve payment disputes.
- (2) A contract clause providing that the prime contractor will not be reimbursed for work performed by subcontractors unless and until the prime contractor ensures that the subcontractors are promptly paid for the work they have performed.

(3) Other mechanisms, consistent with this part and applicable state and local law, to ensure that DBEs and other contractors are fully and promptly paid.

Section 26.31 Directory

The primary Disadvantaged Business Enterprise Directory for the Commission comes from the Georgia Department of Transportation (GDOT), who certifies companies as part of the Georgia Unified Certification Program (GUCP). The directory lists the firm's name, address, phone number, date of the most recent certification, and the type of work the firm has been certified to perform as a DBE. In addition, the directory lists each type of work for which a firm is eligible to be certified by using the most specific NAICS code available to describe each type of work.

GDOT revises the directory no less than annually, and the link for the directory may be found in Attachment 4 to this program.

Section 26.33 Overconcentration

The Commission has not identified that overconcentration exists in the types of work that DBEs perform. However, the Commission will continue to monitor the various categories to ensure that non-DBE firms are not unduly burdened.

Section 26.35 Business Development Programs

The Commission has not established a business development program.

Section 26.37 Monitoring and Enforcement Mechanisms

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

1. The Commission will bring to the attention of the Department of Transportation any false, fraudulent, or dishonest conduct in connection with the program, so that USDOT can take the steps (e.g., referral to the Department of Justice for criminal prosecution, referral to the USDOT Inspector General, action under suspension and debarment or Program Fraud and Civil Penalties rules) provided in 26.109.
2. The Commission will consider similar action under its own legal authorities, including responsibility determinations in future contracts. Attachment 7 lists the regulations, provisions, and contract remedies available to the Commission in the event of non-compliance with the DBE regulations by a participant in procurement activities.

3. The Commission will also provide a monitoring and enforcement mechanism to verify that work committed to DBEs at contract award is actually performed by DBEs. This will be accomplished by the following means:
 - a. *Reviewing bid package documentation thoroughly, obtaining clarification, if necessary.*
 - b. *Reviewing monthly reports regarding employment as well as DBE participation to ensure adherence to plan as represented in bid documents and as stipulated in this program.*
 - c. *Monitoring progress of payments to DBEs through monthly reports from prime contractors.*
 - d. *Monitoring progress of DBEs' work through on-site visits and communication with DBEs. The Commission will implement a monitoring and enforcement mechanism that will include written certification that the Commission has reviewed contracting records and monitored work sites for this purpose. This monitoring will be conducted during routine project site visits by the Commission on a monthly basis. The DBELO will sign off on the written certifications.*
4. The Commission will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

Section 26.39 Fostering Small Business Participation

The Commission has created an 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.

The program element is included as Attachment 10. The Commission will actively implement the program elements to foster small business participation. Doing so is a requirement of good faith implementation of the DBE program.

SUBPART C – GOALS, GOOD FAITH EFFORTS, AND COUNTING

Section 26.43 Set-asides or Quotas

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

Section 26.45 Overall Goals

The Commission will establish an overall DBE goal covering a three-year federal fiscal year period if it anticipates awarding FAA funded prime contracts exceeding \$250,000 during any one or more of the reporting fiscal years within the three-year goal period. In accordance with Section 26.45(f), the Commission will submit its overall three-year DBE Goal to FAA by August 1 as required by the established schedule below:

Airport Type	Region	Next Goal Due (Goal Period)
Large & Medium Hub Primary	All Regions	August 1, 2016 (2017/2018/2019)

Small Hub Primary	All Regions	August 1, 2017 (2018/2019/2020)
Non-Hub Primary	All Regions	August 1, 2018 (2019/2020/2021)
Non-Primary (GAs, Relievers and State DOTs)	Alaskan, Eastern, & Great Lakes	August 1, 2016 (2017/2018/2019)
Non-Primary (GAs, Relievers and State DOTs)	New England, Northwest Mountain, & Southern	August 1, 2017 (2018/2019/2020)
Non-Primary (GAs, Relievers and State DOTs)	Central, Southwest, and Western- Pacific	August 1, 2018 (2019/2020/2021)

DBE goals will be established for those fiscal years that the Commission anticipates awarding USDOT-assisted prime contracts exceeding \$250,000 during the three-year period. The DBE goals will be established in accordance with the two-step process as specified in 49 CFR Part 26.45. If the Commission does not anticipate awarding more than \$250,000 in USDOT-assisted prime contracts during any of the years within the three-year reporting period, the Commission will not develop an overall goal; however, this DBE program will remain in effect and the Commission will seek to fulfill the objectives outlined in 49 CFR Part 26.1.

The most recent goal document was developed in 2017, for FFY 2018-FFY 2020. A description of the methodology to calculate the overall goal and the goal calculation(s) can be found in [Attachment 5](#) to this program. This section of the program will be updated on at least a triennial basis.

In establishing the overall goal, the Commission will provide for consultation and publication. This includes consultation with minority, women's and general contractor groups, community organizations, and other officials or organizations that 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 Commission's efforts 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 Commission's goal setting process, and it will occur before submitting the goal methodology to the FAA for review pursuant to paragraph (f) of this section. The Commission will document in the goal submission the consultation process that was utilized. Notwithstanding paragraph (f)(4) of this section, the Commission will not implement the proposed goal until this requirement is fulfilled.

The Commission's overall goal submission to USDOT will include a summary of information and comments received during this public participation process and responses, if any comments are received.

The Commission will begin using the overall goal on October 1 of the reporting period, unless it has received other instructions from USDOT. If the Commission establishes a goal on a project basis, it will begin using the goal by the time of the first solicitation for a USDOT-assisted contract for the project.

Prior Operating Administration Concurrent Section 26.45(f)

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

Section 26.47 Goal Setting and Accountability

If the awards and commitments shown on the Commission's 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 Airport will:

1. Analyze in detail the reason for the difference between the overall goal and the actual awards/commitments;
2. Establish specific steps and milestones to correct the problems identified in the analysis; and
3. 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. The Commission will retain a copy of the analysis and corrective actions in its records for a minimum of three years, and will make it available to FAA upon request.

Section 26.49 Transit Vehicle Manufacturers Goals

N/A

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

The breakout of estimated race-neutral and race-conscious participation can be found in Attachment 5 to this program. This section of the program will be updated when the goal calculation is updated.

Section 26.51(d-g) Contract Goals

The Savannah Airport Commission 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.

If the approved projection under paragraph (c) of this section estimates that the Commission can meet the entire overall goal for a given year through race-neutral means, it will implement the program without setting contract goals during that year, unless it becomes necessary in order to meet the overall goal.

The Commission will establish contract goals only on those USDOT-assisted contracts that have subcontracting possibilities and not on every such contract. Further, the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBEs to perform the particular type of work.) The contract goals will be expressed as a percentage of the total amount of a DOT-assisted contract.

Section 26.53 Good Faith Efforts Procedures

Demonstration of good faith efforts (26.53(a) & (c))

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

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

In determining whether a bidder has made good faith efforts, the Commission may take into account 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, the Commission 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, the Commission may view this, in conjunction with other factors, as evidence of the apparent successful bidder having made good faith efforts.

The Commission will ensure that all information is complete and accurate and adequately documents the bidder's good faith efforts before it commits to the performance of the contract by the bidder.

Information to be submitted (26.53(b))

The Commission treats bidders' compliance with good faith efforts' requirements as a matter of responsiveness. This means that all bidders must submit DBE information at the time of bid.

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

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

This information will be collected using the forms found in Attachment 6.

Administrative reconsideration (26.53(d))

Within three (3) days of being informed by the Commission that it is not responsive because it has not documented sufficient good faith efforts, a bidder may request administrative reconsideration. Bidders should make this request in writing to the following reconsideration official:

Andy Adkins
M/WBE Compliance Coordinator
City of Savannah
801 E. Gwinnett Street
Savannah, GA
Phone (912) 652-3582
aadkins@savannahga.gov

Mr. Adkins serves as the M/WBE Coordinator for the City of Savannah. The City's M/WBE Coordinator will not have played any role in the original determination that the bidder/offeror did not document sufficient good faith efforts.

As part of this reconsideration, the bidder 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 will have the opportunity to meet in person with the Commission's administrative reconsideration official to discuss the issue of whether it met the goal or made adequate good faith efforts to do so. The Commission will send the bidder a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or make adequate good faith efforts to do so. The result of the reconsideration process is not administratively appealable to the US Department of Transportation.

Good Faith Efforts procedures in situations when there are contract goals (26.53(f)(g))

The Commission will include in each prime contract a provision stating:

The contractor shall utilize the specific DBEs listed to perform the work and supply the materials for which each is listed unless the contractor obtains the written consent of the Commission as provided in this paragraph 26.53(f); and

That, unless the Commission's consent is provided under this paragraph 26.53(f), the contractor shall not be entitled to any payment for work or material unless it is performed or supplied by the listed DBE.

The Commission will require the contractor that is awarded the contract to make available upon request a copy of all DBE subcontracts. The subcontractor shall ensure that all subcontracts or an agreement with DBEs to supply labor or materials require that the subcontract and all lower tier subcontractors be performed in accordance with this part's provisions.

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

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

In this situation, the Commission will require the prime contractor to obtain prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts. The Commission will provide such written consent only if the Commission agrees, for reasons stated in a 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) The Commission has determined that the listed DBE subcontractor is not a responsible contractor;

- (7) The listed DBE subcontractor voluntarily withdraws from the project and provides to us 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;
- (10) Other documented good cause that the Commission 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 its request to the Commission to terminate and/or substitute a DBE subcontractor, the prime contractor must give notice in writing to the DBE subcontractor, with a copy to the Commission, of its intent to request to terminate and/or substitute, and the reason for the request.

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

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

The Commission 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 the Commission established for the procurement. The good faith efforts shall be documented by the contractor. If the Commission requests documentation from the contractor under this provision, the contractor shall submit the documentation within (7) days, which may be extended for an additional (7) days if necessary at the request of the contractor, and the recipient shall provide a written determination to the contractor stating whether or not good faith efforts have been demonstrated.

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

If the contractor fails or refuses to comply in the time specified, the Commission's contracting office will issue an order stopping all or part of payment/work until satisfactory action has been

taken. If the contractor still fails to comply, the contracting officer may issue a termination for default proceeding.

Sample Bid Specification:

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

The bidder will be required to submit the following information:

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

Section 26.55 Counting DBE Participation

The Commission will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55. The Commission will not count the participation of a DBE subcontract toward a contractor's final compliance with its DBE obligations on a contract until the amount being counted has actually been paid to the DBE.

If the 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**

The Savannah Airport Commission is a non-certifying member of the Georgia UCP and relies on the decisions of the two certifying members of the UCP (Metropolitan Atlanta Rapid Transit Authority (MARTA) and GDOT) in its application of the certification standards and procedures of Subparts D and E of Part 26. To be certified as a DBE, a firm must meet all certification eligibility standards. The Georgia UCP will make all certification decisions based on the facts as a whole.

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

Georgia Department of Transportation
Office of Equal Employment Opportunity
600 West Peachtree Street, NW (7th Floor)
Atlanta, GA 30308
(404) 631-1972 | (404) 631-1943 Fax
<http://www.dot.ga.gov/PS/Business/DBE>

The certification application forms and documentation requirements are found in Attachment 8 to this program.

SUBPART E – CERTIFICATION PROCEDURES**Section 26.81 Unified Certification Program**

The Commission is a member of the Georgia Unified Certification Program (GUCP), which is managed by GDOT and MARTA, and the Commission is a non-certifying participant. The Commission will use and count for DBE credit only those DBE firms certified by GUCP.

SUBPART F – COMPLIANCE AND ENFORCEMENT**Section 26.109 Information, Confidentiality, Cooperation**

The Commission will safeguard, from disclosure to third parties, information that may reasonably be regarded as confidential business information, consistent with Federal, state, and local law. Notwithstanding any contrary provisions of state or local law, the Savannah Airport Commission will not release any information that may reasonably be construed as confidential business information to any third party without the written consent of the firm that submitted the information. This includes applications for DBE certification and supporting information. However, the Savannah Airport Commission is required to transmit this information to DOT in any certification appeal proceeding under § 26.89 of this part or to any other state to which the individual's firm has applied for certification under § 26.85 of this part.

Monitoring Payments to DBEs

The Commission will require prime contractors to maintain records and documents of payments to DBEs for three (3) years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of the Commission or USDOT. This reporting requirement also extends to any certified DBE subcontractor.

The Commission will perform interim audits of contract payments to DBEs. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts states in the schedule of DBE participation.

ATTACHMENTS

Attachment 1	Regulations: 49 CFR Part 26
Attachment 2	Organizational Chart
Attachment 3	Bidder's List Collection Form
Attachment 4	DBE Directory
Attachment 5	Overall DBE Goal Calculation
Attachment 6	Demonstration of Good Faith Efforts - Form 1 & 2
Attachment 7	DBE Monitoring and Enforcement Mechanisms
Attachment 8	DBE Certification Application Form
Attachment 9	State's UCP Agreement
Attachment 10	Small Business Element Program

ATTACHMENT 1

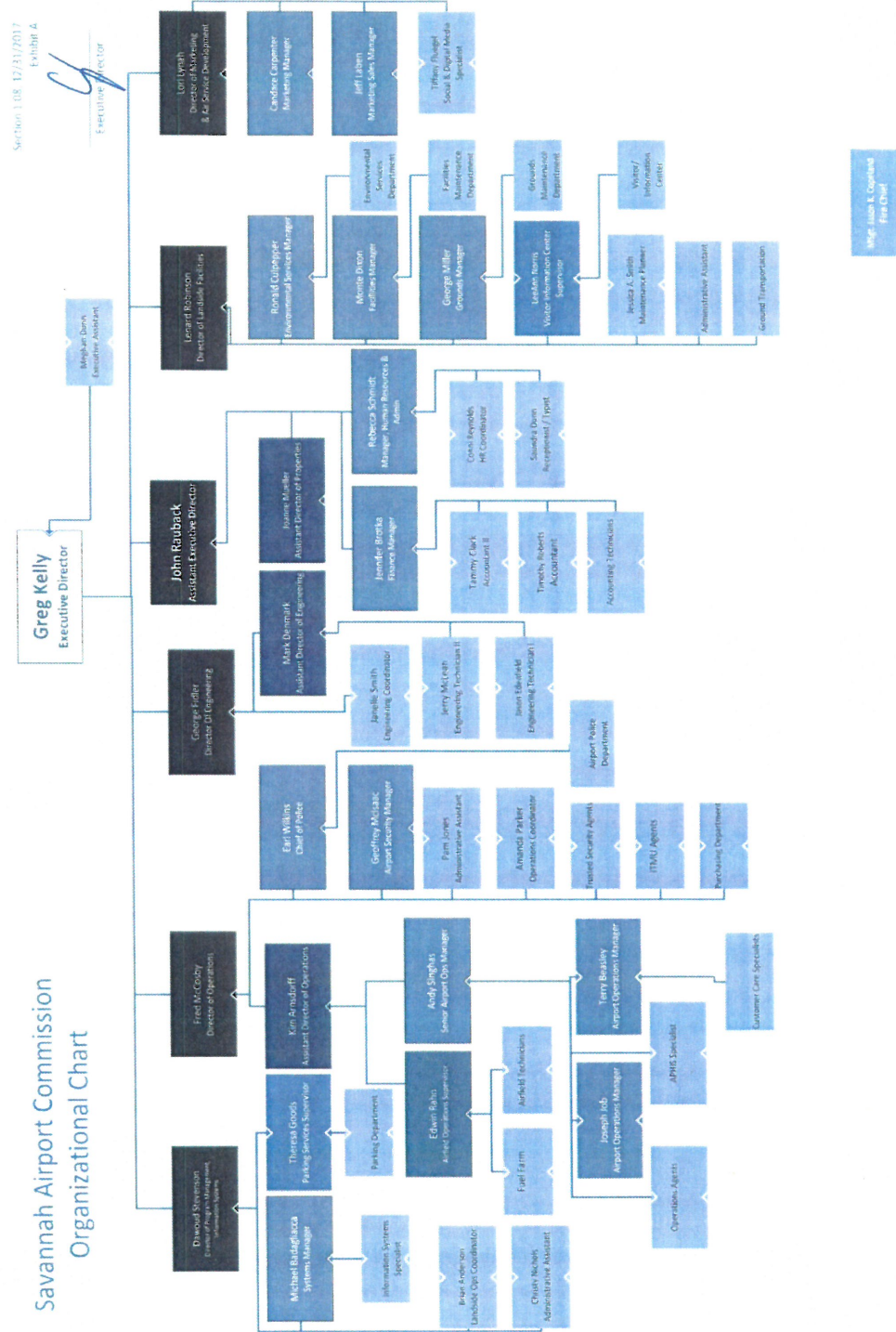
Regulations: 49 CFR Part 26, or link to website

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

AS OF MAY 2017

ATTACHMENT 2

ORGANIZATIONAL CHART



ATTACHMENT 3

Bidder's List Collection Form

BIDDERS LIST DATA FORM

Firm Name	Firm Address and Phone No.	DBE or Non-DBE Status <i>(verify via GDOT DBE Directory)</i>	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 - \$1M <input type="checkbox"/> \$1-2M <input type="checkbox"/> \$2-5M <input type="checkbox"/> Greater than \$5M
			<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 - \$1M <input type="checkbox"/> \$1-2M <input type="checkbox"/> \$2-5M <input type="checkbox"/> Greater than \$5M
			<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 - \$1M <input type="checkbox"/> \$1-2M <input type="checkbox"/> \$2-5M <input type="checkbox"/> Greater than \$5M
			<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 - \$1M <input type="checkbox"/> \$1-2M <input type="checkbox"/> \$2-5M <input type="checkbox"/> Greater than \$5M
			<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 - \$1M <input type="checkbox"/> \$1-2M <input type="checkbox"/> \$2-5M <input type="checkbox"/> Greater than \$5M
			<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 - \$1M <input type="checkbox"/> \$1-2M <input type="checkbox"/> \$2-5M <input type="checkbox"/> Greater than \$5M
			<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 - \$1M <input type="checkbox"/> \$1-2M <input type="checkbox"/> \$2-5M <input type="checkbox"/> Greater than \$5M
			<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 - \$1M <input type="checkbox"/> \$1-2M <input type="checkbox"/> \$2-5M <input type="checkbox"/> Greater than \$5M
			<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 - \$1M <input type="checkbox"/> \$1-2M <input type="checkbox"/> \$2-5M <input type="checkbox"/> Greater than \$5M

ATTACHMENT 4

Georgia Department of Transportation DBE Directory

<http://www.dot.ga.gov/PS/Business/DBE>

ATTACHMENT 5

Section 26.45: Overall DBE Three-Year Goal Methodology

In fulfillment of the requirements of 49 CFR Part 26, the Savannah Airport Commission (hereafter 'the Airport Commission') has developed a proposed Overall Goal for FY 2018-2020 FAA-AIP projects for the Savannah/Hilton Head International Airport. The methodology used in establishing this goal is described herein.

I. Detailed Methodology: Specific Steps

A. Amount of Goal

The Airport Commission's FY 2018-2020 overall goal for the Federal financial assistance it will expend in USDOT-assisted contracts is the following:

Overall Goal:	<u>10.6%</u>
Race-Neutral:	<u>2.9%</u>
Race-Conscious:	<u>7.7%</u>

Given the amount of USDOT-assisted contracts that the Airport Commission expects to let from FY 2018-2020, which is approximately **\$15,969,713**, this means that the Authority has set a goal of expending approximately **\$1,503,798** with DBEs during this period.

B. Determination of the Market Area of the study

The normal market area was based on discussions with the Airport Commission staff and an assessment of bidders from similar recent projects. Specifically, the market area is based on where the substantial majority of bidders, both successful and unsuccessful are located and where the substantial majority of funding was spent.

ATTACHMENT 6

Demonstration of Good Faith Efforts - Forms 1 & 2

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

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner (please check the appropriate space):

____ The bidder/offeror is committed to a minimum of ____ % DBE utilization on this contract.

____ The bidder/offeror (if unable to meet the DBE goal of ____%) is committed to a minimum of ____% DBE utilization on this contract and has submitted documentation demonstrating good faith efforts.

Name of bidder/offeror's firm: _____

State Registration No. _____

By _____
(Signature) Title

FORM 2: LETTER OF INTENT

Name of bidder/offeror's firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Name of DBE firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone: _____

Description of work to be performed by DBE firm:

The bidder/offeror is committed to utilizing the above-named DBE firm for the work described above. The estimated dollar value of this work is \$ _____.

Affirmation

The above-named DBE firm affirms that it will perform the portion of the contract for the estimated dollar value as stated above.

By _____
(Signature) (Title)

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

(Submit this page for each DBE subcontractor.)

ATTACHMENT 7

DBE Monitoring and Enforcement Mechanisms

The Savannah Airport Commission 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 *O.C.G.A. 13-6-1 et seq.*;

In addition, the Federal government has available several enforcement mechanisms that it may apply to firms participating in the DBE problem, 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

<http://www.dot.ga.gov/PS/Business/DBE>

ATTACHMENT 9

State's UCP Agreement

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE
THE GEORGIA DEPARTMENT OF TRANSPORTATION,
And SAVANNAH HILTON HEAD INTERNATIONAL AIRPORT**

This Memorandum of Understanding documents the participation of U.S. DOT Recipients and in certain instances, funding arrangements for the continued implementation and operation of the Unified Certification Program (UCP) in the State of Georgia.

PREAMBLE

WHEREAS, the Georgia Department of Transportation (GDOT), an agency of the State of Georgia, has undertaken a Unified Certification Program to certify all Disadvantaged Business Enterprises in the State of Georgia with the cooperation of The Metropolitan Atlanta Rapid Transit Authority (MARTA)

WHEREAS, the initial assessment involved compiling information and developing tools regarding the development of a UCP in the State of Georgia; and

WHEREAS, this MOU establishes the certification procedures for Disadvantaged Business Enterprises participating in federally funded projects; and

WHEREAS, the Georgia Department of Transportation has been and continues to be the Lead Agency for the Unified Certification Program and has accepted the responsibility for the statewide certification program, and;

WHEREAS, the State of Georgia Unified Certification Program is consistent with the laws, rules and regulations of Title VI of the 1964 Civil Rights Act and 49 Code of Federal Regulation, Parts 23 and 26 and,

WHEREAS, the U.S. DOT Recipients have a mission to:

1. Coordinate and participate in the certification review processes that affect socially and economically disadvantaged businesses.
2. Promote and maintain a UCP directory of socially and economically disadvantaged businesses.

Now, therefore, in consideration of the mutual promises and covenants herein contained, it is hereby agreed by and between the parties:

1) PURPOSE

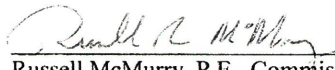
- a) This Memorandum of Understanding outlines the scope of work including any obligations and responsibilities.
- b) GDOT, FHWA, MARTA, FAA, FTA and other recipients will have access to all work completed as part of the Unified Certification Program.

2. SUPPORTIVE SERVICES FOR THE UNIFIED CERTIFICATION PROGRAM:

- a) All of the signatory parties have consulted and agreed on services required to complete the work described in the certification procedures and processes prior to the work beginning.
- b) All of the signatory parties agree to consult on the use of services for work described in the certification procedure and process provided that all services will be used for documentation and dissemination of the information on Disadvantaged Business Enterprises.

This agreement is entered into, by and between the Georgia Department of Transportation and **SAVANNAH HILTON HEAD INTERNATIONAL AIRPORT**. This agreement will take effect at the time of approval by all entities.

The signatory parties mutually agree to consult regarding any amendments or issues to be addressed. This agreement may be modified by written mutual consent of the signatory parties.



Russell McMurry, P.E., Commissioner
Georgia Department of Transportation
600 West Peachtree Street, N.W.
Atlanta, Georgia 30308

4/25/17

Date



Gregory B. Kelly, Executive Director
SAVANNAH HILTON HEAD INTERNATIONAL AIRPORT
400 Airways Ave
Savannah, GA 31408

April 11, 2017

Date

ATTACHMENT 10

Small Business Element Program

SAVANNAH / HILTON HEAD INTERNATIONAL AIRPORT - Section 26: 39 - Fostering Small Business Participation

Contents:

- A.** Purpose and Objective of this Element
- B.** Small Business Participation Plan- Strategy
 - 1. Race-neutral Subcontracting Goal
 - 2. Reduction in size of Prime Contracts
 - 3. Consideration of Unbundling
- C.** Definitions for this Element
- D.** Verification Standards and Procedures
- E.** Supportive Services
- F.** Implementation Plan and Time-Table
- G.** Assurances
- H.** Principal Responsible Person-DBELO

A. Purpose and Objective of this Element

Part 26.39 calls for the inclusion of an element to “*structure contracting requirements to facilitate competition by small business concerns, taking all reasonable steps to eliminate obstacles to their participation.*” The Savannah Airport Commission’s Small Business Participation Plan (SBPP) was developed specifically for the Commission in furtherance of this objective.

Additionally, this SBPP is also regarded as an effort to meet the “*maximum feasible portion*” of its overall goal by using race-neutral means to obtain DBE participation. The Savannah Airport Commission’s SBPP will be based on *business size*, without regard to the race or gender of the business owner. Also, the DBE Small Business Participation Plan will not include specific geographic limitations consistent with the requirements of Part 26.

Further, the Savannah Airport Commission perceives the objectives of this section to be consistent with its DBE Program Policy Statement as well as the long history of creating and implementing economic development strategies to support and encourage business growth at all levels. This element will also further the Savannah Airport Commission’s efforts to unbundle contract requirements, where feasible, to allow for the inclusion of small businesses.

B. SBPP Strategy

The Savannah Airport Commission intend to carry out the objectives of this part by employing the following strategies and supporting activities:

1. Establishment of a Race-Neutral “Subcontracting Goal”

The Savannah Airport Commission, where feasible, on certain prime contracts that do not have a DBE contract goal (race-conscious), proposes that Prime Contractors be required to provide subcontracting opportunities to qualified Small Business Concerns, (SBC’s) as herein defined, *without* regard to the race or gender of the business owner. The opportunities must be of a size that SBC’s, including some which may happen to also be DBE’s, can reasonably perform. The Savannah Airport Commission will assist the potential Prime Contractors by reviewing the project(s), in advance of the solicitation, and suggesting potential subcontracting opportunities in the solicitation documents, thereby establishing a reasonable Subcontracting Goal.

2. Reduction in “size” of Prime Contracts.

Each program year, the Savannah Airport Commission will review upcoming projects and identify, where feasible, projects that can be “broken up” i.e. reduced in scope and size, so that Small Business Concerns (SBC’s) may reasonably bid as Prime Contractors. This may increase the number of solicitations, but again, some of the smaller businesses might also be DBE’s and therefore add to the Savannah Airport Commission’s bidders list. Further, the Savannah Airport Commission will consider

developing a “Tier” of Contracts Size, based on estimated dollar value, and recommend which “Tier” should or could be available for SBCs as a Prime Contractor.

3. “Unbundling” of Large Contracts

Finally, the Savannah Airport Commission proposes to unbundle large procurement packages to allow SBCs to be more competitive for a larger number of projects.

C. Definitions for this Element

1. Small Business

For purposes of this program element, “small business” shall have the same definition as “small business concerns” contained in 49 CFR, 26.5, which states:

*“**Small business concern means**, with respect to firms seeking to participate as DBEs in DOT-assisted contracts, a small business concern as defined pursuant to section 3 of the Small Business Act and Small Business Administration regulations implementing it (13 CFR part 121) that also does not exceed the cap on average annual gross receipts specified in §26.65(b).”*

For additional clarification, it is useful to include here some excerpts from the SBA regulations, 13 CFR, 121.105:

*(a)(1) **Except for small agricultural cooperatives**, a business concern eligible for assistance from SBA as a small business is a business entity organized for profit, with a place of business located in the United States, and which operates primarily within the United States or which makes a significant contribution to the U.S. economy through payment of taxes or use of American products, materials or labor....” and,*
*(b) **A business concern may be in the legal form** of an individual proprietorship, partnership, limited liability company, corporation, joint venture, association, trust or cooperative, except that where the form is a joint venture there can be no more than 49 percent participation by foreign business entities in the joint venture.*

2. Disadvantaged Business Enterprise

Disadvantaged Business Enterprise or **DBE** means a for-profit small business concern—(defined by SBA rules, above), and that is,

- *At least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation, in which 51 percent of the stock is owned by one or more such individuals;*
- *Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it;*

- *Has been certified as a DBE by the Georgia Department of Transportation, a certifying member of the Georgia Unified Certification Program, (GaUCP) in accordance with the full requirements of 49 CFR 26.*

It is understood that in the implementation of this element, all of the "Small Business Concerns" may not necessarily be DBE firms. However, small businesses which are also owned and controlled by individuals who meet the DBE standard will be encouraged to seek DBE certification. Only DBE certified firms who participate as small business concerns pursuant to this element, will be counted towards DBE race-neutral participation on FAA-assisted contracts in this program.

D. Verification Standards and Procedures

For purposes of this small business element, The Savannah Airport Commission and the Savannah / Hilton Head International Airport will require the following verification and/or certification:

1. **Georgia Unified Certification Program (GaUCP) DBE Certification** – DBE Certification by a certifying member of the GaUCP which stipulates that a firm has been determined to meet all the requirements in accordance with 49 CFR Part 26. All certification determinations are evidenced by a letter of DBE certification issued by a certifying member of the GaUCP. It should be noted that the Savannah Airport Commission is not a certifying member of the GaUCP and does not have its own certification staff.
2. **A non-DBE certified potential small business concern** may have to complete a simplified application and/or provide the following information at time of response to a solicitation or a bid submittal, as evidence of the small business status:
 - a. Evidence of SBA 8(a) or SBD Certification (as described in 13 CFR Parts 121 and 124)
 - b. A copy of the business tax returns for the most recent three-year period indicating the gross receipts; and/or
 - c. A notarized statement from a Certified Public Accountant indicating the firms average gross receipts for the past three years.
3. **Use of Personal Net Worth:** The Savannah Airport Commission, in addition to the standards for small business concerns described above, plans to utilize the current Personal Net Worth standards of the DBE program (26.67), presently at \$1.32 million dollars.

E. Supportive Services

The Savannah Airport Commission does not provide direct supportive services and/or business development programs to DBEs or small businesses. However, the Commission does coordinate and make referrals to other providers of these and similar services. These services, as relevant, will also be made to verified small business concerns. These services may include:

1. The distribution and dissemination of information about the new Small Business Participation program, as well as bid information to certified DBEs and by extension, to potential small business concerns.
2. Conducting outreach efforts, i.e., information sessions, open houses, etc., as part of recruitment efforts for both qualified DBE firms and verifiable small business concerns, without regard to race or gender.
3. Publicizing information to the small business community with regard to current, on-going and future opportunities at the Airport.

F. Implementation Plan and Timetable -Savannah / Hilton Head International Airport Small Business Participation Plan (SBPP)

The Savannah Airport Commission proposes to have its SBPP fully implemented within **nine (9) months** of the FAA final approval of the Plan. The Airport will utilize the time frame to properly set up the program in order to maximize the potential for ultimate success. These set-up activities will include:

1. Review all upcoming projects in an attempt to pre-determine which, if any, will be conducive for application of either of the three selected SBPP strategies, described in Section B, above.
2. Review, in coordination with Legal staff, the necessary revisions and modifications to solicitation language etc., prior to implementation.
3. Coordinate properly with the Georgia UCP to initiate discussions as to whether any changes/modifications are implicated in the UCP stakeholder agreement, due to verification of small business concerns.
4. Coordinate with other entities currently providing relevant supportive services and/or business development to consider preparation of special programs appropriate for the small business community to increase their competitive opportunities at the Airport.
5. The Savannah Airport Commission, during the pre-implementation period, may seek consultation with the representative small business community.

G. Assurances

To help insure the successful implementation of the Small Business Participation Plan (SBPP), the Commission, by way of review, accepts the following Assurances:

1. *A detailed description of the small business program, its objectives, and how it is designed to operate.*
 - a. The details of our proposed program are described in sections A through G, of this part.
2. *Assurance that the program is authorized under state law.*
 - a. The Commission's SBPP will adhere to all applicable local and state laws and regulations.
3. *Assurance that certified DBEs that meet the size criteria established under the program are **presumptively** eligible to participate in the program;*
 - a. As stated in D. 4, of this section, certified DBE firms that meet the size criteria established under the program are presumptively eligible to participate in the small business program.
4. *Assurance that there **are no geographic preferences** or limitations imposed on any federally assisted procurement included in the program.*
 - a. The Commission will assure that there will be no geographic preferences or limitations imposed on any federally assisted procurement included in the Commission's DBE program.
5. *Assurance that there **are no limits** on the number of contracts awarded to firms participating in the program but that every effort will be made to avoid creating barriers to the use of new, emerging, or untried businesses.*
 - a. The Commission will assure that it will not limit the number of contracts awarded to firms that are participating in the small business program. The Commission further assures that it will make a concerted effort to avoid creating barriers to the use of new, emerging, or untried businesses.
6. *Assurance that aggressive steps will be taken to encourage those minority and women owned firms that are eligible for DBE certification to become certified.*

- a. The Commission recognizes that while some firms encountering our SBPP program may be small-business eligible, but not certified as DBEs. If in the verification process, such firms appear to be DBE-eligible as well, they will be referred to the state UCP and encouraged to become DBE-certified. The Airport will also make them aware of additional potential business opportunities if they become certified as DBEs.
7. *Assurance that the program is open to small businesses regardless of their location (i.e., that there is no local or other geographic preference).*
- a. The assurance stated in item 4, above, is also applicable to specifically to the airport's SBPP program as well.

H. Principal Responsible Person

The principal responsible person for overseeing and implementing the Airport's SBPP, is the currently designated Disadvantaged Business Enterprise Liaison Officer. The DBELO at Savannah / Hilton Head International Airport is Dawoud Stevenson, Director of Program Management, Information Technology.