

SENECA COUNTY
FINGER LAKES REGIONAL AIRPORT

**DISADVANTAGED BUSINESS ENTERPRISE
PROGRAM**

FISCAL YEARS 2017-2019

DBE PROGRAM

FINGER LAKES REGIONAL AIRPORT

FY 2017-2020

OBJECTIVES/POLICY STATEMENT

Section 26.1, 26.23

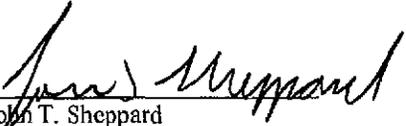
Seneca County has established a Disadvantaged Business Enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26. Seneca County has received Federal financial assistance from the Department of Transportation, and as a condition of receiving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

It is the policy of Seneca County to ensure that DBE's, as defined in Part 26, have an equal opportunity to receive and participate in DOT-assisted contracts. It is also our policy:

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

Harriet Haynes, Planner has been delegated as the DBE Liaison Officer (DBELO). In that capacity, Harriet Haynes 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 Seneca County in its financial assistance agreements with the Department of Transportation.

Seneca County has disseminated this policy statement to the Board of Supervisors and all the components of our organization. Seneca County has distributed this statement to DBE and non-DBE business communities that perform work for us on DOT-assisted contracts through contract documents.


John T. Sheppard
County Manager

12/05/2016
Date

APPROVED
BY 
SENeca COUNTY ATTORNEY
12/2/16
DATE

IDENTIFYING INFORMATION

1. Name of Sponsor: Seneca County
2. Address of Sponsor: County Office Building, 1 DiPronio Drive
Waterloo, NY 13165
3. Name of Airport: Finger Lakes Regional Airport
4. Name of Contact Person: Harriet Haynes
5. Telephone Number: (315) 539-1723
Fax Number: (315) 539-4340
6. Period covered by Plan: From 10/1/2016 through 9/30/2019
7. The overall annual DBE goal in this plan is **6.7** percent.

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

Seneca County is the recipient of federal airport funds authorized by 49 U.S.C. 47101, et seq.

Section 26.5 Definitions

Seneca County will adopt the definitions contained in Section 26.5 for this program.

Section 26.7 Non-discrimination Requirements

Seneca County 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, Seneca County 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)

Seneca County will report DBE participation to DOT by submitting annually a Uniform Report of DBE Awards or Commitments and Payment Form, as modified for use by FAA recipients.

Section 26.11 (c) Bidders List

Seneca County will create and maintain a bidders list. The purpose of the 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 our DOT-assisted contracts for use in helping to set our overall goals. The bidder list will include the name, address, DBE non-DBE status, age, and annual gross receipts of firms.

Seneca County will collect this information at the time of the bid opening. (Please see **Attachment 11**)

Section 26.13 Federal Financial Assistance Agreement

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

Assurance Section 26.13 (a)

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

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

Contract Assurance Section 26.13 (b)

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

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

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

Section 26.23 Policy Statement

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

Section 26.25 DBE Liaison Officer (DBELO)

Seneca County has designated the following individual as the DBE Liaison Officer:

Harriet Haynes, Planner, Seneca County Economic Development and Planning, Seneca County Office Building, 1 DiPronio Drive, Waterloo, NY 13165-1681, (315) 539-1723, hhaynes@co.seneca.ny.us.

In that capacity, Ms. Haynes is responsible for implementing all aspects of the DBE program and ensuring that Seneca County complies with all provisions of 49 CFR Part 26. Ms. Haynes has direct, independent access to the Chairman of the Seneca County Board of Supervisors concerning DBE program matters. An organization chart displaying the DBELO's position in the organization is found in Attachment 1 to this program.

The DBELO is responsible for developing, implementing and monitoring the DBE program, in coordination with other appropriate officials. Duties and responsibilities include, but are not limited to, assistance in the following:

1. Gathers and reports statistical data and other information as required by DOT.
2. Reviews third party contracts and purchase requisitions for compliance with this program.
3. Works with all departments to set overall annual goals.
4. Ensures that bid notices and requests for proposals are available to DBE's 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), and monitors results.
6. Analyzes progress towards attainment and identifies ways to improve progress.
7. Participates in pre-bid meetings.
8. Advises the CEO/governing body on DBE matters and achievement.
9. Participates in determining contractor compliance with good faith efforts.
10. Provides DBE's with information and assistance in preparing bids, obtaining bonding and insurance.
11. Acts as liaison to the Uniform Certification Process in New York State.
12. Maintains Seneca County 's updated directory on certified DBE's

Section 26.27 DBE Financial Institutions

It is the policy of Seneca County to investigate the full extent of services offered by financial institutions owned and controlled by socially and economically disadvantaged individuals in the community, to make reasonable efforts to use these institutions, and to encourage prime contractors on DOT-assisted contracts to make use of these institutions. Seneca County has researched the availability of DBE Financial Institutions, and found there to be none available at this time, but will make every effort in the future to locate such firms.

Section 26.29 Prompt Payment

Seneca County will include the following clause in each DOT-assisted prime contract:

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

This prompt payment clause will apply to all DBE and non-DBE subcontractors on DOT-assisted contracts, and will be enforced by the Resident Project Representative (RPR). Seneca County may be required to resolve disputes over the holding of certain funds, etc. and assures that payments will be made in a timely fashion. Prime Contractors will be required to provide the RPR with documentation showing that payments to subcontractors have been made within the time limit stated within their contract. Failure to comply will result in the holding of additional monies, until the RPR are assured the payments to subcontractors have been made. Any delay or postponement of payment among parties may take place only for a good cause, with prior written approval from the RPR. It will also be noted in the contract between Seneca County and the Prime Contractor that the Prime Contractor will not be reimbursed for work performed by subcontractors unless and until the Prime Contractor ensures that the subcontractor has been promptly paid for the work they have performed.

Section 26.31 Directory

Seneca County maintains a directory identifying firms eligible to participate as DBE's. The directory lists the firm's name, address, phone number, and the type of work the firm has been certified to perform as a DBE. The Directory shall be updated at least annually and remains available for public viewing at the Seneca County Office Building, 1 DiPronio Drive, Waterloo, NY 13165-1681. The DBE listing is attached as **Attachment 2**.

Section 26.33 Overconcentration

Seneca County has not identified that overconcentration exists in the types of work that DBE's perform.

Section 26.35 Business Development Programs

Seneca County has not established a business development program.

Section 26.37 Monitoring and Enforcement Mechanisms

Seneca County will take the following monitoring and enforcement mechanisms to ensure compliance with 49 CFR part 26.

1. We 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 26.109.
2. We also will consider similar action under our own legal authorities, including responsibility determinations in future contracts. **Attachment 3** lists the regulation, provisions, and contract remedies available to us in the events of non-compliance with the DBE regulation by a participant in our procurement activities.
3. We will also provide a monitoring and enforcement mechanism to verify that work committed to DBE's at contract award is actually performed by the DBE's. This will be accomplished by requiring contractors to submit a Receipt, Waiver and Release of Lien Rights, and Subcontractor's Certification (New York State Labor Law, Section 220-a) at the completion of the project prior to the release of the final payment.
4. We will keep a running tally of actual payments to DBE firms for work committed to them at the time of contract award.

The County will also implement a monitoring and enforcement mechanism to ensure that work committed to DBEs at contract award is actually performed by the DBEs. This mechanism will provide for a running tally of actual DBE attainments (e.g. payment actually made to DBE firms), including a means of comparing these attainments to commitments. The County, with the assistance of their Engineer, will review contracting records and monitor work sites during the term of the contract to ensure that work committed to DBE's at contract award or during the project, is actually performed by the DBE's to which the work was committed. The County will process a DBE Services Certification Form, which is attached as Attachment 12, after reviewing contracting records and worksites, and verifying the work committed to DBE's was actually performed by the DBE's to which the work was committed. The form will be kept on file with the closeout documents for the project.

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

SMALL BUSINESS PARTICIPATION

A. Objective (49 CFR Part 26.39)

Recognizing that the DBE Program goals should be met through a mixture of race conscious and race neutral methods and, that by definition, DBE firms are small businesses, the Airport seeks to implement a small business element into its current DBE policy in accordance with applicable law. The Airport is including this element to facilitate competition by and expand opportunities for small businesses. The Airport is committed to taking all reasonable steps to eliminate obstacles to

small businesses that may preclude their participation in procurements as prime contractors or subcontractors. The Airport will meet its objectives using a combination of the following methods and strategies:

1. Set asides: Where feasible, the Airport will 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 the Airport and its prime contractors/ consultants 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 DBELO 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 set aside is in addition to the DBE contract goals which may be required pursuant to applicable law or policy. In the event that a set-aside is not established on an FAA-assisted contract, the project manager and small business officer will document why a small business set-aside is inappropriate.
2. Unbundling: The Airport, where feasible, may “unbundle” projects or separate large contracts into smaller contracts which may be more suitable for small business participation. The Airport will conduct contract reviews on each FAA-assisted contract to determine whether portions of the project could be “unbundled” or bid separately. Similarly, the Airport will encourage its prime contractors or prime consultants to unbundle contracts to facilitate participation by small businesses.

B. Definitions

1. Small Business:

A small business is a business that is independently owned and operated, is organized for profit, and is not dominant in its field. Depending on the industry, size standard eligibility is based on the average number of employees for the preceding twelve months or on sales volume averaged over a three-year period. Small businesses must meet the definitions specified in Section 3 of the Small Business Act and the Small Business Administration regulations implementing it (13 CFR Part 121).

2. Disadvantaged Business Enterprise:

A for-profit small business (as defined by the Small Business Administration) —

- That is at least 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 socially and economically disadvantaged owners do not exceed the personal net worth (PNW) does not exceed the described in 49 CFR Part 26. The current PNW cap is \$1.32 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 26.

For the purposes of the small business element of the Airport’s DBE Program, small businesses which are also owned and controlled by socially disadvantaged individuals will be encouraged to seek DBE certification. Only DBE certified firms will be counted towards DBE race-neutral participation on FAA-assisted contracts.

C. Certification and Verification Procedures

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

1. (State) DOT DBE Certification – DBE Certification by the (State) DOT 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 the (State) DOT.
2. (State) DOT Small Business Enterprise (SBE) – Will require submittal of three years of business tax returns and page 2 of the (State) DOT DBE Certification application after contract award.
3. SBA 8(a) Business Development Certification (as described in 13 CFR Parts 121 and 124) - will require submittal of three years of business tax returns.

Special Note: Minority and women-owned business enterprises which are awarded contracts under the small business enterprise set aside will be strongly encouraged to seek DBE certification in order to be counted towards race neutral DBE participation.

D. Assurances

The Airport makes the following assurances:

1. The DBE Program, including its small business element is not prohibited by state law;
2. Certified DBEs that meet the size criteria established under the DBE Program are presumptively eligible to participate in the small business element of the DBE Program;
3. There are no geographic or local preferences or limitations imposed on FAA-assisted contracts and the DBE Program is open to small businesses regardless of their location;
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 in the small business element of the DBE Program that are eligible for DBE certification to become certified.

E. Small Business Goal

The Airport has adopted a goal of 13.4% for Small Businesses, as defined in 49 CFR Part 26.5 and 13 CFR Part 121.

SUBPART C – GOALS, GOOD FAITH EFFORTS AND COUNTING

Section 26.43 Quotas

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

Section 26.45 Overall Goals

A description of the methodology to calculate the overall goal and the goal calculations can be found in **Attachment 4** to this program. This section of the program will be updated annually.

In accordance with Section 26.45(f), Seneca County will submit its overall goal to DOT on August 1 of each year. Before establishing the overall goal each year, Seneca County will consult with the Associated Building Council, Mohawk Valley Small Business Development Center, and the Seneca County Chamber of Commerce to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBE's, and Seneca County's efforts to establish a level playing field for the participation of DBE's.

Following this consultation, Seneca County will publish a notice in The Reveille/Between the Lakes and Finger Lakes Community Newspapers (Ovid Gazette) of the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at Seneca County Department of Economic Development and Planning, Seneca County Office Building, One DiPronio Drive, Waterloo, NY 13165-1681 for 30 days following the date of the notice, and informing the public that the County and DOT will accept comments on the goals for 45 days from the date of the notice. **Attachment 5** includes a copy of the notice Seneca County will issue. The notice will also be published on the airport's official website.

Normally, Seneca County will issue this notice by June 1 of each year.

Our overall goal submission to DOT will include a summary of information and comments received during this public participation process and our responses.

Seneca County will begin using our overall goal on October 1 of each year, unless we have received other instructions from DOT. If Seneca County establishes a goal on a project basis, we will begin using our goal by the time of the first solicitation for a DOT-assisted contract for the project.

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

The breakout of estimated race-neutral and race-conscious participation can be found in **Attachment 6** to this program. This section of the program will be updated annually when the goal calculation is updated.

Contract Goals (26.51 (d-g))

Seneca County will use contract goals to meet any portion of the overall goal Seneca County does not project being able to meet using race-neutral means. Contract goals are established so that, over the

period to which the overall goal applies, they will cumulatively result in meeting any portion of our overall goal that is not projected to be met through the use of race-neutral means.

Seneca County will establish contract goals only on those DOT-assisted contracts that have subcontracting possibilities. We need not establish a contract goal on every such contract, and the size of contract goals will be adapted to the circumstances of each such contract (e.g., type and location of work, availability of DBE's to perform the particular type of work).

Seneca County will express our contract goals as a percentage of the Federal share of a DOT-assisted contract.

Section 26.53 Good Faith Efforts

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

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

The following personnel 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 responsible: Harriet Haynes, Planner.

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

Information to be submitted (26.53(b))

Seneca County treats bidder/offerors' compliance with good faith efforts' requirements as a matter of responsibility.

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

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

Administrative Reconsideration (26.53(d))

Within 7 days of being informed by Seneca County that it is not responsible, because it has not documented sufficient good faith efforts, a bidder/offeror may request administrative reconsideration. Bidder/offerors should make this request in writing to the following reconsideration official: John T. Sheppard, County Manager, One DiPronio Drive, Waterloo, NY 13165-1681, (315) 539-1705. The reconsideration official will not have played any role in the original determination that the bidder/offeror did not make document sufficient good faith efforts.

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

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

Seneca County 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. Seneca County will require the prime contractor to notify the DBELO immediately of the DBE's inability or unwillingness to perform and provide reasonable documentation. The contractor will give notice in writing to the DBE, with a copy to the DBELO, of its intent to request to terminate and/or substitute, and the reason for the request. The contractor will give the DBE five days to respond to the contractor's notice and advise the DBELO and the contractor of the reasons, if any, why it objects to the proposed termination of its subcontract and why the County should not approve the contractor's action. If required in a particular case as a matter of public necessity (e.g., safety), the response period may be less than five days.

In this situation, Seneca County will require the prime contractor to obtain our prior approval of the substitute DBE and to provide copies of new or amended subcontracts, or documentation of good faith efforts.

If the contractor fails or refuses to comply in the time specified, our 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 Seneca County 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/offerors, including those who qualify as a DBE. A DBE contract goal of ____ percent has been established for

this contract. The bidder/offeror shall make good faith efforts, as defined in Appendix A, 49 CFR Part 26 (Attachment 1), to meet the contract goal for DBE participation in the performance of this contract.

The bidder/offeror 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/offeror's commitment to use a DBE subcontractor whose participation it submits to meet the contract goal; (5) Written confirmation from the DBE that it is participating in the contract as provided in the commitment made under (4); and (6) if the contract goal is not met, evidence of good faith efforts.

The forms found in **Attachment 7** will be used to collect information necessary to determine whether the bidder/offeror has satisfied these requirements.

Section 26.55 Counting DBE Participation

Seneca County will count DBE participation toward overall and contract goals as provided in 49 CFR 26.55. We 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.

SUBPART D – CERTIFICATION STANDARDS

Section 26.61 – 26.73 Certification Process

As a Non-Certifying Partner of the NYSUCP, Seneca County will rely on the NYSUCP to use the certificate standards of Subpart D of Part 26 to determine the eligibility of firms to participate as DBE's in DOT-assisted contracts. To be certified as a DBE, a firm must meet all certification eligibility standards. Seneca County will make our certification decisions based on the facts as a whole.

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

NYS Department of Transportation
Contract Audit Bureau
DBE Certification
50 Wolf Road, 1st Floor
Albany, NY 12232
Telephone: (518) 457-3180
Fax: (518) 457-1675
mdrake@dot.state.ny.us

A copy of the certification application forms and documentation requirements are found in **Attachment 8** to this program.

SUBPART E – CERTIFICATION PROCEDURES

Section 26.81 Unified Certification Programs

Seneca County is a member of the Unified Certification Program (UCP), which is administered by the New York State Unified Certification Program (NYSUCP). The UCP meets all of the requirements of this section. The following is a description of the UCP:

The Disadvantaged Business Enterprise (DBE) regulation that took effect March 4, 1999 (Title 49 Part 26.81 of the Code of Federal Regulations) requires that each state have a “one-stop shopping” certification process. This means that a firm would apply to only one agency for DBE certification, and that agency’s decision would be honored by all other DBE certifying agencies and all entities within the state that receive funds from the United States Department of Transportation (for example, Metropolitan Planning Organizations and most airports). The NYSUCP began to operate November 30, 2005. There are four agencies in New York State that administer a DBE certification program. They are: Metropolitan Transportation Authority (MTA), the Niagara Frontier Transportation Authority (NFTA), the New York State Department of Transportation (NYSDOT), and the Port Authority of New York & New Jersey (PANYNJ). The information obtained in the New York State Unified Certification Program (NYSUCP) Disadvantaged Business Enterprise (DBE) Directory is provided by the NYSUCP Certifying Partners.

Attachment 9 provides a copy of the Memorandum of Understanding that establishes the New York State Unified Certification Program (NYSUCP) in accordance with Title 49 Part 26 of the Code of Federal Regulations (49 CFR Part 26).

Section 26.83 Procedures for Certification Decisions

Re-certifications 26.83(a) & (c)

The NYSUCP will review the eligibility of DBE’s that were certified under former part 23 to make sure that they will meet the standards of Subpart E of Part 26. This review will be completed no later than three years from the most recent certification date of each firm. Each Certifying NYSUCP Partner shall electronically submit its current DBE Directory to the DBE Database Manager for inclusion in the NYSUCP Directory. Each Certifying NYSUCP Partner shall attest to the fact that each DBE firm submitted has been certified under the provisions of 49 CFR part 26. The Certifying Partners shall meet to review the listing of currently certified DBE firms and determine the appropriate Certifying NYSUCP Partner for future review of each DBE.

For firms that have been certified or reviewed and found eligible under part 26, the NYSUCP will again review their eligibility after a three year time period. These firms must submit the following information for certification renewal:

- Renewal application and required supporting documentation
- SBA Personal Financial Statement
- Personal Income Tax Returns*

- Business Tax Returns*
- Any other documents deemed necessary (i.e., licenses, vehicle registrations, insurance cards, etc.)

* If an extension was filed for the prior year, two (2) years may be requested.

Upon receipt of the above, the information must be reviewed to determine continued compliance with the certification eligibility criteria. A written evaluation of the firm's compliance with eligibility criteria must be prepared. In the event the firm continues to meet the eligibility criteria, the firm will be sent a Certification Renewal letter, providing the firm with certification for an additional three years. In the event that the firm no longer meets the eligibility criteria for certification, proceedings for the removal of eligibility will be commenced under 26.87.

"No Change" Affidavits and Notices of Change (26.83(j))

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

The NYSUCP will also require all owners of all DBE's they have certified to submit, 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 swear (or affirm) that there have been no changes in the circumstances of [name of DBE firm] affecting its ability to meet the size, disadvantaged status, ownership, or control requirements of 49 CFR part 26. There have been no material changes in the information provided with [name of DBE]'s application for certification, except for any changes about which you have provided written notice to the certifying agency under 26.83(j). [Name of firm] meets Small Business Administration (SBA) criteria for being a small business concern and its average annual gross receipts (as defined by SBA rules) over the firm's previous three fiscal years do not exceed \$23.98 million.

The NYSUCP Certifying Partner will notify all currently certified DBE firms of these obligations at least 30 days in advance of its anniversary date, of the annual submission requirement and will be provided with the necessary affidavits. This notification will inform DBE's 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. Likewise, 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), the obligation to submit a notice of change applies.

SUBPART F - COMPLIANCE AND ENFORCEMENT

Section 26.109 Information, Confidentiality, Cooperation

Seneca County will safeguard from disclose 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, Seneca County will not release personal financial information submitted in response to the personal net worth requirement to a third party (other than DOT) without the written consent of the submitter.

Monitoring Payments to DBE's

Seneca County will require prime contractors to maintain records and documents of payments to DBE's for three years following the performance of the contract. These records will be made available for inspection upon request by any authorized representative of Seneca County or DOT. This reporting requirement also extends to any certified DBE subcontractor.

Seneca County will perform interim audits of contract payments to DBE's. The audit will review payments to DBE subcontractors to ensure that the actual amount paid to DBE subcontractors equals or exceeds the dollar amounts stated in the schedule of DBE participation.

ATTACHMENTS

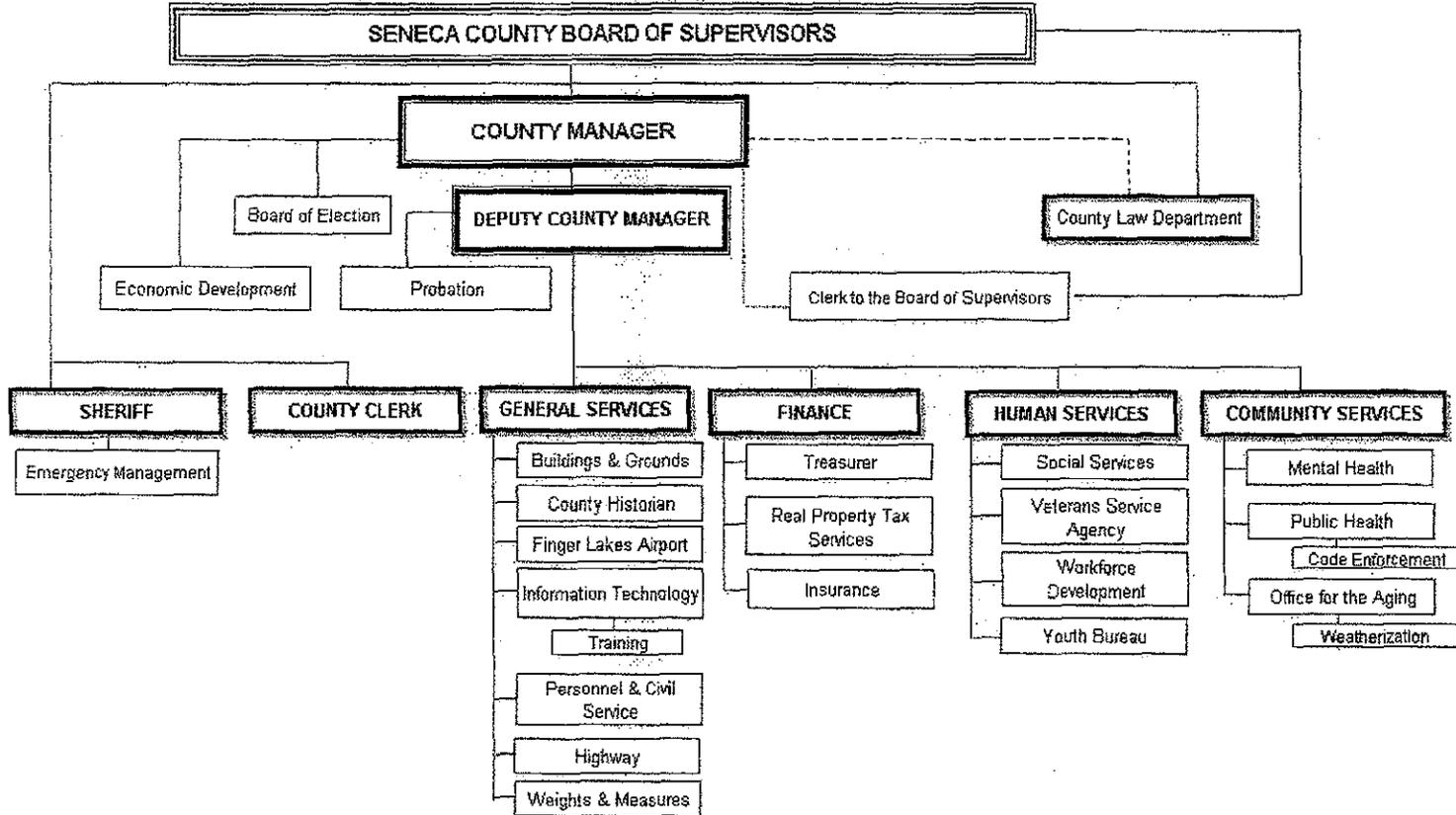
Attachment 1	Organizational Chart
Attachment 2	DBE Directory
Attachment 3	Monitoring and Enforcement Mechanisms
Attachment 4	Overall Goal Calculation
Attachment 5	Notice of Proposed Goal
Attachment 6	Breakout of Estimated Race-Neutral & Race-Conscious Participation
Attachment 7	Form 1 & 2 for Demonstration of Good Faith Efforts
Attachment 8	Certification Application Forms
Attachment 9	New York State Unified Certification Program
Attachment 10	Regulations: 49 CFR Part 26
Attachment 11	Bidders List
Attachment 12	DBE Services Certification Form

12/16

K:[FLRA/DBE]001D

Attachment 1

Organization Chart



ATTACHMENT 2

SENECA COUNTY – FINGER LAKES REGIONAL AIRPORT

DBE DIRECTORY

NAME OF FIRM	ADDRESS	PHONE NUMBER	TYPE OF WORK
A Potts Construction Company, LLC	1050 Kings Road, Schenectady, NY 12303	(518) 393-0958	Sitework
A-M Electric, Inc.	P. O. Box 6484, Syracuse, NY 13217-6484	(315) 295-2205	Electrical
A&A Land Surveying, Inc.	458 Bay Meadow Drive, Webster, NY 14580	(585) 261-9868	Land Surveying
A&H Electric, LLC	305 North Crouse Avenue, Syracuse, NY 13203	(315) 299-4693	Electrical
AB Drafting Services	66 Egret Drive, West Henrietta, NY 14586	(585) 309-3118	Drafting
AL Slawson, LLC	3 Princeton Place, Pittsford, NY 14534	(585) 248-3203	Construction
Akwesasne Construction, Inc.	1230 Portland Avenue, Rochester, NY 14621	(585) 509-6109	Sitework
All About Striping	20 Burning Bush Blvd, Ballston Spa, NY 12019	(518) 248-3028	Striping
Alliance Paving Materials, Inc.	846 Lawrence Street, Rome, NY 13440	(315) 337-0795	Excavation
Allied Electric Company	101 Graphic Drive, Syracuse, NY 13206	(315) 474-5542	Electrical
Apex Striping, Inc.	6500 New Venture Gear Drive, East Syracuse, NY 13057	(315) 432-0714	Construction
Armington Nursery, Inc.	3709 Armington Road, Palmyra, Y 14522	(716) 223-6580	Landscape Architecture
Armstrong Electric	702 Jefferson Avenue, Rochester, NY 14611	(585) 235-0060	Electrical
Bailey Engineers & Constructors, Inc.	1553 State Route 69, West Monroe, NY 13167	(412) 323-9237	Engineering
Becker Trucking Co.	2676 County Route 12, Central Square, NY 13036	(315) 668-9649	Trucking
Bedrock Construction Enterprises, Inc.	955 Buffalo Road, Rochester, NY 14624	(585) 436-6280	Excavation
Bellows Construction Specialties, LLC	213 West Adams Street, Syracuse, NY 13202	(315) 476-4718	General Construction
Bero Architecture PLLC	32 Winthrop Street, Rochester, NY 14607	(585) 262-2035	Land Surveying
Bill's Topsoil Sand Gravel and Trucking	3 Carriage House Lane, Rochester, NY 14624	(585) 247-2010	Trucking
Bilt-Well Paving Company	14 Foxberry Lane, Liverpool, NY 13090	(315) 652-6966	Paving
Bryant Associates, PC	108 W. Jefferson Street, Suite 400, Syracuse, NY 13202	(315) 479-7565	Engineering
C & A Pavement Marking Inc.	50 Bennington Drive, Rochester, NY 14616	(585) 621-7940	Line Striping
CC Trucking	624 Jamesville Avenue, Syracuse, NY 13210	(315) 807-4716	Trucking
CNY Paving & Trucking, Inc.	P. O. Box 166, Syracuse, NY 13206	(315) 434-9676	Paving
Caitlin Julia Enterprises, LLC	3046 Blakley Road, Genoa, NY 13071	(607) 533-4551	Paving
Cannon Electric	1125 Bay Street, Rochester, NY 14609	(585) 482-9551	Electrical
Centek Laboratories, LLC	143 Midler Park Drive, Syracuse, NY 13206	(315) 431-9730	Testing
City Electric	514 Genesee Street, Syracuse, NY 13204	(315) 474-7841	Supplier
Cochise Trucking	110 Wilder Terrace, Rochester, NY 14614	(585) 621-3921	Trucking

Coker Corporation	2610 S. Salina Street, Suite 14, Syracuse, NY 13205	(315) 443-8595	Paving
Cornhill Trucking & Paving	57 Laser Street #1, Rochester, NY 14621	(585) 230-0033	Construction/Trucking
DC Hauling	16530 4 th Section Road, Holley, NY 14470	(585) 204-7625	Trucking
DKCNY Co. LLC	108 Edna Road, Syracuse, NY 13205	(315) 288-0556	Landscaping
Dias Trucking	P. O. Box 11902, Syracuse, NY 13218	(315) 762-4991	Trucking
Deborah Jean Electrical Contractor Inc.	1175 Middle Black Brook Road, Seneca Falls, NY 13148	(315) 568-6180	Electrical
Decca Paving, Inc.	473 Western Drive, Rochester, NY 14623	(585) 279-0948	Paving
Design Services, Inc.	P. O. Box 603, Churchillville, NY 14428	(585) 548-5015	Drafting
EJ Construction Group Inc.	4522A Wetzel Road, Liverpool, NY 13090	(315) 622-4158	General Construction
Empire Wrecking Co., Inc.	887 Copper Kettle Road, Webster, NY 14580	(315) 524-4099	Sitework
Environmental Design & Research	217 Montgomery Street, Suite 1000, Syracuse, NY 13202	(315) 471-0688	Landscape Architecture
Ernest Kimball Inc.	1807 Tebor Road, Webster, NY 14580	(585) 265-2539	Trucking
Finger Lakes Systems Inc.	64-15 Plastermill Road, Victor, NY 14564	(585) 924-3821	Grading
Gary Lee Enterprises, Ic.	11 Beaconsfield Road, Rochester, NY 14623	(585) 317-4029	Construction
Gavcon Inc.	5507 Houghton Hill Road, Homer, NY 13077	(607) 745-7747	Testing
Generation Electrical Corporation	3883 Dawes Avenue, Clinton, NY 13323	(315) 725-2976	Electrical
Heaster Building Restoration, Inc.	10 Pixley Industrial Parkway, Rochester, NY 14624	(585) 235-7180	Sitework
Heather Warren Land Surveyor	6437 Collamer Road, East Syracuse, NY 13166	(315) 458-8979	Land Surveying
Highland Planning LLC	8 Public Market, Rochester, NY 14609	(585) 315-1834	Landscape Architecture
Integrative Design & Architecture	250 South Avenue Suite 100, Rochester, NY 14604	(585) 259-8860	Land Surveying
Invictus Electrical LLC	1939 Bennett Road, Suite 7, Victor, NY 14564	(585) 657-1164	Electrical
JBS Dirt, Inc.	7901 Gee Road, Canastota, NY 13032	(315) 697-7114	Excavation
JC Smith Inc.	345 Peat Street, Syracuse, NY 13210	(315) 428-9903	Supplier
JHP Industrial Supply Co. Inc.	321 West Taylor Street, Syracuse, NY 13205	(315) 422-0050	Supplier
Jaus Trucking, Inc.	1084 Whittier Road, Brockport, NY 14420	(585) 314-5133	Trucking
Jim Tubbs Landscaping, Inc.	P. O.Box 148, West Bloomfield, NY 14585	(585) 624-3046	Landscaping
Jocelyn M. Gavitt	4530 East Lake Road, Cazenovia, NY 13035	(315) 447-8563	Landscape Architecture
KLG Engineering, PLLC	4062 Flying Fish Lane, Jamesville, NY 13078	(315) 412-9545	Construction
Kenel J. Antoine Architect & Associates	98 Crawford Avenue, Syracuse, NY 13224	(315) 214-8054	Land Surveying
Kocher-O'Brien Construction Co., Inc.	5821 Bull Hill Road, Lafayette, NY 13084	(315) 469-1882	Construction
Landmark Enterprise	5995 Lake Avenue Extension, Auburn, NY 13021	(315) 252-7588	Excavation
Landscape & Prospect	107 Saybrook Lane, Syracuse, NY 13214	(315) 446-0102	Landscaping
Larsen PE LS PC	700 West Metro Park, Rochester, NY 14623	(585) 272-7310	Engineering
Longhouse Construction Group, LLC	2101 Brewerton Road, Mattydale, NY 13211	(315) 391-6693	Construction
Lozier Environmental Consulting Inc.	2011 East Main Street, Rochester, NY 14609	(585) 654-9080	Testing
Lysander Construction LLC	9471 East Mud Lake Road, Fulton, NY 13069	(315) 678-2106	Fencing
MJ Dreher Trucking Inc.	50 Owens Road, Brockport, NY 14420	(585) 637-3080	Trucking
MNS Pro Companies, Inc.	1105 N. Salina Street, Syracuse, NY 13208	(315) 657-1879	Construction/Landscaping
MS Unlimited	P. O. Box 577, Syracuse, NY 13206	(315) 437-1291	Safety Products Supplier
Magic Seal LLC	2 North Shore Drive, Hilton, NY 14468	(716) 990-0400	Striping

Marques & Associates Land Surveyors PC	656 Park Avenue, Suite 4, Rochester, NY 14607	(585) 723-1820	Land Surveyors
Maxian & Horst Landscape Architecture	306 Hawley Avenue, Syracuse, NY 13203	(315) 362-8956	Landscape Architecture
Maxim Construction Services	6085 Galster Road, East Syracuse, NY 13057	(315) 432-9324	Construction
Milts Company	236 Honey Hill Road, Fulton, NY 13069	(315) 598-7109	Paving
Minority Material Haulers, Inc.	3 Sunrise Park, Pittsford, NY 14534	(585) 586-1620	Trucking
Minority Trucking of Rochester, NY, Inc.	23 Ritz Street, Rochester, NY 14605	(585) 325-3782	Trucking
Mitchell's Construction Solutions	2666 Warners Road, Warners, NY 13164	(315) 672-3431	Landscaping
Morning Star Construction	585 Chamber Street, Spencerport, NY 14559	(585) 301-6627	Trucking
OSO Inc.	3001 Brockport, Suite A, Spencerport, NY 14559	(585) 617-4811	General Construction
Octo Blacktop Paving Co., Inc.	846 Lawrence Street, Rome, NY 13440	(315) 337-7070	Paving
P D S Construction	700 Cook Road, Hamlin, NY 14464	(716) 659-2982	Trucking
Pathfinder Engineers and Architects LLP	134 South Fitzhugh Street, Rochester, NY 14608	(585) 325-6004	Engineering
Pavilion Drainage Supply, Inc.	P. O. Box 219, Pavilion, NY 14525	(585) 584-3261	Supplier
Pebble-Stream	1010 Highland Avenue, Rochester, NY 14620	(585) 760-9941	Landscape Architecture
Peters Land Development LLC	2588 US Route 11, Parish, NY 13131	(315) 625-4639	Excavation
Pinewoods Engineering, P.C.	42 Aston Villa, North Chili, NY 14514	(585) 261-7852	Engineering
Popli Architecture Engineering & LS	555 Penbrooke Drive, Penfield, NY 14526	(585) 388-2060	Engineering/Land Surveying
Precision Concrete & Masonry, Inc.	1485 Howard Road #24934, Rochester, NY 14624	(585) 328-3270	Construction
Prudent Engineering LLP	6390 Fly Road, East Syracuse, NY 13057	(315) 432-9823	Engineering
R&R Intercity	120 High Street, Rochester, NY 14609	(716) 288-2305	Trucking
RAVI Engineering & Land Survey PC	2110 S. Clinton Avenue, Suite 1, Rochester, NY 14618	(585) 223-3660	Engineering/Land Surveying
Razak Associates	2060 Nine Mile Point Road, Suite 300, Penfield, NY 14526	(585) 388-6710	Engineering/Land Surveying
Roc Trucking LLC	329 Fourth Street, Rochester, NY 14605	(585) 654-6089	Trucking
Scotts Unlimited, Inc.	106 Heather Drive, Rochester, NY 14625	(585) 414-2928	Construction
Shawn Bell's Trucking	9 Yankee Court, Rochester, NY 14624	(585) 704-5118	Trucking
Shumaker Engineering & Land Surveying	7900 Davis Road North, Clay, NY 13041	(315) 699-4752	Engineering/Land Surveying
Spruce Ridge Landscape and Design	72 Sullivan Street, Cazenovia, NY 13035	(315) 655-2477	Landscaping
Stark's Gravel and Excavation, LLC	295 County Route 40, Constable, NY 12926	(518) 358-5989	Excavation
Stone Goose Enterprises, Inc.	4440 Maple Ridge Road, Newark, NY 14513	(315) 483-6510	Excavation
Structural Remediation Services, Inc.	1467 Fallen Leaf Terrace, Webster, NY 14580	(585) 436-9191	Construction
Tacuki Enterprises LLC	448 East Brighton Avenue, Syracuse, NY 13210	(315) 243-6485	Trucking
Unified Electric	2562 Culver Road, Rochester, NY 14609	(585) 290-8689	Electrical
Vanguard Engineering PC	241 Castlebar Road, Rochester, NY 14610	(585) 427-0320	Engineering
Vargas Associates, Inc.	40 Humboldt Street, Suite 101, Rochester, NY 14609	(585) 730-8260	Electrical
Washington Property Management	11 Timarron Trail, Rochester, NY 14612	(585) 820-7198	Excavation/Paving/Trucking/Landscaping

Note: All firms listed are included in the NYSUCP and Empire State Development's DBE Directory of July 2016.

Attachment 3

Monitoring and Enforcement Mechanisms

Seneca County 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 Section 26.109;

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 US 1001.

New York State Constitution: Article 1, Section 11, of the NYS Constitution prohibits discrimination against anyone because of race, color, creed, or religion by any other person or by any firm, corporation, or institution, or by the state or any agency or subdivision thereof. NY Executive Law Section 296 (see below) substantially extends to employment relationships the equal protection clause (Art. 1, Sec. 11) of the Constitution.

New York General Municipal Law: Article 5-A, Sections 103-a and 103-b, allows a municipal corporation or any public department, agency, or official to cancel or terminate any contract made with a contractor who refuses to appear before a grand jury, head of a state department, temporary state commission, or other state agency that is empowered to compel the attendance of witnesses. (The constitutionality of these sections has been questioned by the courts and the State Comptroller, so they may not be valid. See also State Finance Law, below).

New York Labor Law: Article 8, Section 220-e provides that every contract for or on behalf of the state or a municipality for the construction, alteration, or repair of any public building or public work or for the manufacture, sale, or distribution of materials, equipment, or supplies shall contain provisions by which a contractor with the state or municipality agrees, among other things, that it will not discriminate in the hiring of employees (Subparagraph (a)), and that there may be deducted from any amount payable to the contractor by the state or municipality under the contract a penalty of \$50 for each person for each calendar day during which such person was discriminated against or intimidated in violation of this contractual provision (Subparagraph (c)).

New York State Finance Law: Article 9, Sections 139-a and 139-b are nearly identical to General Municipal Law Sections 103-a and 103-b, except that they refer to the power of the state to cancel or terminate a contract for a contractor's failure to appear. (Interestingly, there doesn't seem to have been the same kind of legal challenge to the state law as has arisen with the General Municipal Law).

New York State Transportation Law: Section 14 lists the powers and duties of the Commissioner of Transportation, which presumably includes the ability to enforce the policy of the NYSDOT, expressed in 17 New York Code of Rules and Regulations (NYCRR) Part 35, Section 35.2, to afford the opportunity for full participation in the free enterprise system to socially and economically disadvantaged persons for encouraging utilization of disadvantaged business enterprise in NYSDOT

construction projects. Part 35, Section 35.3, adopts by reference the federal DBE regulations found in 49 Code of Federal Regulations (CFR) Part 26 (reference is made to Volume 64, Number 21 of the Federal Register, issued February 2, 1999).

New York State Executive Law: Section 296 details the types of discrimination that are unlawful in New York. Sections 297 and 298 contain the review and enforcement procedures available through the Human Rights Division or the courts.

New York Highway Law: Section 85 states that the Commissioner of Transportation is authorized, empowered, and directed to perform and do such other and further acts as may be necessary to comply with federal highway aid requirements and transportation acts.

New York Civil Practice Law and Rules: These laws and rules govern the enforcement of a party's rights and obligations in state courts.

Attachment 4

Section 26.45: Overall Goal Calculation

Amount of Goal

Seneca County’s overall goal for FY 2017-2019 (October 1, 2016 - September 30, 2019) is 6.7% of the Federal financial assistance the Airport will expend in USDOT-assisted contracts.

The amount of USDOT assisted contracts that the Airport expects to let during this fiscal year is \$2,290,500, this means that Seneca County has set a goal of expending \$153,463 with DBE’s during this fiscal year.

Methodology

Step 1 – Base Figure Determination

The first step in establishing an overall goal for DBE participation is to establish a Base Figure for the relative availability of DBE vendors within the Airport’s overall Normal Market Area from the business categories associated with the Airport’s projects in Fiscal Year (FY) 2017-2019.

The Normal Market Area (NMA)

The Airport’s Normal Market Area is primarily based upon two factors: 1) where the substantial majority of all firms (DBE contractors/subcontractors and the non-DBE contractors/subcontractors) are located with whom the Airport does business, and 2) where the substantial majority of contracting dollars are anticipated to be spent by the Airport on USDOT assisted projects.

Table 1: Counties in the Airport’s local market area

Cayuga	Monroe
Onondaga	Ontario
Seneca	Wayne

North American Industry Classification System (NAICS)

The total number of all contractors and subcontractors located in the Market Area, who would be available for USDOT assisted projects, was extracted from the North American Industry Classification System (NAICS) via the County Business Patterns data for New York State (2014) obtained from the US Census Bureau.

Determination of the Relevant NAICS Codes

Finger Lakes Regional Airport – FY 2017-2019 Estimated Projects

The Consulting Engineer provided the information below concerning project/activity types proposed for FY 2017-2019:

Table 2: Proposed FY 2017-2019 Projects – Finger Lakes Regional Airport

PROJECT	FEDERAL FUNDS	ACTIVITY	NAICS CODE
Apron Expansion – Phase II Construction	\$1,800,000	Engineering	541330
		Construction	237310
		Site Preparation/Demolition	238910
		Trucking	484110
		Landscaping	561730
Environmental Assessment: Runway 1-19 Extension and Widening	\$157,500	Engineering	541330
		Surveying	541370
Runway 1-19 Extension and Widening – Design	\$333,000	Engineering	541330
		Surveying	541370
Total	\$2,290,500		

Determination of Relative Availability of DBE’s in Market areas, compared to all firms

Table 3: All Firms and DBE’s – Finger Lakes Regional Airport, by relevant NAICS Codes For FY 2017-2019 Project(s)

NAICS CODE	DBE FIRMS	ALL FIRMS
237310	20	50
238910	13	140
484110	19	107
541330	11	253
541370	10	42
561730	7	607
Total	80	1,199
DBE Base Figure = $80 \div 1,199 = 6.7\%$		

Sources:

1. New York State Unified Certification Program DBE Directory of July 2016
2. Empire State Development DBE Directory of July 2016
3. Census Bureau Database of 2014

Determination of the Step 1 DBE Base Figure

The Step 1 DBE Base Figure was derived by dividing the total number of DBE contractors and subcontractors within the Normal Market Area by the total number of contractors and subcontractors within the Normal Market Area contained in the same NAICS categories above.

The Step 1 DBE Base Figure for the Finger Lakes Regional Airport is 6.7%, using the NAICS Code methodology.

Step 2 – Adjustments of the DBE Base Figure

After the Step 1 DBE Base Figure has been developed, the regulations (49 CFR Part 26) require that additional evidence in the sponsor’s jurisdiction be considered to determine what adjustment, if any, is needed to the base figure in order to arrive at the overall goal.

Past DBE Participation

The overall DBE goals accomplished at the Airport in recent years were examined, by reviewing the annual “Uniform Report of DBE Awards or Commitments and Payments”.

Adjustment Factors to Consider

The regulations further state that there are many types of evidence that must be considered when adjusting the base figure.

The historical overall DBE goals accomplished at the Airport in recent years were examined relative to the above consideration. Note the annual DBE percent accomplishment for 2014-2016:

Table 4: Finger Lakes Regional Airport DBE Accomplishment as indicated by DBE Data Reporting Form: 2014-2016

REPORT PERIOD	APPROVED DBE GOAL	TOTAL DBE PERCENT ACHIEVED	ACHIEVED OVER/UNDER
2014	5.7	0	-5.7
2015	5.7	6.4	+0.7
2016	5.7	0	-5.7

The AIP funded projects performed at the airport included projects that didn’t offer the opportunity for significant DBE participation.

Adjustment to Step 1 - Base Figure

With the adjustment factors considered to this point, no adjustment will be made. The County will adopt the baseline percentage of 6.7% as the overall goal. Future steps to increase DBE participation will be taken, i.e., expanding the market area, publishing more advertisements, and working more closely with minority organizations for better communication.

Consultations

No specific information was available for the Region discussing disparities between minorities and non-minorities in accessing financing, bonding, insurance, etc.

Evidence from Disparity Studies

There was no disparity study available from which to gather information to adjust the base figure. This was determined by researching websites where no information was located.

Consultations and Public Participation

As indicated in the above detailed excerpt of the Methodology, a variety of resource agencies were consulted in developing the overall goal. These agencies included, but were not limited to, the Census Bureau Database, the NYSUCP and Empire State Development DBE Directories.

Consultation discussions were held as follows:

Consultation Summary: Finger Lakes Regional Airport – January 2017

AGENCY/ORGANIZATION	DISCUSSION/INFORMATION
NYSUCP	No effects of discrimination noted
Mohawk Valley Small Business Development Center	No effects of discrimination noted
Associated Building Council	No effects of discrimination noted
Seneca County Chamber of Commerce	No effects of discrimination noted

Process

Seneca County shall submit its overall goal to DOT on August 1 of each year.

Before establishing the overall goal each year, Seneca County will consult with local minority, women’s and general contractor groups, community organizations and other relevant organizations to obtain information concerning the availability of disadvantaged and non-disadvantaged businesses, the effects of discrimination on opportunities for DBE's, and Seneca County's efforts to establish a level playing field for the participation of DBE's. A teleconference was held on January 5, 2017 and no comments were received.

Following this consultation, we will publish a notice of the proposed overall goal, informing the public that the proposed goal and its rationale are available for inspection during normal business hours at our principal office for 30 days following the date of the notice, and informing the public that the DOT and Seneca County will accept comments on the goals for 45 days from the date of the notice. The publication will be printed in the Oneida Daily Dispatch and the Mid-York Weekly, and will include addresses to which comments may be sent and where the proposal may be reviewed. Any comments received will be incorporated into the plan, if necessary.

Our overall goal submission to DOT will include a summary of information and comments received during this public participation process and our responses.

We will begin using our overall goal on October 1 of each year, unless we have received other instructions from DOT.

Attachment 5

Notice of Proposed Goal

Seneca County proposes an overall goal of 6.7% of its Disadvantaged Business Enterprise (DBE) Program for FAA funded projects. The proposed goal and its rationale are available for inspection during normal business hours until 30 days from publication date at the following location: Seneca County Economic Development and Planning, Seneca County Office building, One DiPronio Drive, Waterloo, NY 13165-1681. Comments on the goal will be accepted until 45 days from publication date at the above address.

Attachment 6

Section 26.51: Breakout of Estimated Race-Neutral and Race-Conscious Participation

The following is a summary of the basis of our estimated breakout of race-neutral and race-conscious DBE participation:

We will adjust the estimated breakout of race-neutral and race-conscious participation as needed to reflect actual DBE participation (see 26.51(f)) and we will track and report race-neutral and race-conscious participation separately. For reporting purposes, race-neutral DBE participation includes, but is not necessarily limited to, the following: DBE participation through a prime contract a DBE obtains through customary competitive procurement procedures; DBE participation through a subcontract on a prime contract that does not carry a DBE goal; DBE participation on a prime contract exceeding a contract goal; and DBE participation through a subcontract from a prime contractor that did not consider a firm's DBE status in making the award.

The Airport will meet the maximum feasible portion of its overall goal by using race-neutral means of facilitating DBE participation. The Airport will use the following race-neutral means to increase DBE participation:

- 1) Arranging solicitations, give date and times for the presentation of bids, quantities, specification, and delivery schedules in ways that facilitate DBE, and other small business participation;
- 2) Provide technical assistance upon request;
- 3) Conduct informational and communication workshops when necessary on contracting procedures, attend pre-bid and pre-construction meetings on specific contract opportunities (i.e., ensuring the inclusion of DBE's and other small businesses on the Airport's mailing lists for bidders; ensuring the dissemination of information, such as the list of subcontractors to bidders on prime contracts;
- 4) Refer DBE's to local support service programs to develop and improve immediate and long-term business management, record keeping, technological and electronic media capabilities and enhanced financial and accounting capabilities of DBE's and other small businesses;
- 5) Assist DBE's, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media.
- 6) Provide service to DBE's, and other small businesses, to improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventful self-sufficiency.

We estimate that, in meeting our overall goal of 6.7%, we will obtain 0% race-neutral participation and 6.7% through race-conscious measures. We will attempt to use race-neutral participation by adding our local M/WBE organization to our list to receive a notice to bidders on projects out to bid, so that DBE's will be informed of upcoming projects. We also make our DBE bidders list available to prime contractors that may be looking for subcontractors

Failure to Meet Overall Goals (26.47)

The County will maintain an approved DBE Program and overall DBE goal, if applicable, as well as administer our DBE Program in good faith to be considered to be in compliance with this part.

If 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, we will do the following in order to be regarded by the Department as implementing our DBE Program in good faith:

- (1) Analyze in detail the reasons for the difference between the overall goal and awards and commitments in that fiscal year;
- (2) Establish specific steps and milestones to correct the problems identified in the analysis and to enable us to meet fully our goal for the new fiscal year;
- (3) The County will retain analysis and corrective actions for three years and make it available to the Department upon request.

Attachment 7

Forms 1 & 2 for Demonstration of Good Faith Efforts

[Forms 1 and 2 should be provided as part of the solicitation documents.]

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 submits 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: _____

Telephone: _____

Name of DBE Firm: _____

Address: _____

City: _____ State: _____ Zip: _____

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 8

Certification Application Forms



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 (\$52.47 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?**

The DBE and ACDBE Programs require that all U.S. Department of Transportation (DOT) recipients of federal assistance participate in a statewide Unified Certification Program (UCP). 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 for DOT grantees, 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.civilrights.dot.gov/> (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 CFR §26.5 and the Airport Concession Disadvantaged Business Enterprise Program as defined in 49 CFR §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 CFR Parts 180 and 1200, Nonprocurement Suspension and Department, 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 of the persons listed has ever been denied certification as a DBE, 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. If the firm is a for profit enterprise, 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. Identify all joint venture partners if applicable. 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 control the functions listed for the business. 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

Banking Information. State the name, City and State of your firm's bank. In the space provided, identify the persons able to sign checks on this account. Provide bank authorization and signature cards

Bonding Information. State your firm's bonding limits (in dollars), specifying both the 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.

AIRPORT CONCESSION (ACDBE) APPLICANTS

Identify the concession space, address and location at the airport, the value of the property or lease, and fees/lease payments paid to the airport. Provide information concerning any other airport concession businesses the applicant firm or any affiliate owns and/or operates, including name, location, type of concession, and start date of the concession enterprise.

AFFIDAVIT & SIGNATURE

The Affidavit of Certification must accompany your application for certification. 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

(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 Secured concession
 Merger or consolidation Other (explain) _____



(6) Is your firm "for profit"? Yes No → **⊗ STOP!** If your firm is NOT for-profit, then you do NOT qualify for this program and should not fill out this application.
Federal Tax ID# _____

(7) Type of Legal Business Structure: (check all that apply):
 Sole Proprietorship Limited Liability Partnership
 Partnership Corporation
 Limited Liability Company Joint Venture (Identify all JV partners _____)
 Applying as an ACDBE 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: (2) Title: (3) Home Phone #: (4) Home Address (Street and Number): City: State: Zip:

(5) Gender: Male Female (6) Ethnic group membership (Check all that apply): Black Hispanic Asian Pacific Native American Subcontinent Asian Other (7) U.S. Citizenship: U.S. Citizen 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: Describe how you acquired your business: Started business myself It was a gift from: I bought it from: I inherited it from: 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? (3)(a) Does this owner own or work for any other firm(s) that has a relationship with this 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? (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)? (5) Do any of your immediate family members, managers, or employees own, manage, or are associated with another company?



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: Male Female
(6) Ethnic group membership (Check all that apply)
 Black Hispanic
 Asian Pacific Native American
 Subcontinent Asian
 Other (specify) _____
(7) U.S. Citizenship:
 U.S. Citizen
 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:

Type	Dollar Value
Cash	\$
Real Estate	\$
Equipment	\$
Other	\$

Describe how you acquired your business:
 Started business myself
 It was a gift from: _____
 I bought it from: _____
 I inherited it from: _____
 Other _____
(Attach documentation substantiating your investment)

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. (Identify your firm's management personnel who control your firm in the following areas (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: _____		Name: _____		Title: _____	
		Percent Owned: _____				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 control the following functions for the firm. (Attach separate sheets as needed).

A = Always S = Seldom F = Frequently 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	F	S	N	A	F	S	N
Bidding and estimating	A	F	S	N	A	F	S	N
Major purchasing decisions	A	F	S	N	A	F	S	N
Marketing and sales	A	F	S	N	A	F	S	N
Supervises field operations	A	F	S	N	A	F	S	N
Attend bid opening and lettings	A	F	S	N	A	F	S	N
Perform office management (billing, accounts receivable/payable, etc.)	A	F	S	N	A	F	S	N
Hires and fires management staff	A	F	S	N	A	F	S	N
Hire and fire field staff or crew	A	F	S	N	A	F	S	N
Designates profits spending or investment	A	F	S	N	A	F	S	N
Obligates business by contract/credit	A	F	S	N	A	F	S	N
Purchase equipment	A	F	S	N	A	F	S	N
Signs business checks	A	F	S	N	A	F	S	N

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.					

AIRPORT CONCESSION (ACDBE) APPLICANTS ONLY MUST COMPLETE THIS SECTION

Identify the following information concerning the ACDBE applicant firm:

<u>Concession Space</u>	<u>Address / Location at Airport</u>	<u>Value of Property or Lease</u>	<u>Fees/Lease Payments Paid to the Airport</u>

Provide information concerning any other airport concession businesses the applicant firm or any affiliate owns and/or operates, including name, location, type of concession, and start date of concession

<u>Name of Concession</u>	<u>Location</u>	<u>Type of Concession</u>	<u>Start Date of Concession</u>



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 comprising 51% or more of the ownership percentage of the applicant firm.
- 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 decertifications, 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 directors 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 UCP to which you are applying may require the submission of the following documents. If requested to provide these document, 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)
- Personal Federal Tax returns for the past 3 years, if applicable, for other disadvantaged owners of the firm.
- 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

New York State Unified Certification Program

**NEW YORK STATE
UNIFIED CERTIFICATION PROGRAM
PROPOSAL
AND
MEMORANDUM OF UNDERSTANDING**

Introduction

This Proposal and Memorandum of Understanding (MOU) has been developed to establish a Disadvantaged Business Enterprise (DBE) Unified Certification Program (UCP) in New York State in accordance with Title 49 Part 26 of the Code of Federal Regulations (49 CFR Part 26). The Certifying NYSUCP Partners are: the Metropolitan Transportation Authority (MTA), the Niagara Frontier Transportation Authority (NFTA), the New York State Department of Transportation (NYSDOT), and the Port Authority of New York & New Jersey (PANYNJ).

Background

The Certifying NYSUCP Partners held numerous meetings to discuss the requirements for developing a unified certification program and directory. Each agency discussed its current procedures, minimum requirements, limitations, and the proposed process for program approval. Several critical areas of discussion included: 1) the need for open and honest communication among and between the certifying participating agencies, 2) the need for continuous staff training and development, 3) the need for an effective and efficient internet based DBE directory and 4) the need for an effective public participation and public relations effort.

The Certifying NYSUCP Partners began the task of developing New York's UCP in 1999. The group's initial task was to determine how uniform certification would take place. It was decided that a reciprocal arrangement would be the most effective way to achieve the goals of the NYSUCP. The Certifying NYSUCP Partners agreed that reciprocity among the Certifying NYSUCP Partners would achieve the goal of the UCP in New York State. It was further agreed that the relationship would have to go beyond a mere reciprocity agreement. Each Certifying NYSUCP Partner made a commitment of sufficient resources (i.e., staff, funds, equipment) and expertise to carry out the requirements of the regulation. The Certifying NYSUCP Partners felt that this proposal would allow each agency to maintain its respective staff and resources while satisfying the needs of the NYSUCP.

Once the framework of the NYSUCP was established, the Non-Certifying Partners were identified and invited to participate in planning meetings as well as developing various aspects of the NYSUCP either through feedback or committee participation. Non-Certifying Partners include: Federal Transit Administration (FTA) grantees, Federal Aviation Administration (FAA)

grantees, Federal Highway Administration (FHWA) grantees, Metropolitan Planning Organizations (MPOs), and sub recipients of United States Department of Transportation (USDOT) funds. Committees were formed to address the following aspects of the formation and implementation of the NYSUCP: Forms and Procedures, Database/Directory, MOU, Public Participation and Training, and Executive.

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MEMORANDUM OF UNDERSTANDING

New York State Unified Certification Program

This Memorandum of Understanding (MOU) has been developed to establish a Disadvantaged Business Enterprise (DBE) Unified Certification Program (UCP) in New York State (NYS) in accordance with Title 49 Part 26 of the Code of Federal Regulations (49 CFR Part 26). The NYSUCP Certifying Partners are: the Metropolitan Transportation Authority (MTA), the Niagara Frontier Transportation Authority (NFTA), the New York State Department of Transportation (NYSDOT), and the Port Authority of New York & New Jersey (PANYNJ).

Introduction

Any FAA and FTA grantee expending at least \$250,000 in contracts and all other recipients and subrecipients of United States Department of Transportation (USDOT) assistance must develop a DBE program meeting the requirements of 49 CFR Part 26. Section 26.81 of this regulation requires each state to develop a UCP by March 4, 2002. In accordance with Section 26.81 (a) (1), by letter dated January 18, 2002 New York State requested an extension until September 30, 2002 to file its UCP (see Exhibit A). By letter dated March 20, 2002 the USDOT approved an extension until March 4, 2003 (see Exhibit B). The Certifying NYSUCP Partners agreed that reciprocity concerning certification decisions among the Certifying NYSUCP Partners would achieve the goal of the UCP in New York State. Each Certifying NYSUCP Partner agrees to commit sufficient resources and expertise to carry out the requirements of the regulation.

Organization

Upon the effective date of this Agreement, a designee of NYSDOT shall serve as the Interim Chairperson of the NYSUCP. Upon USDOT's approval of this MOU, a Chairperson shall be selected by unanimous vote of the Certifying NYSUCP Partners. The term of the Chairperson shall be one year. All other votes of the NYSUCP shall be by unanimous vote of the Certifying NYSUCP Partners. An agency shall not serve as Chairperson for more than two consecutive terms. In addition to the powers specifically referenced here, the Chairperson shall function as the administrative officer of the NYSUCP and will serve as its contact person. Nothing in this MOU should be construed to contravene the sovereignty of each participant.

A Certifying NYSUCP Partner may terminate its responsibilities under this Agreement and become a Non-Certifying NYSUCP Partner upon one year's prior notice to all NYSUCP Partners, unless the Certifying NYSUCP Partners agree in writing to a different notice period by unanimous vote. The remaining Certifying NYSUCP Partners shall then either renegotiate this

Agreement or agree in writing to continue operating under the terms of this Agreement.

Purpose

The objectives of the NYSUCP are as follows:

- To follow the certification procedures and standards and the nondiscrimination requirements of 49 CFR Part 26.
- To cooperate fully with all oversight, review, and monitoring activities of the USDOT and its operating administrations.
- To implement USDOT directives and guidance on DBE certification matters.
- To ensure that all certification and decertification decisions rendered by Certifying NYSUCP Partners are done so on behalf of all NYSUCP Partners with respect to participation in the USDOT DBE program. Certification decisions by the Certifying NYSUCP Partners shall be pre-certifications and shall be binding on all NYSUCP Partners.
- To maintain a unified DBE directory containing at least the following information for each firm listed: its address, phone number, and the types of work the firm has been listed to perform as a DBE. The NYSUCP shall make the directory available to the public electronically, on the Internet, as well as in print. The NYSUCP shall periodically update the electronic version of the directory by including additions, deletions, and other changes as soon as they are made.

Definitions

- Certifying NYSUCP Partner
A New York State recipient of USDOT funds with a current DBE Program Plan approved by an appropriate USDOT oversight modal agency. A Certifying NYSUCP Partner can issue or revoke DBE certifications. The Certifying NYSUCP Partners are: the MTA, the NFTA, the NYSDOT, and the PANYNJ.
- Grantee
Any public or private entity that has received USDOT assistance.
- Non-Certifying NYSUCP Partner
A New York State recipient of USDOT funds, sub recipient, or grantee with a current DBE Program Plan approved by an appropriate USDOT oversight modal agency. A Non-Certifying NYSUCP Partner can neither issue nor revoke DBE certification. See Appendices A, B and C for a listing of the Non-Certifying NYSUCP Partners.

- NYSUCP Partner

All New York State recipients, sub recipients, or grantees participating in this MOU, including both Certifying and Non-Certifying Partners.

- Recipient

Any public or private entity which receives direct USDOT financial assistance.

- Subrecipient

Any public or private entity which receives USDOT financial assistance through another recipient.

NYSUCP Partners' Roles and Obligations

All Certifying NYSUCP Partners agree to maintain DBE certification application files, conduct site visits, make certification decisions and handle complaints on behalf of the NYSUCP. The Certifying NYSUCP Partners agree to use the USDOT DBE Certification Application Form.

DBE Directory and Internet Access

The DBE Directory will be located on the NYSUCP web site once it is established. In accordance with 49 CFR Part 26.31, the DBE Directory will include the following publicly available information for each firm:

- Name, address, and telephone number of firm;
- Contact person for firm;
- Types of work performed by the firm with appropriate 6 digit North American Industry Classification System (NAICS) code and description.

The NYSUCP DBE Directory will contain additional information including but not limited to the following:

- Geographic location of the firm (i.e., county);
- Web site address of the firm;
- E-mail address of the firm and/or contact person.

Users will be able to sort by county or type of work, either for a single county/work type or multiple counties/work types. There will be links to and from the NYSUCP Certifying Partners' respective web sites and the New York State M/WBE Directory.

DBE Directory Management

The Certifying NYSUCP Partners will select a DBE Database Manager who will manage and maintain the web site and the DBE database. When a Certifying NYSUCP Partner makes a final DBE certification approval decision, the Certifying NYSUCP Partner shall submit information for inclusion in the electronic DBE Database, directly to the DBE Database Manager. The following information shall be included, at a minimum:

- Name, street address, P.O. Box, telephone and fax numbers, e-mail address and federal identification number of the certified DBE firm;
- Name, sex, ethnicity, race of the owner(s) and county of origin of the DBE firm;
- Type of work performed by the DBE firm using the NAICS adopted by the Small Business Administration (SBA) on October 1, 2000;
- Licenses (type and number);
- Name of Certifying NYSUCP Partner;
- Site visit date;
- Date of certification;
- Annual review status.

The Certifying NYSUCP Partners shall periodically provide the DBE Database Manager with information on firms denied DBE status and pending certification review.

The DBE Database Manager will:

1. Maintain and keep the electronic DBE database current;
2. Make the electronic DBE database available to all NYSUCP Partners and other interested parties;
3. Provide printed copies of the DBE Directory upon request and at a charge to be established based on the costs of printing, shipping and handling;
4. Maintain the NYSUCP web site.

NYSUCP Program Costs and Funding

The cost of establishing the NYSUCP web site and the electronic DBE Directory will be shared equally among all NYSUCP Certifying Partners. The cost of maintaining the NYSUCP web site and the electronic DBE Directory will be shared among all NYSUCP Partners. The cost of creating and establishing the NYSUCP web site and the electronic DBE Directory will be shared equally among all NYSUCP Certifying Partners. NYSUCP Certifying Partners reserve the right to develop a methodology to ascertain maintenance and operational costs and assess costs to Non-Certifying Partners. The procedures for paying bills and obtaining reimbursement shall be determined by the NYSUCP Certifying Partners. In the event that the NYSUCP is sued, the NYSUCP Certifying Partners shall determine the method for defending such lawsuit and funding the defense and any settlement or judgment cost.

Certification Procedures and Process

In addition to the procedures below, the NYSUCP will follow all certification procedures and standards of 49 CFR Part 26, and will implement USDOT directives and guidance on DBE certification matters. The Certifying NYSUCP Partners have established and will implement a Standard Operating Procedure (SOP) to be used by the Certifying NYSUCP Partners. It may be modified as needed and as agreed upon by the Certifying NYSUCP Partners.

- The NYSUCP will not process a firm having its principal place of business outside of New York State for NYSUCP DBE certification, unless the firm is certified by the UCP in the state in which the firm maintains its principal place of business.
- Any firm that is certified by the SBA must independently apply for DBE status with the NYSUCP. We will accept the SBA's determination of socially disadvantaged status; however, SBA firms will be required to demonstrate economic disadvantage eligibility and must undergo a site visit.
- The NYSUCP will utilize a the USDOT DBE Certification Application Form and other related certification documents issued or approved by USDOT to facilitate "one-stop shopping" for applicants.

Industry or Market Concessions

The Certifying NYSUCP Partner to which the application is made will ascertain the geographical area of the applicant firm and its primary work type or industry. The Certifying NYSUCP Partners may forward the application to the most appropriate Certifying NYSUCP Partner in accordance with the firm's geographical area and/or primary work type or industry. The receiving Certifying NYSUCP Partner may accept the referral or reject it. In the event that the referral is rejected, the Certifying NYSUCP Partners will decide which Certifying NYSUCP Partner should process the certification.

Transition of Currently Certified DBEs

Each Certifying NYSUCP Partner shall electronically submit its current DBE Directory to the DBE Database Manager for inclusion in the NYSUCP DBE Directory. Each Certifying NYSUCP Partner shall attest to the fact that each DBE firm submitted has been certified under the provisions of 49 CFR Part 26. The Certifying NYSUCP Partners shall meet to review the listing of currently certified DBE firms and determine the appropriate Certifying NYSUCP Partner for future review of each DBE. A protocol will be developed that will include but not be limited to a review of the: geographical area, primary work type/industry and the date of the

earliest certification approval (the latter applies to those firms that are certified with more than one Certifying NYSUCP Partner. Upon determination of the appropriate Certifying NYSUCP Partner, the Partner with custody of the affected DBE certification files shall forward them to the newly assigned Partner, who shall assume custody and responsibility for the files. In the event of a disagreement concerning the appropriate Certifying NYSUCP Partner, the remaining Certifying NYSUCP Partners will decide.

Firms that have never obtained, or were denied or lost DBE status with one Certifying NYSUCP Partner but are certified with another Certifying NYSUCP Partner will undergo further review as follows:

- For each affected firm, the Certifying NYSUCP Partners will compare records and submit a summary and recommendation to the other Partners, who will either uphold or overturn the recommendation.
- If the Certifying NYSUCP Partners are unable to agree upon a recommendation, the other Partners will review all records for the affected firm and render a determination. (Note that consensus is not the objective in this situation. One Partner may institute a challenge to the firm's certification at this point.)
- The Certifying NYSUCP Partners reserve the right to request additional information from the affected firm in order to render a recommendation or determination.
- If a decision is made to remove the firm's status, the steps for decertification as outlined in 49 CFR Part 26.87 and in the NYSUCP SOP will be followed.

The Certifying NYSUCP Partners will establish a procedure for resolving conflicts among the Certifying NYSUCP Partners regarding the DBE status of a specific firm.

Quality Assurance (New Certifications)

The NYSUCP SOP has been created to ensure consistent application of UCP program requirements among the Certifying NYSUCP Partners. There will be periodic training of certification staff in order to maintain consistency in application of policy and the rendering of certification determinations.

Annual Review

As a condition of continued certification, DBEs are required to submit on an annual basis, all supporting documentation as required in 49 CFR Part 26 and the NYSUCP SOP. Failure to submit the required documentation may result in implementation of certification removal as outlined in 49 CFR Part 26.87 and the NYSUCP SOP.

Third Party Challenges

In compliance with the regulation, the Certifying NYSUCP Partners will develop a procedure for receiving and handling written complaints alleging the ineligibility of a currently certified firm.

Agency Compliance

- All Certifying NYSUCP Partners must have an approved DBE Program.
- All decisions related to eligibility and certification must comply with 49 CFR Part 26.

If any Certifying NYSUCP Partner believes that another Certifying NYSUCP Partner has not complied with the requirements of 49 CFR Part 26, the Partner may make a written complaint to the NYSUCP Chairperson. The Chairperson shall submit the complaint to the remaining Certifying NYSUCP Partners, which will determine the complaint. If the remaining Certifying NYSUCP Partners render a finding in favor of the complainant, they will determine what remedial action, if any, should be taken. The remedial action may take the form of one of the following:

- Written Findings - The NYSUCP Chairperson acting in conjunction with and on behalf of the NYSUCP will issue a formal written determination to the affected Certifying NYSUCP Partner. The NYSUCP Chairperson shall be responsible for sending written findings to appropriate entities.
- Monitoring & Concurrence - The NYSUCP Chairperson may issue a formal written determination as set out above, as well as provide a procedural review and concurrence process. The agency in question will be required to obtain NYSUCP concurrence in certification determinations for a specific period of time. Depending upon the circumstances, the Certifying NYSUCP Partners may elect to "pair" the agency with another Certifying NYSUCP Partner for monitoring purposes and to require concurrence by a vote of the Certifying NYSUCP Partners as set forth above for all future certification determinations.
- Non-Compliance - The NYSUCP Chairperson acting in conjunction with and on behalf of the NYSUCP may find that a NYSUCP Certifying Partner is not acting in good faith and determine that the NYSUCP will not accept firms certified by that Partner until the required changes are implemented. In this situation, the pending applications will be divided amongst the other Certifying NYSUCP Partners for processing until the affected Partner is found to be in compliance. A fee of \$1,000 per application will be assessed against the affected Partner.

The Certifying NYSUCP Partners shall determine when corrective action has been satisfactorily completed. The NYSUCP Chairperson acting in conjunction with and on behalf of the NYSUCP

will issue formal written notification stating the effective date of reinstatement. The Chairperson shall be responsible for sending this written notification to appropriate entities.

Training and Resources

The Certifying NYSUCP Partners will conduct periodic training. The Certifying NYSUCP Partners will equally share the responsibility for training, including costs.

Regional UCP

This Agreement does not create a Regional UCP and is intended to be limited to the State of New York. The signature of any party that does business in more than one state does not create a Regional UCP with such other states.

Implementation Schedule

The Certifying NYSUCP Partners held public briefing sessions throughout the State during September and October 2002 regarding the proposed NYSUCP, its goals and rationale. The Certifying NYSUCP Partners invited DBE and non-DBE firms, as well as community organizations to the briefings. Notification of the public meetings and the NYSUCP occurred in a variety of ways, including but not limited to the following: press releases, a page on the NYSDOT web site, and a direct mailing to individual DBE firms, professional associations, community based organizations, etc. Having considered information set forth at the briefings and in accordance with regulations promulgated by the USDOT at 49 CFR Part 26, the MOU was submitted to the Non-Certifying NYSUCP Partners, USDOT modal agencies, and the Certifying NYSUCP Partners' respective counsels for review and comment in September 2002. Once changes were made based on comments received, the MOU was forwarded to all Partners for signature in February 2003.

The Certifying NYSUCP Partners will adopt an implementation schedule for staff training and the unified DBE directory (see Exhibit D). The Certifying NYSUCP Partners will fully implement the NYSUCP within 18 months of approval of this MOU by the USDOT.

Changes to the NYSUCP based upon direction from the USDOT will be implemented within 6 months of receiving such direction.

Changes to the MOU

Changes to the MOU shall be made in writing and by unanimous vote of the Certifying NYSUCP Partners. FTA and FAA will be contacted periodically to ascertain current qualifying

grantees. Newly qualified grantees will then be added to the appropriate Appendix; signatures will be obtained and forwarded to USDOT.

Effective Date

The effective date of this Agreement is the latest date upon which a Certifying NYSUCP Partner executes the Agreement.

Summary

As a result of the requirements set forth in 49 CFR Part 26, we, the undersigned, agree to participate in the NYSUCP in accordance with the tenets of this MOU and agree to abide by its contents. This MOU is being executed by the NYSUCP Partners as separate agreements and at separate times. Each separately executed agreement shall be considered an original of the MOU, as if each Partner had executed the same agreement.

EXECUTED AND DELIVERED by and between the NYSUCP Partners as of the effective date of this MOU.

NYSUCP CERTIFYING PARTNERS

Katherine N. Lapp, Executive Director
Metropolitan Transportation Authority

Date

Lawrence Meckler, Executive Director
Niagara Frontier Transportation Authority

Date

Joseph H. Boardman, Commissioner
New York State Department of Transportation

Date

Joseph J. Seymour, Executive Director
Port Authority of New York & New Jersey

Date

APPENDIX A

METROPOLITAN PLANNING ORGANIZATIONS AND
NEW YORK STATE DEPARTMENT OF TRANSPORTATION (NYSDOT)
SUBRECIPIENTS* OF
UNITED STATES DEPARTMENT OF TRANSPORTATION (USDOT) FUNDS

Adirondack Glens Falls Transportation Council

Binghamton Metropolitan Transportation Study

Capital District Transportation Committee

Elmira Chemung Transportation Council

Genesee Transportation Council

Greater Buffalo Niagara Regional Transportation Council

Herkimer Oneida County Transportation Study

Ithaca Tompkins County Transportation Council

Newburgh Orange County Transportation Council

New York Metropolitan Transportation Council

Poughkeepsie Dutchess County Transportation Council

Syracuse Metropolitan Transportation Council

New York City Department of Design and Construction*

New York City Department of Transportation*

New York State Thruway Authority*

NOTE: This list does not include those municipalities that are not regular NYSDOT subrecipients of USDOT funds. The NYSDOT, as the oversight agency to those municipalities, will ensure that those municipalities will comply with all provisions of the NYSUCP.

APPENDIX B

FEDERAL TRANSIT ADMINISTRATION (FTA) GRANTEES

Capital District Transportation Authority
Central New York Regional Transportation
Chemung County Transit System
City of Long Beach
City of Poughkeepsie
County of Broome
County of Dutchess
County of Nassau
County of Oneida
County of Putnam
County of Rockland
County of Suffolk
County of Ulster
Greater Glens Falls Transit System
New York State Energy Research and Development Authority
Rochester-Genesee Regional Transportation Authority
Tompkins Consolidated Area Transit
Westchester County Department of Transportation

APPENDIX C

**FEDERAL AVIATION ADMINISTRATION (FAA) FUNDED AIRPORTS AND GRANTEES
(Corresponding Grantees are listed in parentheses after each facility)**

Adirondack Regional Airport (Town of Harrietstown)
Akron Airport (Christian Airmen, Inc.)
Albany County Airport (Albany County Airport Authority)
Binghamton Regional Airport/Edward A. Link Field (County of Broome)
Brick Yard Road Airport (Ontario County Industrial Development Agency)
Brookhaven Airport (Town of Brookhaven)
Buffalo Niagara International Airport (Niagara Frontier Transportation Authority)
Chautauqua County - Jamestown Airport (County of Chautauqua)
Clinton County Airport (County of Clinton)
Columbia County Airport (County of Columbia)
Cortland County Airport/Chase Field (County of Cortland)
Dansville Municipal Airport (Town of North Dansville)
Dutchess County Airport (Dutchess County)
East 34th Street Heliport (City of New York, Dept. of Business Services)
East Hampton Airport (Town of East Hampton)
Elizabeth Field (Town of Southhold)
Elmira/Corning Regional Airport (County of Chemung)
Finger Lakes Regional Airport (County of Seneca)
Floyd D. Bennett Airport (County of Warren)

Francis Grabeski Airport (County of Suffolk)
Fulton County Airport (County of Fulton)
Genesee County Airport (County of Genesee)
Greater Rochester International Airport (County of Monroe)
Hamilton Municipal Airport (Village of Hamilton)
Hornell Municipal Airport (City of Hornell)
JFK International Airport (Port Authority of New York & New Jersey)
Joseph Y. Resnick Airport (Town of Wawarsing)
Kingston Airpark (Kingston Airpark, Inc.)
LaGuardia Airport (Port Authority of New York & New Jersey)
Lake Placid Airport (Town of North Elba)
Lancaster Airport (Lancaster Airport, Inc.)
Ledgedale Airport (Big Fella Enterprises, Inc.)
LeRoy Airport (LeRoy Aviation Services, Inc.)
Long Island/MacArthur Airport (Town of Islip)
Lt. Warren Eaton Chenango County Airport (County of Chenango)
Malone Airport (Town of Malone)
Massena International Airport (Town of Massena)
Montauk Airport (Montauk Airport, Inc.)
Niagara Falls International Airport (Niagara Frontier Transportation Authority)
Ogdensburg International Airport (Ogdensburg Bridge & Port Authority)
Olean Municipal Airport (City of Olean)

Oneida County Airport (County of Oneida)
Oneonta Municipal Airport (City of Oneonta)
Orange County Airport (County of Orange)
Oswego County Airport (County of Oswego)
Perry-Warsaw Municipal Airport (Town of Perry)
Plattsburgh International Airport (County of Clinton)
Potsdam Municipal Airport (Village of Potsdam)
Randall Airport (Aerodrome Development Corp.)
Republic Airport (New York State Department of Transportation)
Saratoga County Airport (County of Saratoga)
Schenectady County Airport (County of Schenectady)
Sidney Municipal Airport (Village of Sidney)
Sky Acres Airport (Sky Acres Enterprises, Inc.)
Stewart International Airport (National Express Corp.)
Sullivan County Airport (County of Sullivan)
Syracuse-Hancock International Airport (City of Syracuse)
Ticonderoga Municipal Airport (Town of Ticonderoga)
Tompkins County Airport (County of Tompkins)
Tri-Cities Airport (Village of Endicott)
Watertown International Airport (City of Watertown)
Wellsville Municipal Airport (Town of Wellsville)
Westchester County Airport (County of Westchester)

Whitford Airport (LDW Properties, Inc.)

Williamson-Sodus Airport (Williamson Flying Club, Inc.)

Wurtsboro-Sullivan County Airport (Wurtsboro Flight Services, Inc.)

Yates County Airport (County of Yates)

NYSUCP NON-CERTIFYING PARTNER

As a result of the requirements set forth in 49 CFR Part 26, we, the undersigned, agree to participate in the NYSUCP in accordance with the tenets of this MOU and agree to abide by its contents. This MOU is being executed by the NYSUCP Partners as separate agreements and at separate times. Each separately executed agreement shall be considered an original of the MOU, as if each Partner had executed the same agreement.

EXECUTED AND DELIVERED by and between the NYSUCP Partners as of the effective date of this MOU.

for

Date

Agency

Attachment 10

Regulations 49 CFR Part 26 can be found at:

[HTTP://WWW.ECFR.GOV/CGI-BIN/TEXT-IDX?TPL=/ECFRBROWSE/TITLE49/49CFR26 MAIN 02.TPL](http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/ttitle49/49cfr26_main_02.tpl)

Attachment 12

DBE SERVICES CERTIFICATION

Name of Airport _____

Address of Airport _____

Project Name _____

Name of Contractor _____

Name of DBE Subcontractor _____

A review of the worksite and contracting records have determined that contracts/subcontracts have been performed and completed per contract for said project.

Airport Sponsor

Date